



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE K ANDREWS

MEMBERS: Ms N Styles
Mr P Adkins

BETWEEN:

Mr R Rasavallavan

Claimant

and

Sainsburys Supermarkets Ltd

Respondent

ON: 22-24 & 26 March 2021
(hybrid hearing – respondent and its witnesses
by video)

Appearances:

For the Claimant: In person

For the Respondent: Mr S Liberadzki, Counsel

JUDGMENT

The unanimous decision of the Tribunal is that:

1. the claimant was wrongfully dismissed and is due **4 weeks' net pay** notice pay, payable forthwith;
2. the respondent failed to pay the claimant's holiday pay in the sum of **£762.33**, payable forthwith; and
3. the respondent breached its duty to make reasonable adjustments as

set out in the appendix. A remedy hearing will take place on **9 July 2021** for 1 day to determine the appropriate remedy in respect of which a separate Order for directions has been made.

Employment Judge K Andrews
Date: 29 March 2021

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Appendix

(provided to assist the respondent in drafting the letter of instruction for the expert evidence required for the remedy hearing and not comprising written reasons for any part of the Judgment)

1. The claimant was employed by the respondent as a store leader in training. He was disabled at the relevant times on account of his diabetes. The respondent had knowledge of that disability from October 2015.
2. The respondent's practice was on occasion to rota the claimant to work with fewer than three other staff.
3. This practice put the claimant at a substantial disadvantage in comparison with persons who are not disabled as he was consequently required to remain standing for long periods of time and do some heavy lifting. This resulted in foot problems and increased his stress levels which he says further impacted his diabetes. On at least one occasion (25 June – 11 July 2016) his GP issued a fit note as a result. In November 2016 the claimant referred in an email to being on duty with just one colleague on several occasions since March 2015.
4. It would have been reasonable for the respondent to adjust its practice by changing the claimant's rota so that he worked with at least three other members of staff and/or changing the claimant's shift and/or considering alternative roles for the claimant.