



EMPLOYMENT TRIBUNALS

Claimant: Mr R Talman

Respondent: Airbus Operations Limited

Heard: by video **On:** 6, 7, 10, 11, 12 (in chambers) & 13 May 2021

Before: Employment Judge S Jenkins
Mrs L Bishop
Mrs M Walters

Representation

Claimant: Mr G Pollitt (Counsel)

Respondent: Mr A Alemoru

JUDGMENT

1. The Claimant's claim that he was subjected to detriments on the ground that he had made protected disclosures, pursuant to section 47B Employment Rights Act 1996 ("ERA"), was presented after the end of the period of three months beginning with the last act to which his complaint related. It was reasonably practicable for the complaint to have been presented within that period of three months, and his claim is therefore dismissed.
2. The reason, or principal reason, for the Claimant's dismissal was not that he had made a protected disclosure, and his claim of unfair dismissal pursuant to section 103A ERA therefore fails and is dismissed.
3. The Claimant did not commit a repudiatory breach of contract which entitled the respondent to summarily dismiss him without notice, and his claim of wrongful dismissal therefore succeeds.
4. The Claimant was unfairly dismissed and his claim of unfair dismissal pursuant to section 94(1) ERA therefore succeeds.
5. The amount of compensation to be awarded in respect of the Claimant's successful claims remains to be assessed, and a separate remedy hearing will take place unless the parties can reach agreement between themselves. It will however be subject to the following points:
 - 5.1 It is just and equitable to reduce the Claimant's basic award by 50% due to his conduct before his dismissal.

- 5.2 The amount of the Claimant's compensatory award shall be reduced by 50%, applying the "Polkey" principle.
- 5.3 The amount of the Claimant's compensatory award, i.e. after the reduction at 5.2 above, shall be further reduced by 50%, on the basis that the dismissal was to an extent caused or contributed to by the actions of the Claimant.

Employment Judge S Jenkins

Date: 13 May 2021

JUDGMENT SENT TO THE PARTIES ON 14 May 2021

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FOR THE TRIBUNAL OFFICE Mr N Roche

Notes

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.

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Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.