



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Bexton

**Respondent:** William Lee Ltd

**HELD in Sheffield**

**ON: 10, 11 and 12 May 2021**

**BEFORE: Employment Judge Brain  
Mrs R Hodgkinson  
Mr L Priestley**

## REPRESENTATION

**Claimant:** In person

**Respondent:** Mr P Sandeman, solicitor

# JUDGMENT

The Judgment of the Employment Tribunal is that:

1. Upon the claimant's complaint brought under the sections 15 and 39 of the Equality Act 2010:
  - 1.1. At all material times, the claimant was a disabled person within the meaning of section 6 of the 2010 Act.
  - 1.2. On or around 17 June 2020, the respondent treated the claimant unfavourably for something arising in consequence of disability.
  - 1.3. The respondent's justification defence raised under section 15(1)(b) succeeds.
  - 1.4. Accordingly, the complaint fails.
2. Upon the claimant's complaints brought under the Employment Rights Act 1996:
  - 2.1. On 16 and 18 June 2020, the claimant brought to the attention of health and safety representatives by reasonable means circumstances connected with work which he reasonably believed were harmful or

potentially harmful to health and safety. Accordingly, there being health and safety representatives at the workplace and it being reasonably practicable for the claimant to have raised health and safety issues with them, the complaint brought under section 100(1)(c) of the 1996 Act fails and stands dismissed.

- 2.2. On 16 and 18 June 2020, the claimant made protected disclosures to the respondent. The claimant's claim brought under section 103A of the 1996 Act that the respondent dismissed him on 23 July 2020 for having made the protected disclosures fails and stands dismissed.
- 2.3. The claimant's complaint brought under sections 94 and 98 of the 1996 Act that he was unfairly dismissed by the respondent fails and stands dismissed.

Employment Judge Brain  
Date: 14 May 2021

JUDGMENT SENT TO THE PARTIES ON  
Date: 17 May 2021