



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr P Murdock

and

Respondent

British Airways plc

Held at Reading on

25 and 26 November 2019

Representation

Claimant: Mr S Liberadski, counsel
Respondent: Miss M Tutin, counsel

Employment Judge

Mr S G Vowles

Members:

Mrs A Brown
Mr D Gregory

UNANIMOUS JUDGMENT

Evidence

1. The case was remitted by the Employment Appeal Tribunal on 2 July 2018 for reconsideration by the same Tribunal. The Tribunal heard oral submissions and read written submissions from the parties' representatives.

Unfair Dismissal – Section 98 Employment Rights Act 1996

2. The original decision is revoked. The Claimant was unfairly dismissed. This complaint succeeds.
3. The Tribunal finds that there are no grounds for any reduction in the award under the Polkey principle.
4. The Tribunal finds, by a majority, that the dismissal was caused or contributed to by conduct of the Claimant and any award shall be reduced by 30% under sections 122(2) and 123(6) Employment Rights Act 1996.

Breach of Contract / Wrongful Dismissal – article 3 Employment Tribunals Extension of Jurisdiction (E&W) Order 1994

5. The original decision is revoked. The Claimant was wrongfully dismissed. This complaint succeeds.

Application for Costs Order

6. The Respondent's application for a Costs Order is refused.

Remedy Hearing

7. A 1 day remedy hearing before the same Tribunal has been listed on 18 June 2020 at Reading Employment Tribunals. A case management order for that hearing has been made separately.

Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

8. Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a written request is presented within 14 days of the date this judgment is sent to the parties.

Public Access to Employment Tribunal Judgments

9. The parties are informed that all judgments and reasons for judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant and Respondent.

Employment Judge Vowles

27 November 2019

Sent to the parties on

29 November 2019

for the Tribunal Office