



# EMPLOYMENT TRIBUNALS

1307189/2019

**Claimant**

**Respondent**

Mr K Bialobrzewski

v

Zaun Limited

**Heard at:** Birmingham

**On:** 8 July 2020

**Before:** Employment Judge Johnson

**Appearances**

**For the claimant:**

Mr K Bialobrzewski (in person)

**Interpreter:**

Mr T Gorszwa (Polish speaking)

**For the respondent:**

Ms V Cooper (Production Manager)

## JUDGMENT

1. The claimant is a disabled person within the meaning of section 6(1) of the Equality Act 2010.
2. The claimant was disabled by reason of chronic pain which he had experienced since 2014 and hiatus hernia/pylorus since 2017.
3. The claimant is not disabled by reason of cervical spondylosis because although MRI scans in 2018 revealed some degenerative changes to the claimant's cervical spine, there was no indication that these changes impinged upon the neural pathways, thereby causing him pain.
4. The claimant was disabled at the date of alleged discriminatory acts in June 2019.
5. The remaining issues of direct disability discrimination and discrimination arising from a disability will now be determined at the final hearing on **5, 6, 7 and 8 January 2021** in the Birmingham Employment Tribunal.

Employment Judge Johnson

Date: ...8 July 2020.....

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.