



EMPLOYMENT TRIBUNALS

Claimant

Respondent

v

Mr S Mortimer

**NPL Management Ltd
(National Physical Laboratory)**

Heard at: London South Employment Tribunal (via CVP)

On: 6-13 September 2021

**Before: EJ Webster
Ms G Mitchell
Mr C Wilby**

Appearances

**For the Claimant: Ms A Johns
For the Respondent: Mr J Mitchell**

JUDGMENT

1. The Claimant's claim under s20-21 Equality Act 2010 (failure to make reasonable adjustments) is partially upheld.
2. The Claimant's claim under s19 Equality Act 2010 (indirect discrimination related to disability) is partially upheld.
3. The Claimant's claim under s15 Equality Act 2010 (discrimination arising out of disability) is not upheld.
4. The Claimant's claim under s26 Equality Act 2010 (harassment) is not upheld.
5. The Claimant's claim under s27 Equality Act 2010 is dismissed upon withdrawal.

6. The Claimant's claim for whistleblowing detriment under s47 Employment Rights Act 1996 is dismissed upon withdrawal.
7. The Respondent is ordered to pay the Claimant the sum of £10,000 in respect of an injury to feelings award plus interest at 8% of £2,867. The total payable by the respondent is **£12,867**.
8. The Tribunal recommends that the Respondent amends its smoking policy to clearly state that a failure to adhere to the policy could result in disciplinary action against the individual in breach. This aspect of the policy should be properly publicised and communicated directly to all employees.

Employment Judge Webster

Date: 13 September 2021