



EMPLOYMENT TRIBUNALS

Claimant: Mr. P. Dunkley

Respondent: Employment Law Advisory Services Ltd

HELD BY: CVP

ON: 22-25 February &
1-4 November 2021

BEFORE: Employment Judge T. Vincent Ryan
Ms L. Bishop
Ms. K. Smith

REPRESENTATION:

Claimant: Ms S. Wheeler, Solicitor

Respondent: Mr G. Ridgeway, Employment Law Advocate

JUDGMENT

The unanimous judgment of the Tribunal is:

1. The claimant was constructively unfairly dismissed by the respondent on 20th December 2018; his claim of Unfair Dismissal is well-founded and succeeds.
2. The claimant's following claims of disability discrimination fail and are dismissed:
 - 2.1. Discrimination arising from disability s.15 Equality Act 2010 (EqA);
 - 2.2. Failing to make reasonable adjustments (ss.20-21 EqA) to its alleged practice of management not managing or supporting lone workers from one year to the next;
 - 2.3. Harassment related to disability.
3. The claimant's claim of disability discrimination, that the respondent failed to make a reasonable adjustment to its practice of not carrying out workplace risk assessments, specifically in the period 19th January – 9th April 2018, was presented out of time in circumstances such that it would not be just and equitable to extend time to the date of presentation of his claim on 10th May 2019. This claim is dismissed as the Tribunal lacks jurisdiction.

4. There being insufficient time to deal with Remedy, in circumstances where the claimant needs to update his schedule of loss and the respondent requires disclosure of mitigation evidence and a witness statement from the claimant, the Remedy Hearing was postponed and case management Orders were made (contained in a separate document).

Employment Judge T.V. Ryan

Date: 05.11.21

JUDGMENT SENT TO THE PARTIES ON 8 November 2021

FOR THE TRIBUNAL OFFICE Mr N Roche

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.