



EMPLOYMENT TRIBUNALS

Claimant: Mr A Lockhart

Respondent: Citation Limited

Heard at: Manchester

On: 29 November to 3
December 2021

Before: Employment Judge Phil Allen
Mr G Pennie
Ms A Berkeley-Hill

REPRESENTATION:

Claimant: Mr R Watson (a friend)

Respondent: Mr C Bennison, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The respondent did not treat the claimant less favourably because of his disability in breach of section 13 of the Equality Act 2020. The claims for direct disability discrimination do not succeed and are dismissed.
2. The respondent did not indirectly discriminate against the claimant in breach of section 19 of the Equality Act 2020. The claim for indirect disability discrimination does not succeed and is dismissed.
3. The respondent did discriminate against the claimant by treating him unfavourably because of something arising in consequence of his disability in breach of section 15 of the Equality Act 2020 by dismissing him and refusing his appeal and the respondent has not shown that doing so was a proportionate means of achieving a legitimate aim. Those claims for discrimination arising from disability succeed and are found.
4. The respondent did not discriminate against the claimant by treating him unfavourably because of something arising in consequence of his disability in breach of section 15 of the Equality Act 2020 by subjecting him to a disciplinary process as the respondent has shown that doing so was a proportionate means of achieving a

legitimate aim. That claim for discrimination arising from disability does not succeed and is dismissed.

5. The respondent did not breach the duty to make reasonable adjustments in breach of sections 20 and 21 of the Equality Act 2020. The claim for breach of the duty to make reasonable adjustments does not succeed and is dismissed.

6. The claimant was not harassed by the respondent in breach of section 26 of the Equality Act 2020. The claim for harassment does not succeed and is dismissed.

7. The respondent did breach the claimant's contract of employment by dismissing him without notice or pay in lieu of notice. The claimant's claim for breach of contract/wrongful dismissal succeeds and is found.

8. Issues of remedy have been stayed and the file will be closed on 31 December 2021 unless either party has contacted the Tribunal by that date to request that the file should not be closed.

Employment Judge Phil Allen
3 December 2021

JUDGMENT SENT TO THE PARTIES ON
6 December 2021

FOR THE TRIBUNAL OFFICE

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.