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## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4103571/2020**

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**Hearing Held in person in Glasgow on 13, 14 and 15 December and by CVP  
on 16 December 2021**

**Employment Judge - A Strain  
Members – Ms L Hutchison & Mr I Ashraf**

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**Mr J Lindsay**

**Claimant  
Represented by:  
Mr G Bathgate,  
Solicitor**

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**CITB**

**Respondent  
Represented by:  
Ms D Dickson  
Solicitor**

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## **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgment of the Employment Tribunal is that:

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- (1) the Claimant was unfairly dismissed by the Respondent;
- (2) the Claimant's mental impairment of anxiety and depression was a disability as defined within section 6 of the Equality Act 2010;
- (3) the Respondent ought reasonably to have known of the Claimant's disability over the relevant period from February 2017 until the effective date of termination;

(4) The Claimant was treated unfavourable because of his absence from work which arose in consequence of his disability contrary to section 15 of the Equality Act 2010;

5 (5) the Respondent failed to comply with it's duty to make reasonable adjustments for the Claimant in terms of Section 21 of the Equality Act 2010;

(6) the Tribunal orders the Respondent to pay the Claimant a Basic Award of £15,840.00; and

10 (7) the Tribunal orders the Respondent to pay the Claimant a Compensatory Award of £34,524.

### REASONS

1. Oral reasons were provided to the Parties at the conclusion of the Hearing.

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**Employment Judge: A Strain**  
**Date of Judgment: 16 December 2021**  
**Entered in register: 29 December 2021**  
**and copied to parties**

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