



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Fellows

**Respondent:** Nuffield Health

**Heard at:** Manchester (by CVP)

**On:** 4 – 8 October 2021

**Before:** Employment Judge Warren  
Mr Clark  
Mrs Clover

## REPRESENTATION:

**Claimant:** Self-represented

**Respondent:** Mr Peacock

# JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claims of breach of contract (notice pay) and unpaid annual leave, are dismissed upon withdrawal by the claimant.
2. The claim of direct sex discrimination is out of time and the Tribunal had no jurisdiction to hear it.
3. The claim of unlawful deduction from wages relating to annual leave is out of time and the Tribunal has no jurisdiction to hear it.
4. The claim of indirect sex discrimination is ill founded and is dismissed.
5. The claimant at the material time was not a disabled person, and all discrimination claims relating to alleged disability are thus dismissed.
6. The claim of unfair constructive dismissal is dismissed, the claimant resigned.
7. The claim of an unlawful deduction from wages is well founded. This claim succeeds.

# ORDER

1. The parties are to attempt to resolve the issue of the outstanding wages. It will be for the parties to agree from their records and to the nearest five minutes, every occasion where the claimant commenced work early. It is for the claimant to prove his case on the balance of probabilities. It will be unlikely to meet this test if he attempts to estimate or guess.
2. Once the parties have agreed a Schedule of unpaid work, if any, they are to contact the Tribunal jointly and arrange for the matter to be listed for a half day hearing. Such contact is to be made with the Tribunal on or before 1 March 2022.

Employment Judge Warren  
17 January 2022

JUDGMENT SENT TO THE PARTIES ON  
17 January 2022

FOR THE TRIBUNAL OFFICE

**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.

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