



EMPLOYMENT TRIBUNALS

Claimant: Mr. M. Rogers

Respondent: Profile Security Services Ltd.

HELD AT: Wrexham by CVP **ON:** 21st – 23rd February 2022

BEFORE: Employment Judge T. Vincent Ryan
Ms. R. Hartwell
Mr P. Collier

REPRESENTATION:

Claimant: Ms D. Phillips (lay representative)

Respondent: Mr. S. Margo, Counsel

JUDGMENT

The unanimous judgment of the Tribunal is:

1. Disability Discrimination – claim of failure to make reasonable adjustments:

- 1.1. The respondent did not know and could not reasonably have been expected to know that the claimant was a disabled person at the material time (2019-2020);
- 1.2. The practice of requiring security officers to work alone from time to time did not put the claimant at a substantial disadvantage compared to someone without the claimant's disability, including in relation to the need to take breaks.
- 1.3. It would not have been a reasonable adjustment for the respondent to have discontinued the practice for the claimant.
- 1.4. The claimant's claim that the respondent failed in a duty to make reasonable adjustments fails and is dismissed.

2. Disability Discrimination – Harassment:

2.1. A supervisor left the claimant alone with a person named by him in a grievance and it was said to the claimant that the supervisor did it deliberately because of the grievance;

2.2. This conduct was not related to the claimant's disability;

2.3. The respondent did not know of the claimant's disability;

2.4. The conduct did not have the effect of harassment (although the Tribunal is unable to make a finding as to the purpose of the conduct);

2.5. The claimant's claim that the respondent harassed him in relation to disability fails and is dismissed.

3. The claimant resigned from his employment with the respondent on 1st September 2020; he was not dismissed. The claimant's claim that he was unfairly constructively dismissed fails, and is dismissed.

Employment Judge T.V. Ryan

Date: 23 February 2022

JUDGMENT SENT TO THE PARTIES ON 24 February 2022

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 none was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.