



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Nos: S/4106122/2015; S/4100137/2016; S/4105282/2016; and
S/4100153/2017

Held in Glasgow on 29 October 2018

Employment Judge: Ian McPherson

Mr Brian F. Gourlay

Claimant
Represented by:
Ms. Morag Dalziel -
Solicitor

West Dunbartonshire Council

Respondent
Represented by:
Mr. Nigel Ettles -
Solicitor

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Having heard parties' solicitors, at Case Management Preliminary Hearing, and of consent of both parties, and the Employment Judge, acting in terms of **Rule 64 of the Employment Tribunal Rules of Procedure 2013**, considering it fit to make such a Judgment, **of consent of both parties**, the judgment of the Employment Tribunal is that:

the claimant, by written note from his solicitor dated 10 September 2018, having withdrawn certain claims, or parts of claims, in these combined proceedings before the Tribunal, which have been previously pled by the claimant, but such claims are no longer being pursued, and they are withdrawn by the claimant, in terms of **Rule 51**, the Tribunal, on the unopposed application of the respondents' solicitor, in terms of **Rule 52, dismissed** the following claims, or parts of claims, as follows:-

E.T. Z4 (WR)

4106122/2015

1. Indirect discrimination under s19 of the Equality Act 2010 ('the EqA) from 13 July 2013 onwards, all as averred in paragraphs 1-9 of the Paper Apart to the ET 1 (albeit a claim of a failure to make reasonable adjustments as referred to a paragraph 4 is still being relied upon and forms the basis of a separate amendment application).
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2. Harassment and victimisation under ss26 and 27 of the EqA on 4.12.2014 and other dates in December 2014, all as averred in paragraphs 10-20 of the Paper Apart to the ET1 .
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3. Harassment under s26 of the EqA, where harassment is specifically referred to in the course of paragraphs 34-42 of the Paper Apart to the ET1 .

4100137/2016

4. Indirect discrimination under s19 of the EqA from 17 July 2013 onwards, all as averred in paragraphs 35-39 of the Paper Apart to the ET1 .
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5. Harassment and victimisation under ss26 and 27 of the EqA from October 2013 -April 2014, all as averred in paragraphs 40-62 of the Paper Apart to the ET1 .
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6. Automatic unfair dismissal under the Employment Rights Act 1996 ('ERA'), and as averred in paragraphs 63-72 of the Paper Apart to the ET1 .
7. Psychiatric injury/stress/duty of care, all as averred in paragraphs 73-76 of the Paper Apart to the ET1 .
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4100153/2017

8. All aspects of this case and all as averred in paragraphs 1-98 of the Paper Apart to the ET1 .
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REASONS

1. This case called before the Tribunal on the morning of Monday, 29 October 2018, for a Case Management Preliminary Hearing, further to Notice of Preliminary Hearing issued to both parties* solicitors by the Tribunal under cover of a letter dated 31 August 2018.
2. Both parties enjoyed the benefit of legal representation. Case management orders regulating further procedure before the Tribunal will be issued under separate cover.
3. This Judgment is required to record the claimant's withdrawal of certain claims previously pled, as identified at points 1 to 8 inclusive of Ms. DalziePs written note of 10 September 2018.
4. This dismissal Judgment is without prejudice to the remaining parts of the claims, which the claimant is insisting upon, and in respect of which the Tribunal has ordered further procedure, as per the Judge's written Note and Orders issued under separate cover.

Employment Judge: Ian McPherson
Date of Judgment: 31 October 2018
Entered in register: 02 November 2018
and copied to parties

