



EMPLOYMENT TRIBUNALS

Claimant: Mr W Herbert

Respondent: Eden Foods (2012) Ltd

Heard at: Watford and by CVP

On: 22, 23, 24, 25 & 26 August 2022

Before: Employment Judge Manley
Mr T McLean
Mr S Bury

Representation

Claimant: Mr M Sprack, counsel

Respondent: Ms S Ismail, counsel

JUDGMENT

- 1 The claimant's claim for direct sexual orientation discrimination succeeds in part.
- 2 The claimant's claim for harassment related to sexual orientation succeeds in part.
- 3 The claimant made a protected disclosure and some of the detriments he relied upon were on the ground of him having made that disclosure.
- 4 The claimant's claim for victimisation is dismissed on withdrawal.
- 5 The claimant's claim for unlawful deduction of wages fails and is dismissed.
- 6 The matter is listed for a remedy hearing for **one day** on **Tuesday 10 January 2023** by **CVP** commencing at 10am. The orders below were made mainly by agreement.

ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The claimant will send an updated schedule of loss to the respondent by **9 September 2022**.
2. The parties will send copies of any documents which they have which are relevant to remedy, including any medical evidence, to the other party by **7 October 2022**.
3. The parties will agree the contents of a joint bundle for the remedy hearing by **21 October 2022**.
4. The parties will exchange witness statements relevant to remedy by **11 November 2022**.
5. The parties will seek to agree a document which sets out the areas of agreement and disagreement in relation to remedy and send it to the tribunal by **6 January 2023**.

CONSEQUENCES OF NON-COMPLIANCE

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Manley

Date 26/8/2022

JUDGMENT SENT TO THE PARTIES ON

15 September 2022

N Gotecha

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.