



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Duffield  
Mr Q Hussain

**Respondents:** Ibco Limited  
Mr K Miah  
Mr B Ahmed

**HELD AT:** Manchester Employment Tribunal

**ON:** 8-12 August 2022, 21,  
22 November 2022, 7-9  
December 2022 (9 December  
in absence of parties), 3 and 4  
January 2023 (3 January in  
absence of parties)

**BEFORE:** Employment Judge Cookson  
Mrs Booth  
Mrs Clover

## REPRESENTATION:

**Claimants:** Mr Duffield (Craig Duffield's father)  
**Respondents:** Mr J Gidney (counsel)

## JUDGMENT ON LIABILITY

It is the unanimous decision of the tribunal that

1. The following claims of Mr Duffield are upheld against the first respondent :
  - a. That he was unfairly dismissed contrary to s94 of the Employment Rights Act 1996 ("ERA");
  - b. That he was subject to indirect race discrimination contrary to s19 of the Equality Act 2010 ("EqA") and insofar as that claim was submitted outside the statutory time limit, the tribunal finds it is just and equitable to extend time
  - c. That his dismissal amounted to victimisation contrary to s27 of the EqA.

2. The following claims of Mr Hussain are upheld against the first respondent:
  - a. That he was unfairly dismissed contrary to s94 of the Employment Rights Act 1996 (“ERA”);
  - b. That his dismissal amounted to direct disability discrimination contrary to s13 EqA;
  - c. That the respondent failed to make a reasonable adjustment to its requirement for Mr Hussain to work 6 days per week and over 50 hours per week contrary to s20 and 21 of the EqA;
  - d. That the decision to refuse Mr Hussain’s request to change his hours amounted to harassment related to his disability contrary to s26 of the EqA;
  - e. That his dismissal amounted to victimisation contrary to s27 of the EqA;
  - f. That Mr Hussain was subject to other acts of victimisation listed in the Agreed List of Issues at items 14.4.1, 14.4.3 and 14.4.5;
  - g. The tribunal concludes that, in relation to the above acts of discrimination, Mr Hussain was subject to a course of conduct over time which in accordance with s123(3)(a) EaA is treated as done at the end of the period which concluded with his dismissal and accordingly his claims were submitted in time.
  
3. Mr Duffield’s claim of direct race discrimination under s13 EqA was withdrawn in the course of the hearing and is dismissed.
  
4. The following claims of Mr Duffield are not upheld and are dismissed:
  - a. His claim that he was subject to unlawful deduction from wages.
  
5. The following claims of Mr Hussain are not upheld and are dismissed
  - a. That the refusal of sick leave amounted to harassment related to his disability contrary to s26 of the EqA;
  - b. That Mr Hussain was subject to other acts of victimisation listed in the Agreed List of Issues at items 14.4.2 and 14.4.4.
  - c. His claim that he was subject to unlawful deduction from wages.
  
6. The claims against the second and third respondents are withdrawn and are dismissed.

Employment Judge Cookson

24 January 2023

JUDGMENT SENT TO THE PARTIES ON

1 February 2023

FOR THE TRIBUNAL OFFICE

**Notes**

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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