



EMPLOYMENT TRIBUNALS

Claimant: Mr D Alden

Respondent: Decorative Panels Furniture Limited

Heard at: Teesside Justice Hearing Centre **On:** 29, 30 and 31 August 2022

Before: Employment Judge Morris

Members: Ms B G Kirby
Mrs P Wright

Representation:

Claimant: In person

Respondent: Mr D Jones of counsel

JUDGMENT

The unanimous judgment of the Employment Tribunal is as follows:

1. The reason for the claimant's dismissal related to his conduct.
2. As such, the claimant's complaint that his dismissal by the respondent was unfair, by reference to section 100(1)(d) of the Employment Rights Act 1996 (being that the reason (or, if more than one, the principal reason) for the dismissal was that in circumstances of danger which he reasonably believed to be serious and imminent and which he could not reasonably have been expected to avert he refused to return to his place of work) is not well-founded and is dismissed.
3. Similarly, the claimant's complaint that his dismissal by the respondent was unfair, by reference to section 103A of the Employment Rights Act 1996 (being that the reason (or, if more than one, the principal reason) for the dismissal was that he had made a protected disclosure) is not well-founded and is dismissed.
4. The claimant's complaint that, contrary to section 44(1A)(a) of the Employment Rights Act 1996, the respondent subjected him to detriment on the ground that in circumstances of danger which he reasonably believed to be serious and imminent and which he could not reasonably have been expected to avert he refused to return to his place of work is not well-founded and is dismissed.

5. The claimant's complaint that, contrary to section 47B of the Employment Rights Act 1996, the respondent subjected him to detriment on the ground that he had made a protected disclosure is not well-founded and is dismissed.
6. The claimant's complaint under section 23 of the Employment Rights Act 1996 that, contrary to section 13 of that Act, the respondent made unauthorised deductions from his wages is not well-founded and is dismissed.
7. The claimant's complaint that, contrary to Regulation 14 of the Working Time Regulations 1998, the respondent did not compensate him in respect of his entitlement to paid holiday that had accrued but had not been taken at the termination of his employment was withdrawn by the claimant and is dismissed.

EMPLOYMENT JUDGE MORRIS

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 6 September 2022**

Notes

Reasons

Reasons for the above Judgment having been given orally at the hearing, and no request having been made at the hearing, written reasons will not be provided unless a written request is presented within 14 days of the sending of this written record of the Judgment.

Public access to employment Tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-Tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.