



EMPLOYMENT TRIBUNALS

Claimant: Mr I P Spence
Respondent: Esso Petroleum Company Limited

Heard at: Bristol Employment Tribunal
On: 4 to 14 September 2022

Before: Employment Judge J Bax
Mrs D England
Mr K Ghotbi-Ravandi

Representation

Claimant: Mr T Perry (Counsel)
Respondent: Mr R Dennis (Counsel)

JUDGMENT

1. The claims of direct discrimination and victimisation are dismissed upon their withdrawal by the Claimant.
2. The claims of race discrimination are dismissed upon their withdrawal by the Claimant.
3. The claims of indirect discrimination are dismissed.
4. The claims of harassment are dismissed.
5. The claim of breach of contract in respect of notice pay is dismissed.
6. The Respondent contravened section 39(2)(d) of the Equality Act 2010 and the Claimant succeeded in his claims of discrimination arising from disability and failure to make reasonable adjustments in respect of proceeding with the disciplinary hearing on 1 September 2021 in absence, earlier that it should have done. The other allegations of discrimination arising from disability and a failure to make reasonable adjustments are dismissed.
7. The Respondent unfairly dismissed the Claimant on 10 September 2021; however he would have been fairly dismissed by 30 September 2021.

Remedy

Remedy will be determined at a separate hearing.

Case Number: 1400577/2022

Employment Judge J Bax
Date 14 September 2023

Judgment sent to the Parties: 18 October 2023

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given 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.