



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Marks

**Respondent:** BDW Trading Limited

**Heard at:** Bristol Employment Tribunal

**On:** 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> October 2024.

**Before:** Employment Judge Lambert

**Representation:**

Claimant: in person

Respondent: Miss Smith, Counsel

## JUDGMENT

The complaint that the Claimant was subjected to a detriment on grounds of raising a protected disclosure contrary to Section 47B and 48 of the Employment Rights Act 1996 (“the **ERA**”) is well founded.

The following complaints are not well-founded and are dismissed:-

1. Automatic unfair dismissal (contrary to section 103A of the ERA);
2. Constructive unfair dismissal;(contrary to sections 94, 95, 98 and 111 of the ERA)
3. Unlawful deductions of wages (contrary to sections 13 and 23 of the ERA).

## ORDERS FOR REMEDIES HEARING

This matter will be listed for a Remedies Hearing for a 1 day hearing in person at Bristol Employment Tribunal on the first available date after Monday 2<sup>nd</sup> December 2024 and the following orders are made to facilitate the preparation for that hearing:

1. On or before **Friday 25<sup>th</sup> October 2024**, the Claimant shall provide to the Respondent any documents he wishes to rely upon which are relevant to the issue of remedies.
2. On or before **Friday 1<sup>st</sup> November 2024**, the Respondent shall provide to the Claimant any documents they wish to rely upon.
3. On or before **Friday 8<sup>th</sup> November 2024**, the parties shall agree a bundle of documents to be used at the Remedies Hearing. The parties need not disclose or include any documents within the Remedies bundle that already appear in the Trial Bundle which was used at the hearing.
4. On or before **Friday 15<sup>th</sup> November 2024**, the Claimant shall send to the Respondent a statement setting out details of the injury to feelings and other losses in respect of the Respondent's detriment. This statement should not be longer than 2,000 words.
5. If it wishes to do so, the Respondent shall send a statement to the Claimant responding to any issue set out in the Claimant's statement on or before **Friday 22<sup>nd</sup> November 2024**. (For the avoidance of doubt, the Respondent will not be prevented from cross examining the Claimant upon the contents of his statement if it does not provide a statement itself. This order is included on the basis that the Respondent may wish to provide a statement).
6. This matter to be listed for the first available date for a 1 day hearing in person in the Bristol Employment Tribunal on or after Monday 2<sup>nd</sup> December 2024 to decide the compensation that the Claimant shall received from the Respondent.

Employment Judge Lambert

Date: 11 October 2024

JUDGMENT SENT TO THE PARTIES ON

25 October 2024 By Mr J McCormick

FOR THE TRIBUNAL OFFICE