



EMPLOYMENT TRIBUNALS

Claimant: Mr G Callan

Respondent: Walker Bros (Elland) Ltd

Heard at: Leeds **On:** 30 June 2026

Before: Employment Judge Bright

Representation:

Claimant: In person
Respondent: Mr G Jaques (solicitor)

JUDGMENT AT A PRELIMINARY HEARING

1. The complaints of direct associative pregnancy discrimination, automatically unfair dismissal, failure to pay holiday pay and claim for wrongful dismissal/damages in respect of notice are struck out under Employment Tribunal Rule 38(1)(a) because they have no reasonable prospect of success.
2. The complaint of direct associative disability discrimination is struck out because the claimant's wife was not a disabled person as defined by section 6 of the Equality Act 2010 because of kidney stones at the relevant time.

SUMMARY REASONS

JUDGMENT with summary reasons was given at the preliminary hearing on 30 June 2026 and written summary reasons were requested at the hearing in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written summary reasons are therefore provided:

Disability

1. The claimant complained of direct associative disability discrimination (section 13 Equality Act 2010 ("EQA")), based on his wife's disability.
2. Having heard evidence from the claimant's wife and seen the evidence contained in the file of documents for this hearing, I concluded that the claimant's wife was not disabled under the definition in section 6 of the EQA at the relevant time. Although I found that the claimant's wife had a physical impairment (kidney stones) which had a substantial adverse effect on her ability to carry out day to day activities, I found that that effect did not last at least 12 months, nor was it likely to last 12 months nor was it likely to recur ("might well recur").
3. The evidence of the claimant's wife was that the effect lasted 5 months, from April 2025 to November 2025, when she had surgery to remove the kidney stones. I accepted the evidence of the claimant's wife that she was given advice on how to prevent a recurrence and continued to be a patient of the urology department, with follow up CT scans. However, there was insufficient evidence before me that kidney stones were likely to recur in her case. The claimant asked me to, in effect, take judicial notice of the likelihood of recurrence of kidney stones because it was 'common knowledge' that there is a 50% chance of recurrence.
4. Judicial notice is the name given to common knowledge that is accepted by the Tribunal without the need for formal proof. It generally applies to certain facts, which are so notorious or so well established that they may be accepted without further enquiry. The Tribunal has a discretion whether or not to take judicial notice of a relevant matter and can require it to be proved in evidence. The burden of convincing the judge that a matter is one capable of being accepted without further inquiry rests on the party seeking judicial notice of that fact. In this case, I consider that I cannot take judicial notice of the likelihood of recurrence of kidney stones, because it is not a fact which is sufficiently notorious. For me to find that there is a likelihood of recurrence would therefore require evidence that the kidney stones are likely to recur in the claimant's wife's case. In the absence of sufficient evidence, I find that the impairment relied on does not meet the definition in section 6 EQA.
5. The complaint of direct associative disability discrimination is therefore dismissed.

Automatically unfair dismissal

6. The claimant pursues a complaint of automatically unfair dismissal (section 99 – leave for family reasons). The complaint appears to be formulated under two heads: section 99(3)(a) (pregnancy) and section 99(3)(d) (time off for dependants), although only the latter is identified in the List of Issues in the case management orders dated 18 December 2025. In both cases the burden of proof will be on the claimant to show that the reason or principal reason for his dismissal was of a prescribed kind (pregnancy or time off for dependants).

7. The claimant says in his claim form that he was signed off sick due to health issues and caring responsibilities for his pregnant wife. He cites his absence as the reason for his dismissal. I therefore find that there is no reasonable prospect of him being able to show that his wife's pregnancy was the reason or principal reason for his dismissal.
8. The claimant accepted that, at the time of his dismissal, he was signed off sick with stress. The claimant's own account of what he told the respondent was unclear and did not comply with the requirements of section 57A ERA. Taking the claimant's case at its highest, I therefore find that there is no reasonable prospect of the claimant showing that he had taken time off work for a dependant in circumstances where she needed assistance because she had fallen ill, or to make arrangements for the provision of care for her because she was ill, or because of the unexpected disruption or termination of arrangements for her care (section 57A(1)). Further, and separately, I find that there is no reasonable prospect of the claimant showing that he told the employer the reason for his absence as soon as reasonably practicable, and told his employer for how long he expected to be absent (section 57A(2)). Further, and separately, I find that there is no reasonable prospect of the claimant showing that the reason or principal reason for his dismissal was that he had taken time off under section 57A ERA.
9. The complaint of automatically unfair dismissal is therefore struck out under Rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024.

Direct associative pregnancy discrimination

10. The claimant has a complaint of direct associative pregnancy discrimination (section 13 EQA). To succeed with a direct associative pregnancy discrimination complaint the claimant will need to show facts from which the Tribunal can conclude that the dismissal was because of his wife's pregnancy. That will require something more than just a difference in treatment and the fact that his wife was pregnant. The claimant says his dismissal was because he was absent from work, something which arose because of the need to care for his pregnant wife. He does not say the reason for his dismissal was his wife's pregnancy. Taking the claimant's case at its highest, in my judgment there is no reasonable prospect of a Tribunal finding facts from which they can conclude that his wife's pregnancy was the reason why he was dismissed.
11. The complaint of direct associative pregnancy discrimination is therefore struck out under Rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024.

Wrongful dismissal/Notice pay

12. The claimant accepted that he was paid in lieu of his statutory notice, and the bank payment detail report at page 128 and the payslip at page 129 of the file of documents show that payment. The claimant's issue is with the failure to provide him with an explanation or detail of the calculation. I therefore find that there is no reasonable prospect of the claim for wrongful dismissal/damages for breach of contract in respect of notice succeeding. That complaint is struck out under Rule 38(1)(a) of the Employment

Holiday pay (Working Time Regulations 1998 / unauthorised deductions from wages)

13. The claimant accepted that he had received payment for any holiday which remained accrued but untaken on termination of his employment. He objected to the method and timing of payment. The bank payment detail report at page 128 and payslip at page 129 show the payment. On that basis I find that there is no reasonable prospect of the claimant showing that the respondent failed to pay the claimant for the annual leave he had accrued but not taken and/or that the respondent made unauthorised deductions from the claimant's wages in respect of holiday pay.
14. Those complaints are therefore struck out under Rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024

Hearing

15. The hearing listed on 2, 3 and 4 November 2026 is cancelled.

Approved by:

Employment Judge Bright

1 July 2026

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

Notes

Written full reasons will not be provided unless requested by any party by a written request received by the Tribunal within 14 days of the sending of the written summary reasons.

All judgments (apart from judgments under Rule 51) and any written full reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/