



EMPLOYMENT TRIBUNALS

Claimant: Joe Bromfield

Respondent: Cox London

Heard at: Watford (in public, by CVP)

On: 30 July 2026

Before: Employment Judge Harrison

Appearances

For the claimant: In person

For the respondent: Mr Arora, Managing Director and Ms Ramiah, HR Manager

JUDGMENT

The Judgment of the Tribunal is as follows:

1. The respondent did not subject the claimant to direct age or sex discrimination by failing to advertise a promotion opportunity to a Warehouse Manager role and appointing an internal candidate to that role without competition.
2. The respondent did not subject the claimant to victimisation after the claimant did a protected act by refusing the claimant permission to use car parks, or by dismissing the claimant on 16 December 2024.

REASONS

Introduction, claims, procedure and evidence

1. This claim was heard before me at Watford Tribunal by CVP on 30 July 2026. It relates to the employment of the claimant at Cox London where he worked in the Warehouse.

2. The Respondent did not submit an ET3 and did not initially join the hearing. I could not see that they had been sent the video link so contact was attempted thorough phone and email. After waiting then considering the matter I initially decided to proceed without the respondent and at 10.35 I began and discussed with the claimant exactly what his claims were. He brings a claim of direct age and sex discrimination, and a claim of victimisation. I produced a short list of issues to assist.
3. During this part of the hearing the claimant accepted that he did not have two years' service so could not bring an unfair dismissal claim (this was not listed in his ET1 but was mentioned in his request for remedy compensation), but this was part of his victimisation claim. The claimant also raised the prospect of a claim relating to a refusal to allow or to pay paternity leave in his statement (see paragraph 5). I permitted him to apply to amend his claim to include this.
4. The respondent then joined by video at 11.10 and after a discussion about the case, and a short adjournment to allow the respondent to consider their position the respondent agreed that they would prefer to continue with the hearing today. The respondent said that they had not received notice of the ACAS conciliation period however I am satisfied from what they said that they did receive the ET3 but did not reply to it. As they had not submitted an ET3 I explained that their involvement would be limited. I took a short adjournment to allow the parties to prepare for the amendment application referred to in 3 above. When we reconvened but before this could be heard, the claimant decided not to proceed as he did not have the necessary service to be paid for leave and he had been allowed unpaid time off.
5. The claimant had submitted 37 documents to the Tribunal (copied to the respondent) on 3 April 2026. He had also sent in a statement on 2 September 2026. In addition to these documents, I asked the claimant to provide some further contemporaneous evidence referred to in his 37 documents but not attached, being copies of his termination meeting letter, and notes of that meeting, and the outcome of his appeal against the termination of his employment with notes of that hearing, which he did. The respondent confirmed that they had all of these documents.
6. I said that I would adjourn and send the list of issues to the parties. I said I would look at the grievance documents, the termination letter and termination meeting notes and appeal letter and meeting notes. I said that after the adjournment I would hear the claimant's evidence based on his statement but that the respondent would not be permitted to cross examine. Both parties could however indicate any other documents that they wanted me to consider and make submissions.

7. The claimant gave evidence using as his statement the document he submitted to the Tribunal on 2 September 2025. He gave an affirmation to tell the truth. As there was no cross examination, I asked the claimant some questions about the facts and documents to amplify his written statement. To this evidence the respondent made short submissions. The claimant declined the opportunity to sum up his case in submissions.

Facts

8. The claimant was employed by the R from 25 June to 16 December 2024 as warehouse staff.
9. In October 2024 the Warehouse manager, Robert Burrows, left the respondent. Although the claimant notified his interest in the role and submitted an application, the job was not advertised and in about the last week of October 2024 Agostina Giorno was appointed to the role without competition.
10. During his evidence the claimant accepted that Ms Giorno had more experience than him and mentioned unprompted that Ms Giorno had been involved in the set up of the warehouse as a new facility. This was before the claimant's employment.
11. The claimant said that he thought that the supervisors who were all male did not want to appoint a male warehouse manager so they appointed Agostina Giorno.
12. On 30 October the claimant had a meeting with Alex Gough to discuss his role and additional duties including driving duties. As a matter of fact the claimant could not have undertaken a role with driving for the respondent as he had points on his licence which precluded him from such a role. During the meeting the claimant raised an informal complaint about the recruitment process for the warehouse manager and according to his response to Alex Gough's statement made in the context of a later formal grievance the C raised issues about the capabilities of Agostina Giorno.
13. All staff were notified that they could not park outside its business units numbered 47 and 48 where the respondent operated by an all staff message sent out on 10 October 2025 by Ms Ramiah the HR manager. As a matter of fact I find that this particular prohibition on parking outside units 47 and 48 was not applied to the claimant by reason of his age or sex, or because he later brought a grievance against the company.
14. On October 31st the claimant was asked to move his car which was parked in the Anthony Gormley car park. He accepted in evidence that he thought he was

being told to move his car out of that car park whereas in fact he was being asked to move it as Anthony Gormley's staff had requested it be moved as it was causing a blockage to that business whose car park it was.

15. On 5 November the claimant was invited to a meeting to review his probation.
16. The contemporaneous evidence of the probation meeting was that this was planned to discuss complaints about the claimant's behaviour received before the meeting was called, relating to a change in his behaviour after the appointment of Agostina Giorno. The evidence I have seen clearly shows that the claimant's relationship with Miss Giorno broke down after her appointment to the manager role. I find that this triggered a change in his behaviour.
17. After the meeting was called, on 6 November 2024, the claimant submitted a grievance to the Rs ceo Nicola Cox. The probation meeting was put on hold and the grievance was heard on 11 November 2024 by Nicola Cox.
18. NC upheld the claimant's grievance about the lack of advertisement for the warehouse manager role. She said that Agostina Giorno had been a appt to minimise operational impact.
19. NC explained that there was no right to park at units 47 or 48 or in the carpark owned by Anthony Gormley. She accepted that senior managers could have spoken to the claimant more tactfully. Further she offered mediation with ALEX Gough and Agostina Giorno, and noted that if the claimant wished to work in another part of the business he could apply but with points on his licence the claimant could not be considered for jobs which required driving.
20. Following his grievance, the C was invited to the paused probationary review meeting.

Law

21. I have considered the relevant statutory provisions being s 39 Equality Act which explains the circumstances in which an employee can bring a complaint, s 13 Equality Act which gives the right to make a claim of direct discrimination and section 27 Equality Act which includes the victimisation provisions.

Conclusions

22. It is not in dispute that the R failed to advertise the role of warehouse manager and this was accepted in its grievance. This constituted less favourable treatment of the claimant as compared with Agostina Giorno and I turn to consider if this was because of either of the protected characteristics asserted: age and sex. I have made findings of fact that the previous manager was a man,

that the person appointed was more experienced and had assisted with the set up of the warehouse facility and that the reason given by the EO in the grievance was therefore cogent and credible and not related either significantly or at all to the claimants sex or age.

23. The claimant did a protected act on 30 October and again on 6 November by submitting informal and formal grievances.

24. I have already made a finding of fact that the prohibition on parking outside units 47 and 48 was applied to all staff and was not applied to the claimant by reason of his age or sex, or because he later brought a grievance against the company. I further find in relation to parking that the rules applicable to parking in another businesses car park were also applied generally and not just to the claimant. I conclude that the application of the parking arrangements to the claimant both before and after his grievance were not a detriment.

25. In respect of the decision to terminate the claimant's employment on the grounds set out in his termination letter and appeal letter, I find that the dismissal was a detriment. I turn to consider the reasons for the dismissal. I have concluded that the claimant's behaviour changed after the appt of Miss Giorno and that this is reflected in the reasons given for his dismissal which are credible and do not relate to his having done a protected act.

Approved by Employment Judge Harrison

30 July 2026

JUDGMENT SENT TO THE PARTIES ON

26 August 2026

FOR THE TRIBUNAL OFFICE

S. Kowalska

Full reasons for the judgment having been given orally at the hearing, summary or full 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. If full written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any full written 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:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>