



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Anwar Abushama

**Respondents:** Extons Foods Limited

## **DECISION ON THE CLAIMANT'S APPLICATIONS IN RESPECT OF PRIVACY AND RESTRICTIONS ON DISCLOSURE PURSUANT TO RULE 49 EMPLOYMENT TRIBUNAL PROCEDURE RULES 2024**

The Employment Tribunal refuses the claimant's application for: (1) non-publication of requested written reasons; (2) anonymity; and (3) a reporting restriction ancillary to anonymity.

### **REASONS**

#### **The claimant's application**

1. By email dated 9 August 2026 the claimant applied for an order that the written reasons for the Tribunal's judgment should not be published publicly, or alternatively that his identity should be anonymised or withheld from any published version of the judgment and written reasons. The claimant contends that publication may have a significant adverse effect upon his health. He has provided some medical records in support of that application.
2. This is not the first application made by the claimant concerning publication and anonymity. An earlier application under Rule 49 was refused by written decision dated 28 February 2025. In that decision I set out in detail the legal principles concerning open justice, Article 8 European Convention on Human Right ("ECHR"), Article 10 ECHR, anonymity and restricted reporting orders. I do not repeat that analysis in full. I have nevertheless considered the present application afresh, having regard both to the previous decision and to the further material now relied upon by the claimant.
3. Since the earlier application was determined, the claimant's remaining claims have proceeded to a final hearing before a full Tribunal. Judgment was given orally and the claims were dismissed. The claimant requested written reasons with this application.

### **The law**

4. The applicable legal principles are set out in my earlier decision. In summary, the principle of open justice is of fundamental importance. Judicial proceedings are ordinarily conducted in public and judgments are ordinarily publicly available. The power to restrict publicity, grant anonymity or otherwise derogate from open justice is exceptional and must be justified by reference to the circumstances of the particular case.
5. Where Article 8 rights are engaged, those rights must be balanced against the competing interests reflected in Article 6 and Article 10 ECHR and the common-law principle of open justice. Neither interest enjoys automatic precedence. The Tribunal must consider the comparative importance of the competing rights engaged in the particular case and determine whether any restriction upon open justice is necessary and proportionate.

### **The medical evidence**

6. I have carefully considered the claimant's email and the medical records provided in support of the application. Nothing in this decision should be understood as minimising the seriousness of the medical conditions recorded within those documents. The records indicate that the claimant has a number of diagnosed medical conditions including, amongst other matters, papillary thyroid carcinoma, post-traumatic stress disorder and various physical health conditions.
7. However, the existence of diagnosed medical conditions does not by itself establish the proposition advanced in the application. The question raised by the application is whether publication of the written reasons is likely to cause the serious deterioration in health relied upon by the claimant so as to justify a derogation from open justice.
8. The material before me does not establish that proposition. The medical records confirm diagnoses and treatment history. They do not contain medical opinion directed to the issue presently before the Tribunal. They do not contain independent medical evidence that publication of the written reasons is likely to cause a material deterioration in the claimant's health, nor do they provide expert assessment of the degree of risk said to arise from publication.
9. I have also borne in mind the distinction between matters recorded because they have been reported by a patient and matters constituting independent medical opinion. The claimant's concerns and fears regarding publication are clearly expressed. However, the material before me does not establish, by independent medical opinion, the causal relationship between publication and the serious consequences relied upon in support of the application.
10. That conclusion is relevant to the applications, but it is not determinative of it. In order to ensure that the application is considered fully, I have gone on to consider the position on an assumption favourable to the claimant.

### **My determination**

11. I have therefore considered the application on the basis most favourable to the claimant, namely that publication of the written reasons would cause him significant distress, that publication may exacerbate existing health conditions and that there is a genuine causal relationship between publication and some material deterioration in his health.

12. Even on that assumed basis, I do not consider that the claimant has established that anonymisation, non-publication or any comparable restriction upon open justice is necessary or proportionate.
13. The proceedings have been conducted publicly. The Tribunal has now adjudicated upon the claims after a final hearing and has reached its conclusions. One of the central purposes of open justice is that judicial determinations, together with the reasoning which supports them, should ordinarily be capable of public scrutiny. That principle applies not only to hearings themselves but also to judgments and written reasons. The anonymity sought by the claimant would represent a substantial derogation from the ordinary principle that parties to litigation are identified and judgments are publicly available
14. I accept that publication may have adverse consequences for the claimant. It may cause distress. It may be upsetting for him to read conclusions with which he disagrees. Publication of judicial findings may also carry reputational or personal consequences. However, consequences of that nature do not, without more, establish that anonymity or non-publication is necessary.
15. The claimant seeks to prevent publication, or alternatively to conceal his identity, because the written reasons are expected to contain findings critical of his evidence and credibility. That is not an irrelevant consideration and I have taken it into account. Nevertheless, findings concerning credibility and honesty form part of the Tribunal's judicial reasoning. Open justice ordinarily requires that judicial findings and the reasoning supporting them remain publicly accessible. The fact that such findings may be unwelcome or distressing to the person concerned does not of itself justify derogation from that principle.
16. Nor do I consider that the assumed medical consequences relied upon by the claimant outweigh the substantial public interest in maintaining open justice in the circumstances of this case. The claims were brought by the claimant and determined following public proceedings. The Tribunal has adjudicated upon those claims. The public interest in transparency extends to the publication of the Tribunal's reasoning explaining why those claims succeeded or failed. In my judgment, anonymity or non-publication would constitute a substantial interference with that principle.
17. I have also considered whether less restrictive measures would adequately protect any legitimate interests relied upon by the claimant. In my judgment, there is an important distinction between ensuring that written reasons do not contain unnecessary or irrelevant sensitive medical information and granting anonymity or suppressing publication altogether. The former concerns the careful drafting of the Tribunal's reasons; the latter concerns a significant derogation from open justice.
18. In preparing the written reasons, care will be taken to ensure that medical information is referred to only to the extent necessary to explain the Tribunal's reasoning. However, that consideration does not justify anonymisation of the claimant or withholding the judgment and written reasons from publication.
19. Therefore, considering all the relevant circumstances, I conclude that the claimant has not demonstrated that the exceptional course of anonymity, non-publication or any comparable restriction upon open justice is necessary or proportionate. I reach that conclusion both on the evidence presently before the Tribunal and, independently, on the assumption most favourable to the claimant regarding the medical consequences of publication.

20. The application is therefore refused.

**Written reasons**

21. The claimant has requested written reasons for the Tribunal's judgment. The present application having been determined, the Tribunal intends to proceed with the preparation and issue of those written reasons in the ordinary way. The written reasons will not be anonymised and will not be withheld from publication on the grounds advanced in the present application.
22. In light of this decision, I will pause preparing written reasons in case the claimant wishes to make any further procedural representations concerning his request for written reasons. If he wishes to do so, he should notify the Tribunal in writing within 14 days of the date upon which this decision is sent to the parties.

**Approved by Employment Judge Tobin  
Dated: 12 August 2026**

**DECISION SENT TO THE PARTIES ON  
17 September 2026**

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**FOR THE TRIBUNAL OFFICE**