



EMPLOYMENT TRIBUNALS

Claimant: Mr. D. Lindley (C1)
Mrs. A. Lindley (C2)

Respondent: SED Conveyors Ltd, including when trading as RTI Conveyors and
as RTI Western (R1)
RTI YK Services Ltd (R2)

LIABILITY JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. **C1's claims** (those of Mr. D. Lindley) are well-founded and succeed in relation to the first respondent (R1) as follows:
 - 1.1. C1 was unfairly dismissed by the R1 on 22nd June 2020;
 - 1.2. C1's dismissal was, additionally, automatically unfair because the reason (or, if more than one, the principal reason) for the dismissal was that C1 made protected disclosures, the disclosures detailed in C1's Particulars of Claim;
 - 1.3. R1 subjected C1 to detriments, as set out in paragraph 56 of C1's Particulars of Claim, on the ground that he had made protected disclosures;
 - 1.4. C1's dismissal was, alternatively, automatically unfair because the reason (or, if more than one, the principal reason) for the dismissal was that C1 alleged that R1 had infringed a right of his which was a relevant statutory right, as detailed in paragraph 57 of his Particulars of Claim;
 - 1.5. R1 made unauthorised deductions from C1's wages as claimed by C1 in paragraph 61 of his Particulars of Claim;
 - 1.6. R1 breached C1's contract with regard to notice of termination; C1 was wrongfully dismissed;
 - 1.7. R1 breached the claimant's contract as claimed by C1 in paragraph 61 of his Particulars of Claim.
 - 1.8. R1 failed to provide C1 with a written statement of employment particulars.

2. **C2's claims** (those of Mrs. A. Lindley) are well-founded and succeed in relation to the first respondent (R1) as follows:
 - 2.1. R1 directly discriminated against C2 because of the protected characteristic of marriage by treating her as set out in paragraphs 61 – 62 of her Particulars of Claim;
 - 2.2. C2 was unfairly dismissed by the R1 on 21st July 2020;
 - 2.3. C2's dismissal was, additionally, automatically unfair because the reason (or, if more than one, the principal reason) for the dismissal was that C2 made protected disclosures, the disclosures detailed in paragraph 52 of her Particulars of Claim;
 - 2.4. R1 subjected C2 to detriments, as set out in paragraph 56 of her Particulars of Claim on the ground that she had made protected disclosures;
 - 2.5. C2's dismissal was, alternatively, automatically unfair because the reason (or, if more than one, the principal reason) for the dismissal was that C2 alleged that R1 had infringed a right of hers which was a relevant statutory right, as detailed in paragraph 57 of her Particulars of Claim;
 - 2.6. R1 made unauthorised deductions from C2's wages as claimed by C2 in paragraph 64 of her Particulars of Claim;
 - 2.7. R1 breached C2's contract with regard to notice of termination; C2 was wrongfully dismissed;
 - 2.8. R1 breached C2's contract as claimed by C2 in paragraph 64 of her Particulars of Claim;
 - 2.9. R1 failed to provide C2 with a written statement of employment particulars.
3. The claimants' claims against R2 are stayed until 30th June 2021 when they will be dismissed upon deemed withdrawal unless any party to these proceedings applies by no later than 4pm on 30th June 2021 for the stay to be lifted and those proceedings to resume, unless withdrawn earlier whereupon they will be dismissed.
4. The sum to be awarded to the claimants, payable by R1, is to be assessed at a remedy hearing on a date to be notified. The hearing will be listed to be conducted by video (CVP), subject to any reasoned objection by any party (which will be considered by an Employment Judge in the interests of justice). The remedy hearing will be before an Employment Judge sitting without non-legal members. It will be given a time estimate of 2 hours, subject to objection and consideration by a judge of any other proposed estimate made by a party to these proceedings.

Employment Judge T. Vincent Ryan

Date: 15.01.21

JUDGMENT SENT TO THE PARTIES ON

18 January 2021

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE