



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C West

**Respondent:** Tesco Stores Limited

**HELD AT:** Middlesbrough

**ON:** 1-5 November  
2021

**BEFORE:** Employment Judge Aspden  
Mrs C Hunter  
Mr J Weatherston

## REPRESENTATION:

**Claimant:** Mr P Hargreaves, solicitor  
**Respondents:** Mr P Morgan, counsel

## JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The following of the claimant's complaints are well founded:
  - a. The complaint that the respondent contravened the Equality Act 2010 in requiring him to work his contracted hours over 5 days per week instead of 3.
  - b. The complaint that the respondent subjected him to disability discrimination within s15 of the Equality Act 2010 by proceeding with a formal absence management procedure.
  - c. The complaint that the respondent subjected him to disability discrimination within s15 of the Equality Act 2010 by dismissing him in May 2019.
  - d. The complaint of unfair dismissal.
  - e. The complaint of wrongful dismissal.
  - f. The complaint in relation to holiday pay.
2. The other complaints are not well founded. Those claims are dismissed.

3. The respondent is ordered to pay the claimant £425.21, which the parties agree is the amount owing in respect of holiday pay.
4. The remedy for the claims referred to at paragraphs 1 a-e will be determined at a separate remedy hearing.

Employment Judge Aspden

Date 18 November 2021

Note

Reasons for the judgment having been given orally at the hearing, 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.