



EMPLOYMENT TRIBUNALS

Claimant: Mr N Cank
Respondent: Pauline Edwards Transport Ltd
On: 23 – 27 May 2022 **At:** Leicester
Before: Employment Judge Ahmed
Members: Ms L. Woodward
Mr G Edmondson

Representation

Claimant: Mr Nicholas Bidnell-Edwards of Counsel
Respondent: Mr Tim Welch of Counsel

JUDGMENT

The unanimous decision of the Tribunal is that:

1. The Claimant's complaints of direct disability discrimination, discrimination arising from disability and a failure to comply with the duty to make reasonable adjustments are all dismissed.
2. The Claimant was unfairly dismissed.
3. Having regard to the **Polkey** principle (**Polkey v AE Dayton Services Ltd** [1987] IRLR 50) if the Respondent had carried out a fair procedure there was a 50% chance that the Claimant would have been fairly dismissed. Accordingly, the compensatory award shall be reduced by 50%.
4. The issue of remedy on unfair dismissal is agreed.
4. The complaint of an unlawful deduction of wages is dismissed.

Employment Judge Ahmed

Date: 27 May 2022

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.

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