



EMPLOYMENT TRIBUNALS

Claimant: Mr M Mandley

Respondent: JC Bamford Excavators Limited

Heard at: Midlands West

On: 3, 4, 5 and 6 April 2023

Before: Employment Judge Faulkner
Miss T Outwin
Ms L Clark

Representation: **Claimant** - in person
Respondent - Ms S Garner (Counsel)

JUDGMENT

1. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of disability as follows:

1.1. By continuing to employ him on a works contract as opposed to a staff contract from January 2011 until the termination of his employment on 30 September 2019.

1.2. By not paying him an additional allowance for employees on a works contract, from November 2017 until the termination of his employment on 30 September 2019.

2. The Respondent did not contravene section 40 of the Equality Act 2010 in that it did not harass the Claimant (related to disability) as follows:

2.1. At a meeting between the Claimant and Mr L Richards on or around 16 April 2019.

2.2. In a discussion between the Claimant and Mr A Brindley on or around 18 April 2019.

3. The Respondent did not contravene section 39 of the Equality Act 2010 by failing to make reasonable adjustments following the Claimant's return to work from cochlear implant surgery in August 2019.

4. The Claimant was not dismissed with effect from 30 September 2019. His complaint of unfair dismissal is accordingly not well-founded.
5. All of the Claimant's complaints are dismissed.

Employment Judge Faulkner
06 April 2023

Notes

1. 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.
2. All judgments and written reasons for the judgments (if provided) are published, in full, online at www.gov.uk/employment-Tribunal-decisions shortly after a copy has been sent to the parties in a case.