



EMPLOYMENT TRIBUNALS

Claimant: Mr Murphy

Respondent: Lewisham and Greenwich NHS Trust

Heard at: London South (hybrid)

On: 18 June 2024

Before: Employment Judge Hart, Mr Ghotbi-Ravandi, Mr Hutchings

Appearances

For the claimant: Mrs Murphy, lay representative.

For the respondent: Mr Rose, solicitor

JUDGMENT

The unanimous Judgment of the Tribunal is that:

1. The claim for constructive dismissal does not succeed and is dismissed.
2. The claim for wrongful dismissal does not succeed and is dismissed.
3. The claim for being subjected to a detriment done on the grounds that in circumstances of danger which the claimant reasonably believed to be serious and imminent, the claimant took appropriate steps to protect himself from the danger ('health and safety') **succeeds** in relation the decision to suspend the claimant.
4. All other claims of being subjected to a detriment for health and safety reasons do not succeed and are dismissed.

5. The claim for unlawful deduction of wages in relation to the method of calculating unsocial hours enhancements does not succeed and is dismissed.
6. A remedy hearing to determine compensation for the health and safety detriment decision to suspend the claims is listed for 14 October 2024.

Employment Judge Hart

Date: 18 June 2024

JUDGMENT SENT TO PARTIES

20th June 2024

For the Tribunal Office

P Wing

FOR THE TRIBUNAL OFFICE

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>