



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Ruchaczewski  
**Respondent:** ISS Facility Services Limited  
**Heard at:** East London Hearing Centre  
**On:** 9-12 (& 17 July (in-chambers)) & 4 October 2024  
**Before:** Employment Judge Scott  
**Members:** Ms T Jansen  
Mr L Rylah

## Representation

**For the Claimant:** Representing himself  
**For the Respondent:** Mr Lawrence (Counsel)

## JUDGMENT

The unanimous judgment of the tribunal is that:

1. The claimant's complaints of detriment on the ground of having made a protected disclosure under section 47B of the Employment Rights Act 1996 fail and are dismissed.
2. The claimant's claim that he was automatically unfairly dismissed by reason of having made a protected disclosure (section 103A of the Employment Rights Act 1996) also fails and is dismissed.
3. The claimant was unfairly dismissed contrary to section 98 of the Employment Rights Act 1996 and his complaint of 'ordinary' unfair dismissal thereby succeeds.
4. The compensatory award for unfair dismissal will be reduced by 100%, under s 123(1) ERA 1996 pursuant to the 'Polkey principle' (see: *Polkey v AE Dayton Services Ltd* [1987] UKHL 8). In the alternative, the claimant contributed to his dismissal to the extent of 100% pursuant to s123(6) ERA 1996 and the compensatory award will be reduced by 100%.

5. The basic award for unfair dismissal is reduced by 100% under 122(2) ERA 1996 by reason of the claimant's contributory conduct.
6. The claimant was not wrongfully dismissed, and the claim is dismissed.

**Employment Judge Scott  
24 October 2024**

**Notes**

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**

All judgments (apart from judgments under Rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

**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/>