



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Everitt

**Respondent:** Regal Consultancy Limited

**HEARD AT:** Bury St Edmunds

**ON:** 16 August 2016  
17 August 2016  
18 August 2016  
19 August 2016

**BEFORE:** Employment Judge Laidler

## **REPRESENTATION**

**For the Claimant:** Mr Parratt, Discrimination Advisor

**For the Respondents:** Mr Isherwood, Legal Consultant

## **JUDGMENT**

1. The Claimant was treated less favourably because of his disability by virtue of his dismissal.
2. The Claimant was treated unfavourably because of something arising in consequence of his disability at the disciplinary hearing and by his dismissal and the Respondent has not shown that treatment to be a proportionate means of achieving a legitimate aim.
3. There was a failure to make reasonable adjustments by providing that the Claimant could only be accompanied at the disciplinary hearing by a trade union official or work colleague.
4. The Claimant did not resign and the Claimant's claim of constructive unfair dismissal must therefore fail and is dismissed.
5. A remedy hearing has been listed before this Tribunal to take place on **8 November 2016** at the **Bury St Edmunds Employment Tribunal, Triton House, St Andrews Street North, Bury St Edmunds, IP33 1TR.**

## CASE MANAGEMENT ORDERS

1. The Respondent to file and serve a counter schedule by 9 September 2016.
2. Any other documents that either party wishes to rely upon going to the issue of remedy are to be disclosed by 27 September 2016.
3. Any further witness statements in relation to the issue of remedy to be exchanged by 18 October 2016.
4. The parties to agree and the Respondent to prepare bundles for the Tribunal of documents relevant to the issue of remedy and bring for copies to the remedy hearing.

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Employment Judge Laidler, Bury St Edmunds  
Date: 8 September 2016

JUDGMENT/ORDERS SENT TO THE PARTIES ON

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FOR THE SECRETARY TO THE TRIBUNALS

### FAILURE TO COMPLY

**NOTES: (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.**

**(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**

**(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.**