



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Walsh

**Respondent:** Network Rail Infrastructure Limited

**Heard at:** Leeds **On:** 27 February to 1 March 2019

**Before:**

Employment Judge JM Wade  
Ms SD Sharma  
Mrs P Pepper

**Representation**

**Claimant:** Mr B Henry (counsel)  
**Respondent:** Miss K Barry (counsel)

## JUDGMENT

- 1 The claimant's complaint of an unlawful deduction from wages was not pursued and is dismissed.
- 2 The claimant's complaint of unfavourable treatment because of something arising in consequence of disability succeeds.
- 3 The claimant's complaint that the respondent failed to make reasonable adjustments to avoid the disadvantage he faced succeeds.
- 4 The Tribunal makes the following recommendations to obviate the effect of these contraventions upon him:
  - 4.1 the claimant's full pay be reinstated from 15 April to 25 February 2019;
  - 4.2 the respondent ensure, so far as is reasonably practicable, that any discussions with the claimant about his health, fitness for work, reasonable adjustments, pay or holiday arising out of these events be minuted contemporaneously with all parties having the opportunity to check and confirm the minutes;
  - 4.3 within three weeks of this judgment the respondent ensure that any manager having line management responsibility and/or undertaking discussions of the kind above with the claimant, has had training in disability at work and the Equality Act obligation to make reasonable adjustments.
- 5 The respondent shall pay to the claimant the sum of £8000 inclusive of interest in compensation for the injury to his feelings arising out of the contraventions above.
- 6 By consent the respondent shall pay to the claimant the sum of £200 in interest in respect of earnings to be reinstated.

Date 1 March 2019

Reasons for the judgment having been given orally at the hearing, any party requesting written reasons must make a request in writing within 14 days of this Judgment being sent to them. Public access to employment tribunal decisions (judgments and reasons for the judgments) are published, in full, online shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.