



EMPLOYMENT TRIBUNALS

Claimant Mr J English

Respondent: Evonik Chemicals Limited

Heard at: Manchester Employment
Tribunal

**Over 4 days on: 1 – 4 March
2022 and on 4 - 5 August
2022 (4 August without
parties)**

Before: Employment Judge Cookson
Ms Jarvis
Ms Gallagher

REPRESENTATION:

Claimant: In person

Respondents: Kirsten Barry (counsel)

JUDGMENT

It is the unanimous decision of the Tribunal that:

1. The claimant was subject to a detriment contrary to s146 of the Trade Union and Labour Relations (Consolidation Act) 1988 (TULCRA) in relation to the following matters (taken from the agreed list of issues)
 - a. Asking him to attend a meeting on 5 March 2020 and threatening him with disciplinary action and dismissal;
 - a. Inviting him to a Safety at Evonik disciplinary meeting prior to the investigation being completed;

- b. Moving him to the warehouse department following the Ancamine K54 disciplinary outcome;
 - c. Approaching him for Safety at Evonik meeting minutes and treating him differently to Mr Chris Beech in this regard; and
 - d. Removing him from the Respondent's site on 3 July 2020.
2. These acts form part of series of similar acts and accordingly the tribunal had jurisdiction in relation to all of them.
3. The claimant's other claims of unlawful detriment are not upheld and are dismissed.
4. The claimant was constructively dismissed in accordance with s95 of the Employment Rights Act 1996 and his claims that he was unfairly dismissed contrary to s94 of the ERA and automatically unfairly dismissed under S152 of TULCRA are upheld.
5. The claimant contributed to his dismissal through his conduct and his compensation may be reduced by up to 10% to reflect that. Whether it is just and equitable to make that reduction will be determined along with the amount of compensation at a later remedy hearing.

Employment Judge Cookson

Date: 8 August 2022

SENT TO THE PARTIES ON

11 August 2022

FOR THE TRIBUNAL OFFICE

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.

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