



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr D. Birtwistle

**Respondent:** JH Willis Ltd

**HELD BY:** CVP **ON:** 16 – 18<sup>TH</sup> December 2020

**BEFORE:** Employment Judge T. Vincent Ryan  
Ms. J. Kiely  
Ms B. Roberts

## REPRESENTATION:

**Claimant:** Mr A. Millican, Lay Representative

**Respondent:** Ms J. Ormond, Consultant

# JUDGMENT

The unanimous judgment of the Tribunal is:

1. The claimant was dismissed constructively by the respondent on 9<sup>th</sup> September 2019 and the dismissal was unfair; the claimant's claim of Unfair Dismissal is well-founded and succeeds.
2. The claimant's claims of discrimination because of the protected characteristics of age and/or disability fail and are dismissed.
3. Settlement terms having been agreed, the claimant's application for a remedy pursuant to the above judgment is stayed until 22<sup>nd</sup> January 2021; if neither party applies for a remedy hearing by 4pm on 22<sup>nd</sup> January 2021 the application for an award will be dismissed on deemed withdrawal.

Employment Judge T.V. Ryan  
Date: 18 December 2020

JUDGMENT SENT TO THE PARTIES ON  
15 January 2021

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.

