



EMPLOYMENT TRIBUNALS

Claimant: Barry Williams

Respondent 1: Aldi Stores Limited

Respondent 2: Paul Seddon

HELD AT: Liverpool (by CVP)

ON: 1, 2, 3, 4, 5, 8 & 9 (in
chambers) February
2021 & 24 March 2021

BEFORE: Employment Judge Shotter

Members: Ms F Crane
Ms P Owen

REPRESENTATION:

Claimant: Mr L Bronze, counsel
Ms Johnson, counsel on 24 March 2021

Respondent 1 & 2: Mrs F Powell, solicitor

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant was not treated less favourably because of his protected characteristic of sexual orientation by the first or second respondent, and his claims of direct discrimination brought under Section 13 of the Equality Act 2010 are dismissed.
2. The first and second respondent did not engage in unwanted conduct related to the protected characteristic of sexual orientation and the claimant's claim of harassment brought under section 26 of the Equality Act 2010 against the first and second respondent are dismissed.
3. The first respondent breached the implied term of trust and confidence sufficiently serious to amount to a fundamental breach. The claimant did not affirm the contract and he resigned as a result of the breach. The claimant was unfairly dismissed and his claim for constructive unfair dismissal brought

against the first respondent is well-founded and adjourned to a remedy hearing listed for 5 November 2021 with the parties' agreement.

4. This has been a remote hearing by video which has been consented to by the parties. The form of remote hearing was Code V: Kinley CVP fully remote. A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing.

24.3.2021

Employment Judge
Shotter

JUDGMENT SENT TO THE PARTIES ON
19 April 2021

FOR THE SECRETARY OF THE TRIBUNALS