



EMPLOYMENT TRIBUNALS

Claimant: Mr R Simpson

Respondent: Bestway Panacea Holdings Limited

Heard at: Manchester Employment Tribunal

On: 11, 12, 13, 14 and 15 December 2023

Before: Employment Judge M Butler
Ms M Dowling
Mr A Gill

Representation

Claimant: Self-representing, assisted by M R Wheeler (Brother in Law)
Respondent: Ms S Firth (of Counsel)

JUDGMENT

The tribunal unanimously decided the following:

1. The claims of victimisation are not well-founded and are dismissed.
2. The claims of having been subject to a detriment on the grounds of having made a protected disclosure are not well-founded and are dismissed.
3. The claim that the claimant was unfairly dismissed for the reason of having made a protected disclosure is not well-founded and is dismissed.

By majority judgment, the tribunal has decided that:

4. The claimant has been unfairly dismissed by the respondent.
5. There is a finding of 50% contributory fault on the part of the claimant.
6. The claimant has been wrongfully dismissed.

The minority judgment of the tribunal is:

7. The claimant was not unfairly dismissed by the respondent.

8. Had the claimant been unfairly dismissed, there would have been a finding of 80% contributory fault on the part of the claimant.

In relation to remedy:

9. The claimant has informed the tribunal that he is seeking an order for reinstatement or reengagement.
10. A remedy hearing will now be listed to consider whether the tribunal will order reinstatement or reengagement. And if no such order is made, to determine the amount of compensation to be awarded to the claimant.

Employment Judge Mark Butler

Date: 15 December 2023

JUDGMENT SENT TO THE PARTIES ON

21 December 2023

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>