

## REASONS

### Claims and Issues

1. The claimant claimed that he was subjected to detriments in breach of section 47B of the Employment Rights Act 1996 (protected disclosures) and was subject to a detriment in breach of section 44 of the Employment Rights Act 1996 (health and safety). Although the claimant was unrepresented at the final hearing, he had been represented by solicitors at the time he presented his claim, at the Case Management Preliminary Hearing and during some of the preparation for the case. At a time when the claimant was still legally represented, his representatives agreed with the respondent's representative a list of issues, a copy of this is appended to this decision at Annex A.
2. Also, whilst the claimant was represented, his representatives prepared a list of protected disclosures on which the claimant relied; a copy of this is appended to this decision at Annex B.
3. The respondent conceded that the claimant suffered detriments in that he was subjected to disciplinary proceedings and given a final written warning.
4. The respondent did not accept that all of the claimed protected disclosures were qualifying disclosures falling for protection. The respondent argued in relation to some that there was no disclosure of information; rather allegations being made and/or that the claimant did not have a reasonable belief that the information imparted tended to show a breach of a legal obligation.
5. The most significant issue was that of causation i.e. whether any protected disclosures or matters brought to the respondent's attention in circumstances falling within Section 44 of the Employment Rights Act had a material influence on the respondent's decision to take disciplinary action against the claimant.
6. The claimant clarified at the outset of the hearing that, in relation to the Section 44 Employment Rights Act claim, he relied on sub sections 44(1)(c), (d) and (e).

### Facts

7. The respondent is a charter air line based in Manchester. It serves holiday resorts worldwide from its bases at Manchester, Birmingham, Stanstead, Glasgow, Belfast, Newcastle, East Midlands, Bristol and London Gatwick airport.
8. The claimant has been employed by the respondents since October 1998. The claimant is a pilot holding the rank of Captain. His place of work is the company's premises at Manchester Airport.
9. The respondent works in a highly regulated sector. It is regulated by the Civil Aviation Authority (CAA). European Commission Regulation number 859/2008 (referred to by the claimant as "EU/OPS"), which concerns commercial transportation by aeroplane, includes provisions relating to flight and duty time limitations and rest