

claimant has satisfied the tribunal that there were circumstances of danger which the employee reasonably believed to be serious and imminent in relation to the fatigue issue but not the flight time issue. The tribunal is satisfied that the claimant took appropriate steps to protect himself or other persons from the danger by reporting that he was not fit to fly due to fatigue.

166. The burden of proof in relation to causation is the same as that which applies to the complaint of detriment on the ground of making protected disclosures. For the reasons given in relation to the protected disclosure claim, we conclude that the respondent has not shown that it was not influenced to a material degree, consciously or unconsciously, by the claimant raising the matters of the flight time and fatigue. The complaint succeeds under section 44(1)(c) in relation to both the flight time and fatigue matters and additionally under section 44(1)(d) and (e) in relation to the fatigue matter but not the flight time matter. The complaint under section 44 ERA is, therefore, well founded.

Hilary Slater

Employment Judge Slater

17 March 2016

JUDGMENT AND REASONS SENT TO THE PARTIES ON

..... 22 MARCH 2016

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FOR THE SECRETARY OF THE TRIBUNALS