



EMPLOYMENT TRIBUNALS

Claimant: Gemma Boylan
Respondent: DL Insurance Services Limited

AT A HEARING

Heard at: Leeds **On:** 10th, 11, 12th, 13th and 14th June 2019
Before: Employment Judge Lancaster
Members: Mrs LJ Anderson-Coe
 Mr M Brewer

Representation

Claimant: In person
Respondent: Miss N Joffe, counsel

JUDGMENT

1. The Claimant was disabled from 1st June 2018, the date when it became likely that the substantial adverse effects of mental impairment which had resulted in her absence from 12th February 2018 would, in fact, last for at least 12 months.
2. All complaints of disability discrimination or harassment prior to 1st June 2018 are therefore dismissed because the Claimant was not at that time disabled.
3. The Respondent knew or ought reasonably to have known that the Claimant was disabled from 1st June 2018.
4. The Respondent could not reasonably have known that the Claimant would be subject to any disadvantage by not being allowed to record the grievance meeting on 1st June 2018 and that complaint of failure to make a reasonable adjustment is dismissed.
5. The complaints of harassment for a reason related to disability after 1st June 2018 are dismissed.
6. The complaints of a failure to make reasonable adjustments and/or indirect disability discrimination by not permitting the Claimant, after 1st June 2018, to work permanently from home rather than in the office, by not offering her a trial period of working from home and of not re-deploying her are dismissed.
7. The complaints of associative disability discrimination or harassment are dismissed.
8. The Claimant did a protected act on 3rd May, 4th May, 8th May and 10th May 2018. She was not however treated unfavourably because she had done any of those things. The complaints of victimisation are dismissed.
9. The complaint of direct sex discrimination in respect of not being offered second product training in 2016 is out of time. It is not an act extending over any period beyond May 2016 and it is not just and equitable to extend time. This complaint is dismissed.

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10. The Claimant has not established any facts from which we could conclude that in not being given fixed shifts/compressed hours she has been subjected to less favourable treatment than a relevant comparator because of her sex, her age or her race. All these complaints of direct discrimination are dismissed.
11. The Claimant was not constructively dismissed. The complaint of unfair dismissal is dismissed.
12. By agreement with the parties written reasons for this reserved decision will follow separately.

EMPLOYMENT JUDGE LANCASTER

DATE 18th June 2019

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