



EMPLOYMENT TRIBUNALS

Claimant: Ms T Kilmartin

Respondent: Sheirs Solicitors Ltd

Heard at: Leeds Employment Tribunal

On: 16 to 20 September 2019

Before:

Employment Judge JM Wade
Mr T Downes
Mr M Taj

Appearances

For the claimant: In person
For the respondent: Mr P Maratos (consultant)

JUDGMENT

The claimant's complaints are determined as follows:

- 1 Constructive unfair dismissal is not well founded.
- 2 Section 15 disability discrimination (interrogated and criticised concerning a missed recovery of vehicle damage payment in December 2017) fails for reasons of limitation.
- 3 Disability related harassment, Section 15 discrimination and victimisation concerning "daily harassment" in relation to discrepancies with Access to Work tax claims, fail.
- 4 Failures to make reasonable adjustments based on (i) pay deducted due to sick leave; (ii) "clawback"; and (iii) adjusted finish times fail.
- 5 Direct discrimination because of race, religious belief and/or sex concerning pay deducted for time off, fails.
- 6 Direct discrimination (race and sex) in relation to being forced to negotiate an early finish time on 25 September 2018, fails as a race discrimination complaint and succeeds as a sex discrimination complaint.
- 7 Direct discrimination because of religious belief by the refusal of paid time off on Christmas Eve and Maunday Thursday, fails.
- 8 Harassment related to race and/or religion by the conduct of colleague ZB on 12 October 2018 fails.
- 9 Harassment related to race and/or religion by the incitement of a colleague to present a grievance fails.

Employment Judge JM Wade

Date 20 September 2019