



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Miss Isla Molnar

AND

Martindales Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: Manchester

On: 27 August 2020

Before: Employment Judge A M Buchanan

Appearances

For the Claimant: Mr N John – Lay representative

For the Respondent: Ms A Niaz-Dickinson of Counsel

JUDGMENT ON PUBLIC PRELIMINARY HEARING

It is the judgment of the Tribunal that:-

1. By consent, the claimant was a disabled person pursuant to section 6 of the Equality Act 2010 (“the 2010 Act”) at all material times for the purposes of the claims which are allowed to move to final hearing by reason of endometriosis.
2. The claim of breach of contract is dismissed on withdrawal by the claimant.
3. The application by the claimant to amend her claim in order to advance claims of direct disability discrimination pursuant to section 13 of the 2010 Act, indirect disability discrimination pursuant to section 19 of the 2010 Act and failures to make reasonable adjustments pursuant to sections 20/21 and Schedule 8 of the 2010 Act is dismissed on withdrawal by the claimant.

4. The application by the respondent that the remaining claims of disability discrimination be struck out pursuant to Rules 37(1)(a) of Schedule I to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (“the 2013 Rules”) is dismissed on withdrawal by the respondent.

5. The claims of disability discrimination permitted to move to final hearing are claims of discrimination arising from disability advanced pursuant to section 15 of the 2010 Act and claims of victimisation advanced pursuant to section 27 of the 2010 Act.

6. It is not appropriate to make a Deposit Order pursuant to the provisions of Rule 39 of the 2013 Rules in respect of the claims of disability discrimination permitted to move to final hearing.

7. The claim advanced pursuant to section 11 of Employment Relations Act 1999 (“the 1999 Act”) of failure to allow the claimant to be accompanied pursuant to section 10 of the 1999 Act is struck out pursuant to Rule 37(1)(a) of the 2013 Rules as having no reasonable prospect of success.

8. Case Management Orders are issued separately.

EMPLOYMENT JUDGE A M BUCHANAN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 27 August 2020**

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JUDGMENT SENT TO THE PARTIES ON

4 September 2020

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL

Note: 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.

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