



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Ms Purcell

Respondent
Fatherson Bakery Ltd

AND

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham

ON

22 - 25 March 2021
7 April 2021

EMPLOYMENT JUDGE Harding

MEMBERS
Mr Reeves
Mrs Fox

Representation

For the Claimant: In Person

For the Respondent: Dr Ahmad, Counsel

JUDGMENT

The unanimous judgment of the tribunal is that:

1 The claim of a failure to make reasonable adjustments contrary to sections 20 and 39 of the Equality Act 2010 succeeds in relation to the complaint that: The respondent applied a PCP to the claimant that she return to work to carry out altered and increased duties without prior discussion. This caused the substantial disadvantage of causing the claimant to suffer stress, to which she is particularly vulnerable as a result of her disability, and she felt unable to work and had to resign, and that the reasonable adjustment the respondent failed to make was removing the new duties from the claimant.

Note: written reasons will not be provided unless requested at the Hearing itself or in writing within 14 days of the sending of the written record of the decision, Rule 62(3).

2 The remaining claims of a failure to make reasonable adjustments fail and are dismissed.

3 The claimant's claim of unfavourable treatment because of something arising in consequence of disability contrary to sections 15 and 39 of the Equality Act fails and is dismissed.

4 The claimant's claim of constructive unfair dismissal contrary to section 94 of the Employment Rights Act 1996 succeeds.

Employment Judge Harding
Dated: 7 April 2021