



# THE EMPLOYMENT TRIBUNAL

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**SITTING AT:** LONDON SOUTH

**BEFORE:** EMPLOYMENT JUDGE MORTON  
Sitting alone

**BETWEEN:**

**Mrs E Walker**

**Claimant**

AND

**London Borough of Lewisham**

**Respondent**

**ON:** 26 May 2021

**Appearances:**

**For the Claimant:** In person

**For the Respondent:** Mr O Isaacs, Counsel

## **JUDGMENT**

1. The Claimant's claim of detriment under s 44 Employment Rights Act 1996 ("ERA") is dismissed having been withdrawn by the Claimant at the case management hearing on 3 February 2021.
2. The Claimant's claim of detriment relating to trade union activity was brought outside the statutory time limit set out in s48(3)(a) ERA and the Claimant has not demonstrated that it was not reasonably practicable to bring the claim in time (s48(3)(b)). That claim is therefore dismissed.
3. The Claimant's claim of less favourable treatment because she is a part time worker has no reasonable prospect of success as the Claimant relies on a comparator who is not a comparable full-time worker under Regulation 2

- (4)(a) Part Time Workers Regulations 2000. That claim is therefore dismissed pursuant to Rule 37 of the Employment Tribunal Rules 2013 (“Rule 37”).
4. The Claimant’s claim of direct sex discrimination under s13 Equality Act 2010 (“Equality Act”) has no reasonable prospect of success as the Claimant relies on comparators who at the time of the matters she complains of were in materially different circumstances from the Claimant for the purposes of s 23(1) Equality Act. That claim is therefore dismissed pursuant to Rule 37.

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Employment Judge Morton  
Date: 17 June 2021

Judgment sent to the parties and entered in the Register on:       :       :       .  
\_\_\_\_\_ for the Tribunal Office

**Notes**

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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