



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4110386/2019

Preliminary hearing held by video on 29 and 30 June 2021

Employment Judge M Whitcombe

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Miss A
(Anonymity order in place)

Claimant
Represented by:
Ms M Barbour
(Advocate)

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Sky Subscriber Services Limited

Respondent
Represented by:
Mr M Leon
(Solicitor)

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JUDGMENT ON PRELIMINARY ISSUES

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The judgment of the Tribunal is as follows.

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(1) The claim for unfair (constructive) dismissal was presented outside the period specified in section 111 of the Employment Rights Act 1996. It was reasonably practicable to have presented that complaint within time. The claim for unfair (constructive) dismissal is therefore dismissed on the basis that the Tribunal has no jurisdiction to hear it.

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(2) All of the claims brought under the Equality Act 2010 (direct sex discrimination, discrimination arising from disability and failure to make reasonable adjustments) were presented outside the period specified in section 123(1)(a) of the Equality Act 2010 but were presented within a

period which was just and equitable for the purposes of section 123(1)(b) of the Act. The Tribunal therefore has jurisdiction to hear those claims.

5 (3) The claimant has a disability (menorrhagia) as defined by section 6 of the Equality Act 2010 and Schedule 1 to the same Act.

(4) Oral reasons were given on 30 June 2021.

10 Employment Judge: Mark Whitcombe
Date of Judgment: 30 June 2021
Entered in register: 13 July 2021
and copied to parties