



EMPLOYMENT TRIBUNALS

Claimant: Miss M Rodrigues De Carvalho
Respondent: Aspers (Stratford City) Limited
Heard at: East London Hearing Centre (via CVP)
On: 4, 5, 6, 7 and 11 January and 13 May 2022
Before: Employment Judge John Crosfill
Members: Ms S Barlow
Ms B K Saund

Representation

Claimant: In person (except for 13 May 2022)
Respondent: Mr McFarlane a Consultant

JUDGMENT

1. The Claimant was, at all material times disabled for the purposes of Section 6 of the Equality Act 2010 by reason of anxiety and depression.
2. The Claimant's claim that the Respondent failed to make reasonable adjustments to the frequency and pattern of shifts that the Claimant was required to work contrary to Sections 20, 21 and 39 of the Equality Act 2010 succeeds.
3. The Claimant's claim of harassment related to disability contrary to sections 26 and 40 of the Equality Act 2010 founded on the actions of two colleagues who suggested that the Claimant was exaggerating the effects of her mental health condition succeeds.
4. The Claimant's claim that the Respondent victimised her by investigating and suspending her contrary to sections 27 and 39 of the Equality Act succeed.

5. The Claimant's claim of harassment related to disability contrary to sections 26 and 40 of the Equality Act 2010 in relation to a colleague, Edita, does not succeed.

6. The Claimant's claims of direct discrimination because of race and disability contrary to sections 13 and 39 of the Equality Act 2010 relating to comments alleged to have been made by Ernesto Ferrero do not succeed.

7. The Claimant's claims that relate to the handling of her grievance and brought as claims of Direct discrimination disability contrary to sections 13 and 39 of the Equality Act 2010 do not succeed.

**Employment Judge Crosfill
Date: 8 July 2022**