



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs D Bogdanowicz  
**Respondent:** Next Distribution Limited

## AT A HEARING

**Heard at:** Sheffield      **On:** 18<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> July 2022  
**Before:** Employment Judge Lancaster  
**Members:** Ms M Cairns  
                  Mr G Corbett

### Representation

**Claimant:** Mr David Flood, counsel (and through an interpreter Mrs AE Thorpe)  
**Respondent:** Mr Wie-Men Ho, solicitor

## JUDGMENT

1. The complaints of discrimination because of something arising in consequence of disability are dismissed upon withdrawal.
2. The complaints of failure to make specific reasonable adjustments, namely permitting the Claimant to be placed on “flexi-furlough” and being permitted to work a four day week, are dismissed upon withdrawal.
3. The redundancy consultation process was not procedurally fair. The Claimant was unfairly dismissed.
4. The Respondent is in breach of the duty to make a reasonable adjustment by not providing the Claimant with an auxiliary aid, namely a perching stool, from 3<sup>rd</sup> November 2020 until the date of termination, 3<sup>rd</sup> February 2021.
5. The claim that the Respondent also failed to make a reasonable adjustment by not providing such a stool between 17<sup>th</sup> August and 3<sup>rd</sup> November 2020 is dismissed.
6. The claim that the Respondent failed to make a reasonable adjustment by not providing the Claimant with a lift pass between 17<sup>th</sup> August and 30<sup>th</sup> September 2020 is dismissed. This claim was not, in any event, presented within the period of 3 months as extended by any relevant ACAS early conciliation and it would not be just and equitable to extend time.
7. The claim that the Respondent applied a provision, criterion or practice of requiring the Claimant to work a specific shift pattern as proposed during the restructuring process,

Case: 1800783/2021

or that this placed disabled people in general or the Claimant in particular at a substantial disadvantage because of her disability, or that it failed to make a reasonable adjustment by not adjusting her work hours or shift options is dismissed.

8. Remedy is adjourned to a date to be fixed if not agreed.

EMPLOYMENT JU DGE LANCASTER

DATE 21<sup>st</sup> July 2022

JUDGMENT SENT TO THE PARTIES ON

4 August 2022

AND ENTERED IN THE REGISTER

FOR SECRETARY OF THE TRIBUNALS

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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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