



EMPLOYMENT TRIBUNALS

Claimant **Mr A Deol**
Respondent **Royal Mail Group Limited**

PRELIMINARY HEARING BY CVP

Heard at: Reading **On: 18 August 2022**

Before: Employment Judge Gumbiti-Zimuto

Appearances

For the Claimant: In Person
For the Respondent: Mr R Chaudhry, Solicitor Advocate

JUDGMENT AND ORDERS

Made pursuant to the Employment Tribunal Rules of Procedure 2013

Judgment

1. Upon the respondent conceding that the claimant is a disabled person within the meaning of the Equality Act 2010 by reason of the mental impairment of anxiety and stress.
2. It is Adjudged that the claimant was a disabled person by reason of the physical impairment of back pain.
3. It is further Adjudged that the claimant has been a disabled person at all relevant times since October 2019.

Final hearing

4. The final hearing will take place at Reading Employment Tribunal, 30-31 Friar Street, Reading, RG1 1DX on **2-4 April 2024** The case will be heard by an Employment Judge and two non-legal members. The hearing will start at 10.00 am]. You must arrive by 9.30 am.

5. Sometimes hearings start late, are moved to a different address or are cancelled at short notice. You will be told if this happens.

Schedule of Loss

6. The claimant must by **15 September 2022** send to the respondent and the Tribunal a document setting out how much compensation for lost earnings or other losses he is claiming and how the amount has been calculated. This is called a Schedule of Loss.
7. If the claimant has been dismissed and wants to be reinstated or re-engaged, the Schedule of Loss must say so.

Unless order

8. Unless the claimant sends to the respondent the schedule of loss as ordered in paragraph 7 above the claimant's remedy in these conjoined cases will be limited to a declaration and injury to feelings (if appropriate). This order is being made because the claimant has failed to comply with the order made by EJ Anstis on 12 May 2021.

Claims and Issues

9. The claims and issues, as discussed at this preliminary hearing, are listed in the Case Summary below. If you think the list is wrong or incomplete, you must write to the Tribunal and the other side by **15 September 2022**. If you do not, the list will be treated as final unless the Tribunal decides otherwise.

Documents

10. By **7 October 2022** the respondent must send the claimant copies of all documents relevant to the issues listed in the Case Summary below.
11. By **21 October 2022** the claimant must send the respondent copies of any other documents relevant to those issues. This includes documents relevant to financial losses and injury to feelings.
12. Documents includes recordings, emails, text messages, social media and other electronic information. You must send all relevant documents you have in your possession or control even if they do not support your case. A document is in your control if you could reasonably be expected to obtain a copy by asking somebody else for it.

File of documents

13. By **6 February 2024**, the claimant and the respondent must agree which documents are going to be used at the hearing.
14. The respondent must prepare a file of those documents with an index and page numbers. They must send a hard copy to the claimant **13 February 2024**.

15. The file should contain:

- a. The claim and response forms, any changes or additions to them, and any relevant tribunal orders. Put these at the front of the file.
- b. Other documents or parts of documents that are going to be used at the hearing. Put these in date order.

16. The claimant and the respondent must both bring a copy of the file to the hearing for their own use.

17. The respondent must bring four more copies of the file to the hearing for the Tribunal to use by 9.30 am on the first morning.

Witness statements

18. The claimant and the respondent must prepare witness statements for use at the hearing. Everybody who is going to be a witness at the hearing, including the claimant, needs a witness statement.

19. A witness statement is a document containing everything relevant the witness can tell the Tribunal. Witnesses will not be allowed to add to their statements unless the Tribunal agrees.

20. Witness statements should be typed if possible. They must have paragraph numbers and page numbers. They must set out events, usually in the order they happened. They must also include any evidence about financial losses and any other remedy the claimant is asking for. If the witness statement refers to a document in the file it should give the page number.

21. At the hearing, the Tribunal will read the witness statements. Witnesses may be asked questions about their statements by the other side and the Tribunal.

22. The claimant and the respondent must send each other copies of all their witness statements by **5 March 2024**.

23. The claimant and the respondent must both bring copies of all the witness statements to the hearing for their own use.

24. The respondent must bring four more copies of the witness statements to the hearing for the Tribunal to use by 9.30 am on the first morning.

Variation of dates

25. The parties may agree to vary a date in any order by up to [14] days without the Tribunal's permission, but not if this would affect the hearing date.

About these orders

26. These orders were made and explained to the parties at this preliminary hearing. They must be complied with even if this written record of the hearing arrives after the date given in an order for doing something.
27. If any of these orders is not complied with, the Tribunal may: (a) waive or vary the requirement; (b) strike out the claim or the response; (c) bar or restrict participation in the proceedings; and/or (d) award costs in accordance with the Employment Tribunal Rules.
28. Anyone affected by any of these orders may apply for it to be varied, suspended or set aside.

Writing to the Tribunal

29. Whenever they write to the Tribunal, the claimant and the respondent must copy their correspondence to each other.

Useful information

30. All judgments and any written reasons for the judgments are published, in full online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
31. There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here: <https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>
32. The Employment Tribunals Rules of Procedure are here: <https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>
33. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>

CASE SUMMARY

34. The claimant was employed by the respondent as a sorter, from 13 December 2004. Early conciliation started on 10 December 2019 and ended on 24 January 2020. The claim form was presented on 23 February 2020. A further claim was presented on 5 June 2020, early conciliation started 17 May 2020 and ended on 6 May 2020. A further claim was presented on 27 November 2020, early conciliation started 3 October 2020 and ended on 30 October 2020

35. The claim is about disability discrimination. The respondent's defence is a denial of any discrimination.

The Complaints

1. The claimant is making the following complaints direct disability discrimination and discrimination arising in consequence of disability.

The Issues

2. The issues the Tribunal will decide are set out below.
3. **Direct disability discrimination (Equality Act 2010 section 13)**
 - 3.1 Did the respondent do the following things:
 - 3.1.1 Ban the claimant from working overtime from 13 September 2019 for three months.
 - 3.1.2 Suspend the claimant on 15 May 2020 and also on 4 July 2020.
 - 3.1.3 Stopped the claimants pay on 22 January 2020 for a month.
 - 3.2 Was that less favourable treatment?

The Tribunal will decide whether the claimant was treated worse than someone else was treated. There must be no material difference between their circumstances and the claimant's.

If there was nobody in the same circumstances as the claimant, the Tribunal will decide whether he was treated worse than someone else would have been treated.

The claimant has not named anyone in particular who he says was treated better than he was.
 - 3.3 If so, was it because of disability?
 - 3.4 Did the respondent's treatment amount to a detriment?
4. **Discrimination arising from disability (Equality Act 2010 section 15)**
 - 4.1 Did the respondent treat the claimant unfavourably by not providing the claimant with training for new roles undertaken as an adjustment for his disability?
 - 4.2 Did the claimant's need to be found an alternative role arise in consequence of the claimant's disability?
 - 4.3 Was the treatment a proportionate means of achieving a legitimate aim?

The Tribunal will decide in particular:

- 4.3.1 was the treatment an appropriate and reasonably necessary way to achieve those aims;
 - 4.3.2 could something less discriminatory have been done instead;
 - 4.3.3 how should the needs of the claimant and the respondent be balanced?
- 4.4 Did the respondent know or could it reasonably have been expected to know that the claimant had the disability? From what October 2019?

5. Unauthorised deductions

- 5.1 Did the respondent make unauthorised deductions from the claimant's wages and if so how much was deducted?

Employment Judge Gumbiti-Zimuto

Dated: 18 August 2022

Sent to the parties on:

18 September 2022

For the Tribunal:

GDJ