



EMPLOYMENT TRIBUNALS

Claimant: Mrs D Berk

Respondent: Shaw Trust Limited

Heard at: London South Employment Tribunal (by video)
On: 23 March 2023

Before: Employment Judge Abbott

Representation

Claimant: in person

Respondent: Ms Helena Ifeka, barrister (instructed by Make UK)

JUDGMENT ON APPLICATION FOR STRIKE OUT

1. The respondent's application to strike out the claims of direct age discrimination and direct sex discrimination is refused.
2. The respondent's application to strike out the claimant's reliance upon following acts as part of the series of acts said to amount to a fundamental breach of contract is refused:
 - a. On 18 February 2021, Janice Pigott called the claimant in to warn her re "overstepping boundaries", and claimed she had been going over people's heads and not sticking to her job.
 - b. In March 2021, denying the claimant's request to have her outstanding annual leave balance paid.
3. The respondent's application to strike out the claimant's reliance upon following acts as part of the series of acts said to amount to a fundamental breach of contract succeeds:
 - a. Undergoing an unreasonable amount of consultations to vary the terms of the claimant's contract of employment (as further specified).

Employment Judge Abbott

Date: 26 March 2023