



EMPLOYMENT TRIBUNALS

Claimant: Ms E Anderson
Respondent: Iceland Foods Ltd

Heard at: Watford by video
Before: Employment Judge R Lewis

On: 14 June 2023

Appearances

For the claimant: In person
For the respondent: Ms L Duane, counsel

JUDGMENT

1. The claimant was a disabled person at the relevant time by reason of anxiety, and the tribunal may hear her claims based on that disability.
2. The claimant was not a disabled person at the relevant time by reason of osteoarthritis, and the tribunal may not hear claims based on that disability, all of which are therefore struck out.

RESERVED JUDGMENT

1. The respondent's application for a deposit order in respect of the claimant's claims of sex discrimination is refused.

REASONS

1. The parties have not asked for written reasons for the above Judgment, and these Reasons therefore relate only to my reserved Judgment.
2. The sex discrimination claim set out in the separate case management order made today appears weak, particularly in light of the claimant's initial admission, which was to say words to the effect that her manager would have done the same to anyone, 'man or woman,' who asked for time off in the same circumstances as the claimant had done.

3. It did not however seem to me in the interests of justice to order a deposit, because (1) the tribunal will in any event have to answer the question, what was the reason why the claimant was refused permission to leave; (2) it seems artificial and disproportionate to attach a deposit to one part of that question, but not to the other; (3) I am concerned that any deposit, even a very modest one, might operate as a hindrance to access to justice in this case and in the claimant's circumstances, which include the fact that she continues in the employment of the respondent, and says that all is going well following her relocation to another venue.

Employment Judge R Lewis

16 June 2023

Sent to the parties on:

27 June 2023

For the Tribunal:

GDJ