



EMPLOYMENT TRIBUNALS

Claimant: Mrs Y Whitwam

Respondents: Cura Terrae Ltd (First Respondent)
Miss S Blannin (Second Respondent)
Mr. P Skipworth (Third Respondent)

Heard at: Sheffield

On: 13, 14, 15 June, 6 and 7 July 2023

Before: Employment Judge Ayre
Mr. W Roberts
Mr. M Taj

Representation

Claimant: Mr S Buss, lay representative
Respondents: Ms A Rumble, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The First Respondent breached section 80G of the Employment Rights Act 1996 in the manner in which it dealt with the claimant's flexible working request. It did not deal with the request in a reasonable manner.
2. The claim for detriment contrary to section 47E of the Employment Rights Act 1996 fails and is dismissed.
3. The claim for automatic unfair dismissal contrary to section 104C of the Employment Rights Act fails and is dismissed.
4. The claim for direct sex discrimination fails and is dismissed.
5. The claim for indirect sex discrimination succeeds. The First Respondent and the Third Respondent indirectly discriminated against the claimant by applying a PCP of refusing flexible working requests to work from home.
6. The claim that the respondent failed to make reasonable adjustments fails and is dismissed.
7. The claim for unlawful deduction from wages fails and is dismissed.
8. The First Respondent is ordered to pay to the claimant the sum of £3,426 under section 80I of the Employment Rights Act 1996 as compensation for its breach of

section 80G of that act.

9. The First Respondent and the Third Respondent are ordered to pay to the claimant the sum of £7,500 in respect of injury to feelings caused by the act of indirect discrimination.
10. The First Respondent and the Third Respondent are ordered to pay to the claimant the sum of £578.63 in respect of interest on the injury to feelings award.
11. The total sum payable to the claimant is, therefore, £11,504.63

Employment Judge **Ayre**

Date: 7 July 2023

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or 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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