



## EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Muscroft

**Respondent:** Cobra Traffic Management

## PRELIMINARY HEARING

**HELD at Sheffield by CVP**

**ON: 17 August 2023**

**BEFORE: Employment Judge Brain**

### REPRESENTATION:

**Claimant:** In person **Respondent:** Miss P Willock, Consultant

## ORDERS

**Made pursuant to the Employment Tribunal Rules 2013**

1. Following the Tribunal's judgment on the question of disability for the purposes of section 6 of the Equality Act 2010 it is ordered that:
  - 1.1. Paragraph 4.2 of the list of issues annexed to the case management order of Employment Judge James dated 3 May 2022 shall be amended to read:

“Did the following something arise in consequence of the claimant's disability: the claimant arranging to meet with her GP on three occasions in October 2022 to discuss her anxiety.”
  - 1.2. Paragraph 5.3 of the list of issues is amended to read as follows:

“Did the PCPs put the claimant at a substantial disadvantage in October 2022 compared to someone without the claimant's disability, in that:

    - 5.3.1. In relation to 5.2.1 and 5.2.2, the claimant was more likely to take more sick leave than colleagues without her disability, and then require a phased return when she came back to work; and

5.3.2. In relation to 5.2.2, the claimant struggled to complete her full workload because her disability left her less productive than members of staff without her disability?”

2. On or before 25 August 2023, the claimant shall write to the Employment Tribunal and to the respondent’s representative to confirm whether her complaint of discrimination arising from disability brought pursuant to section 15 of the 2010 Act is pursued or withdrawn.

### **CONSEQUENCES OF NON-COMPLIANCE**

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

Employment Judge Brain

Date: 30 August 2023

Sent to the parties on:

7 September 2023

For the Tribunal: