



EMPLOYMENT TRIBUNALS

Claimant
Mrs S Begum

v

Respondent
Royal Mail Group Ltd

Heard at: Reading Employment Tribunal
On: 25-28 June 2024
Before: Employment Judge Talbot-Ponsonby
Mr David Sutton
Mr David Wharton

Appearances

For the Claimant: In person
For the Respondent: Mr R Chaudhry (solicitor advocate)

JUDGMENT

1. The claimant's claim for discrimination and harassment is well founded. The claimant is awarded the following sums:
 - a. The sum of £88.80 together with interest of £14.41 in respect of the overtime that the claimant was not paid on 13 June 2022
 - b. The sum of £40 for Mirtazapine
 - c. The sum of £13,500 by way of compensation for injury to feelings
2. In respect of back sick pay and interest:
 - a. The respondent is to calculate the amount due and send this to the tribunal and to the claimant for approval by 5 July 2024.
 - b. By 12 July 2024, the claimant is to confirm to the respondent and the tribunal if she agrees with the calculation and if not, say why not.
 - c. If the parties cannot agree, the tribunal will consider written representations from both parties and give a written decision. Any requirement for this is to be referred to Employment Judge Talbot-Ponsonby, Mr Sutton and Mr Wharton.
3. The deposit of £140 paid by the claimant is to be returned to her in full
4. The Tribunal makes the following recommendations:

- a. To ensure the claimant does not continue to suffer regarding the absence of adjustments, it is recommend that, for the purpose of the respondent's attendance policy and the managing absence and disability guidelines, a sickness absence by the claimant of 2-3 days a month (being a maximum of 36 per year) arising out of the claimant's disability cannot be taken into account under the attendance policy. If the claimant's absence arising out of her disability rises above 36, then policy will continue to apply and the respondent can consider whether to take such absence into account in accordance with its guidelines
- b. To ensure that the harassment does not continue, the respondent arranges a regular review for the claimant (the first within next 14 days and, thereafter, quarterly while the claimant is attending work) with senior Human Resources manager independent of the claimant's line management to ensure that the harassment found by the tribunal is not repeated, to continue until both parties no longer necessary, acting reasonably
- c. Having arranged for the reimbursement of the claimant for sick leave for which she should have been paid, but has not, the respondent is not to take into account the claimant's's absence due to stress from 17 May - 24 September 2023 inclusive in calculating her accumulated sick absence for the purpose of ascertaining the level of sick pay due in the future

Employment Judge Talbot-Ponsonby

Date: 27 August 2024

Sent to the parties on: 30 August 2024

For the Tribunal Office

Note

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.