



EMPLOYMENT TRIBUNALS

Claimant: Miss J Hutcheson

Respondent: National Highways Limited

JUDGMENT BY CONSENT

Without prejudice to the rest of the Claimant's claim, the following complaints were withdrawn on 11 October 2024 and they are dismissed upon withdrawal in accordance with rules 51 and 52 of the Employment Tribunals Rules of Procedure:

1. By reference to the original list of issues in the case management order that appears at pp98 et seq of the final hearing 'bundle' (all references to page numbers in this document being to pages of that bundle):
 - direct disability discrimination (p101): 3 (in entirety);
 - s. 15 discrimination (pp102-103): 5.1.3 (cost of living pay increase);
 - reasonable adjustments complaint (pp103-104): adjustments contended for: 6.5.1 (working fewer hours);
 - harassment related to disability (pp104-106): 7 (in entirety);
 - victimisation (pp106-107):
 - 9.2.1 (breach of data protection);
 - 9.2.2 (4 week review);
 - 9.2.5 (unfairly assessing performance);
 - 9.2.6 (placing C on PIP).

2. By reference to the amendment application at pp114-123 (which it is agreed stood as the agreed list of issues, until superseded by the refined agreed list of issues dated 2 October 2024):
 - direct age discrimination (p115): 4 (retirement comment);
 - s. 15 discrimination (p116):
 - old 3.1.6 (and 7.1.18) (telling C she did not deliver insurance procurement on time);
 - 5.1.5 (attempting to coerce C to move onto deployment register);
 - 5.1.6 (retirement comment);
 - old 7.1.23 (moving C to a different team);

- reasonable adjustments complaint (pp117-119):
 - 6.2.2 (2nd PCP);
 - 6.3.2 (2ND S/D);
 - within the particularised 6.5.3 (adjustments contended for):
 - old 7.1.1 and old 7.1.2 (failing to support C to take action after verbal attack by supplier);
 - old 7.1.17 (retaining a recording);
 - harassment related to age (p121): 8 (retirement comment);
 - victimisation (pp122-123):
 - 9.1.2 (2nd P/A);
 - 9.2.3 (deleting a recording);
 - 9.2.4 (telling C she did not deliver insurance procurement on time);
 - 9.2.8 (attempting to coerce C to move into deployment register);
 - 9.2.9 (retirement comment);
 - 9.2.10 (moving C to a different team).
3. By reference to the agreed list of issues dated 2 October 2024:
- s. 15 discrimination: 3.1.4 (September salary);
 - reasonable adjustments complaint:
 - 4.5.2.7 (OH referral);
 - 4.5.2.8 (September salary).

Employment Judge Camp

21st November 20204