



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Wisniewska

Respondent: DHL Services Ltd

Heard at: Midlands West

On: 6, 7, 8, 9 and 10 January 2025

Before: Employment Judge Faulkner
Mrs D Hill
Mr K Palmer

Representation: **Claimant** - Mr O Lawrence (Counsel)
 Respondent - Mr G Price (Counsel)

Interpreter: Ms I Drazewska (Polish)

JUDGMENT

1. The Respondent did not fail to make reasonable adjustments and thus did not contravene section 39 of the Equality Act 2010 between 4 October 2021 and 18 December 2022 by not doing the following:
 - 1.1. Arranging for the Claimant's colleagues to assist her with any lifting required to carry out her role as a warehouse operative.
 - 1.2. Permitting the Claimant to carry out scanning work only.
 - 1.3. Providing the Claimant with an electric pump truck to move heavy pallets.
 - 1.4. Redeploying her to a role which did not require her to lift heavy weights.

In any event, the complaint of failure to make reasonable adjustments was not presented within the statutory time limit nor within such further period as the Tribunal considered just and equitable, so that the Tribunal did not have jurisdiction to hear it.

2. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of her disability in relation to sending her home and/or refusing to allow her to continue working on 4 October 2021. In any event, the complaint of direct discrimination was not presented within the statutory time limit nor within such further period as the Tribunal considered just and equitable, so that the Tribunal did not have jurisdiction to hear it.
3. The Respondent did not contravene section 39 of the Equality Act 2010 by discriminating against the Claimant because of something arising in consequence of her disability in relation to sending her home and/or refusing to allow her to continue working on 4 October 2021 because doing so was a proportionate means of achieving a legitimate aim. In any event, the complaint of discrimination arising from disability was not presented within the statutory time limit nor within such further period as the Tribunal considered just and equitable, so that the Tribunal did not have jurisdiction to hear it.
4. The Claimant's complaint that the Respondent refused to permit her to exercise her right to paid annual leave pursuant to regulation 13 or 13A of the Working Time Regulations 1998 for the period from 22 September 2022 to 3 October 2022 was not well-founded.
5. The Claimant's complaint that the Respondent made unauthorised deductions from her wages for some or all of the period between 4 October 2021 and 18 December 2022 was not well-founded.
6. All of the Claimant's complaints are dismissed.

Employment Judge Faulkner
Approved on: 10 January 2025