



EMPLOYMENT TRIBUNALS

Claimant: Ms S G Hussain

Respondent: Sally Salon Services Limited

Heard at Leeds (in person)

ON: 6 May 2025

BEFORE: Employment Judge Shulman

REPRESENTATION:

Claimant: Mr E Okhiria, Consultant

Respondent: Ms L Bairstow, Counsel

JUDGMENT

1. The claimant's claims of disability discrimination, discrimination arising from disability, failure to make reasonable adjustments and victimisation are hereby dismissed on withdrawal by the claimant.

REASONS

1. This was a preliminary hearing as to whether the claimant had a disability within the meaning of section 6(1) Equality Act 1996. The claimant stated that her disability was endometritis.
2. The claimant was cross-examined for approximately two and a half hours from the commencement of the hearing. I had limited questions for the claimant.
3. When the claimant finished her cross-examination and some questions from me but before re-examination it had become clear that the claimant's case was in a weak position.
4. The claimant was diagnosed with the disability in 2018, and apart from a sick note which mentioned the disability with two other impairments (gall stones and depression) was not mentioned again in the medical evidence. It was mentioned then in a sick note on 8 January 2024.

5. The claimant was employed by the respondent as a sales assistant between 20 March 2023 and 2 March 2024. During the time of her employment the sick note dated 8 January 2024 to which I refer above constituted the only mention of the disability.
6. There was no medical report spelling out the nature and effect of the disability and no GP's notes save for one on 31 August 2018 contained mention of the disability. That medical note on 31 August 2018 mentioned that the claimant underwent a laparoscopy. However the claimant produced no hospital records or a discharge letter from the hospital.
7. Perhaps the most unfortunate part of this case was that the claimant took it upon herself to treat her disability herself from 2018 and well after her employment with the respondent ceased. Had the claimant sought regular treatment for her disability there would have been a clear trail of medical evidence.
8. Just before lunch and before re-examination I pointed out to the claimant and her representative the weakness of the claimant's position and I suggested that Mr Okhiria speak to his client over the luncheon interval.
9. When we returned from lunch Mr Okhiria suggested that the parties had not been on an equal footing. I disagreed. I made sure that the claimant in giving her evidence had every opportunity to speak during her cross-examination. She was given the opportunity amongst other things to describe the effect on the claimant's ability to carry out day to day activities. Unfortunately at approximately 12.30pm during cross-examination the claimant became upset and she was given time for a rest. I was perfectly ready for the claimant's representative to commence his re-examination, although re-examination itself is very often a blunt weapon.
10. What happened instead, after the suggestion that the parties were not on an equal footing, was that Mr Okhiria withdrew all the claimant's claims but only on the basis that there was no application for costs. Ms Bairstow did not pursue such an application and all claims were withdrawn.

Employment Judge Shulman

Date: 28 May 2025

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