



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 8001134/2024**

**Held in Glasgow on 11 – 14 February and 10 June 2025 and in Chambers on  
11 June 2025**

**Employment Judge Murphy  
Tribunal Member F Paton  
Tribunal Member R Taggart**

**Ms R Bhutta**

**Claimant  
In Person**

**Peninsula Business Services Ltd**

**Respondent  
Represented by:  
Mr P Grant-  
Hutchison –  
Solicitor Advocate**

### **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The unanimous judgment of the Tribunal is that:

#### **Constructive unfair dismissal**

1. The Tribunal is satisfied that it was not reasonably practicable to present the complaint in the 'normal' time limit and that it was presented within such further period as the Tribunal considers reasonable. The Tribunal has jurisdiction to decide the complaint of constructive unfair dismissal.
2. The claimant's complaint of constructive unfair dismissal is not well founded and is dismissed.

#### **Unauthorised deduction from wages**

3. The claimant's complaint that the respondent made an unauthorised deduction from her wages by omitting to pay her Profit Share Bonus for FY 23/24 is not well founded and is dismissed.

**Harassment related to disability**

4. It is just and equitable to grant the extension necessary for the complaints of disability-related harassment to be brought under s.123(1)(b) of EA. The Tribunal has jurisdiction to decide the complaints.
5. The complaints of harassment related to disability are not well founded and are dismissed.

**Indirect disability discrimination**

6. The claimant's complaint of indirect disability discrimination is not well founded and is dismissed.

**Failure to make reasonable adjustments: Home Working**

7. It is just and equitable to grant the extension necessary for the complaint of a failure to make reasonable adjustments by failing to allow the claimant to work from home to be brought under s.123(1)(b) of EA. The Tribunal has jurisdiction to decide the complaint.
8. The complaint that the respondent failed in its duty to make a reasonable adjustment by failing to allow C to work from home is not well founded and is dismissed.

**Failure to make reasonable adjustments: Taxi Funding**

9. It is just and equitable to grant the extension necessary for the complaint of a failure to make reasonable adjustments by failing to fund taxis to be brought under s.123(1)(b) of EA. The Tribunal has jurisdiction to decide the complaint.
10. The complaint that the respondent failed in its duty to make a reasonable adjustment by failing to fund taxis for the claimant's commute is not well founded and is dismissed.

**Failure to make reasonable adjustments: Profit Share Bonus for FY23/24**

11. It is just and equitable to grant the extension necessary for the complaint of a failure to make reasonable adjustments by failing to pay bonus for FY23/24

to be brought under s.123(1)(b) of EA. The Tribunal has jurisdiction to decide the complaint.

12. The complaint that the respondent failed in its duty to make a reasonable adjustment by failing to review and discount C's FY23/24 disability-absences is well founded and succeeds. The respondent failed to take such steps as were reasonable at the time when the duty arose. It delayed in doing so for a period of 22 days.

**Failure to make reasonable adjustments: Profit Share Bonus for FY22/23**

13. It is just and equitable to grant the extension necessary for the complaint of a failure to make a reasonable adjustment by failing to pay bonus for FY22/23 to be brought under s.123(1)(b) of EA. The Tribunal has jurisdiction to decide the complaint.
14. The complaint that the respondent failed in its duty to make a reasonable adjustment by failing to review and discount C's FY22/23 disability-absences by end April 2023 and failing to pay the claimant Profit Share Bonus for FY 22/23 in April or May 2023 is well founded and succeeds.
15. A hearing on remedy will be listed.

**Date sent to parties**

**22 July 2025**