



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss F Belsham

**Respondent:** AAW Holdings Limited: company number 10254921 (sued as Leeds Rebound Gymnastics Club Limited)

**HELD at** Sheffield ET by CVP **ON:** 5 January 2023

**BEFORE:** Employment Judge Brain

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No attendance or representation – appearance not entered

# JUDGMENT

The Judgment of the Employment Tribunal is that:

1. The respondent shall be shown as AAW Holdings Limited (*a company incorporated on 28 June 2016 with company number 10254921, which company was called Leeds Rebound Gymnastics Club Limited until a change of name by resolution on 21 December 2022*).
2. At all material times (that is to say throughout the course of her employment with the respondent between 2 May 2022 and 17 June 2022) the claimant was a disabled person for the purposes of section 6 of the Equality Act 2010 because of her condition of dyslexia. (This shall be referred to in the schedule below as *“the claimant’s disability”*).
3. At all material times (that is to say throughout the course of her employment with the respondent between 2 May 2022 and 17 June 2022) the claimant’s siblings were disabled for the purposes of section 6 of the Equality Act 2010 because of their condition of autism. (This shall be referred to in the schedule below as *“the siblings’ disabilities”*).

4. The claimant's complaint that the respondent made an unauthorised deduction from her wages was presented outside of the limitation period in section 23 of the Employment Rights Act 1996 in circumstances where it was reasonably practicable for her to have presented it within the limitation period. Accordingly, the Tribunal has no jurisdiction to consider the unauthorised deduction from wages claim.
5. The claimant's complaint of unfair dismissal brought pursuant to section 103A of the 1996 Act was brought outside the limitation period in section 111 of the 1996 Act in circumstances where it was reasonably practicable for it to have been brought within the limitation period. Accordingly, the Tribunal has no jurisdiction to consider the claimant's unfair dismissal claim.
6. Upon the claimant's complaints brought pursuant to the Equality Act 2010 (identified in the schedule below):
  - 6.1. The claims were presented outside the limitation period in section 123 of the 2010 Act.
  - 6.2. It is just and equitable to extend the limitation period to 5 October 2022 so as to vest the Tribunal with jurisdiction to consider all of the complaints in the schedule.
  - 6.3. The complaints in the schedule are well-founded.
7. **Remedy upon the complaints in the schedule below:**
  - 7.1. But for the prohibited conduct identified in the schedule which caused the claimant to resign with effect from 17 June 2022, the claimant would have worked until going on maternity leave in or around mid-December 2022. Accordingly, the respondent shall pay to the claimant compensation for six months' loss of earnings from 17 June 2022 to mid-December 2022. There should be no compensation for loss of earnings after mid-December 2022 as the claimant would have been on maternity leave in any event and thereafter ought to be able to mitigate her loss by obtaining a job elsewhere. Thus:

6 months x £1014 net per month -	<b>£6084.00</b>
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  - 7.2. The respondent shall pay to the claimant to compensation for injury to her injury to feelings in the sum of - **£11000.00**
  - 7.3. The respondent shall pay to the claimant interest:-
    - (a) Upon the loss of earnings from 15 September 2022 (being the mid-point of the loss) to 15 December 2022 at 8% per annum  
- **£121.35**
    - (b) On injury to feelings from 18 May 2022 to today's date being 228 days at 8% per annum **£549.70**
  - 7.4. The total Judgment sum in the sum of **£17755.05** shall be paid to the claimant by the respondent on or before 20 January 2023.

## **SCHEDULE OF COMPLAINTS BROUGHT UNDER THE EQUALITY ACT 2010**

1. The respondent failed to comply with the duty to make reasonable adjustments as required by sections 20 and 21 when read in conjunction with section 39(5) of the 2010 Act in that:
  - 1.1. On 18 May 2022, the respondent applied to the claimant a practice of sending copies of documents (in particular, employment contracts) to employees electronically.
  - 1.2. This substantially disadvantaged the claimant by reason of the claimant's disability in comparison with non-disabled employees.
  - 1.3. A reasonable adjustment would have been to print off a hard copy of the contract for the claimant's use.
2. The respondent subjected the claimant to unfavourable treatment because of her pregnancy or because of illness suffered by her as a result of it, contrary to section 18 (when read in conjunction with section 39(2)(d)) of the 2010 Act) by subjecting her to detriment, in particular by shouting at the claimant and unjustifiably reprimanding her when she was unwell while at the workplace due to morning sickness.
3. In the alternative (upon the issue in paragraph 2) the respondent subjected the claimant to harassment for the same reasons (contrary to section 26(1) when read in conjunction with section 40 of the 2010 Act) upon grounds which related to her sex.
4. The respondent engaged in unwanted conduct constituting harassment related to the siblings' disabilities when subjecting autistic children in her care to intimidating and hostile behaviour (contrary to section 26 when read in conjunction with section 40 of the 2010 Act).

Employment Judge Brain

Date: 20 January 2023