



EMPLOYMENT TRIBUNALS

Claimant: Ms L Fletcher

Respondent: MBNA Limited

HELD AT: Liverpool

ON: 7, 8, 9 January & 10
2020

BEFORE: Employment Judge Shotter

Members: Mrs A Ramsden
Mr P Gates

REPRESENTATION:

Claimant: Mr M Mensah, counsel

Respondent: Ms L Badham, Counsel

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claim of direct disability discrimination brought under section 13 of the Equality Act 2010 is dismissed on withdrawal.
2. The claimant was unlawfully discriminated against under section 15 of the Equality Act 2010 in respect of the respondent's failure to take out incoming calls for a period of two months and the claimant's claim is well-founded.
3. The claimant's remaining claims brought under section 15 of the Equality Act 2010 were not presented to the Tribunal before the end of the period of 3 months beginning when the act complained of was done (or is treated as done) and it is not just and equitable to extend the time limit. The Tribunal does not have the jurisdiction to consider the complaints, which are dismissed.
4. The respondent was in breach of its duty to make reasonable adjustments, the claimant was unlawfully discriminated against under sections 20 to 21 of the Equality Act 2010 and the claimant's claims of unlawful disability discrimination brought under sections 20 to 21 of the Equality Act 2010 are well-founded and amounts to a fundamental breach of contract.

5. The claimant was unfairly constructively dismissed and her claim for unfair dismissal is well-founded. The successful claims will proceed to a remedy hearing.
6. It is recorded by agreement the respondent will pay to the claimant £20,968 in settlement of her claims by way of remedy stayed until 24 January 2020 for completion of the COT3 by ACAS.

Employment Judge Shotter

13.1.2020

JUDGMENT SENT TO THE PARTIES ON

21 January 2020

FOR THE SECRETARY OF THE TRIBUNALS