



EMPLOYMENT TRIBUNALS

Claimant: Ms Z Lalji

Respondent: Medecho Ltd

Heard at: Watford Employment Tribunal
(Sitting at Aylesbury Crown Court – fully remotely by video)

On: 22 to 26 February and 1 to 2 March 2021

Before: Employment Judge Quill; Mr A Scott; Mr D Wharton

Appearances

For the Claimant: Mr J Cook, counsel
For the respondent: Mr E Macfarlane, consultant

This was a remote hearing with the consent of the parties. The form of remote hearing was [V: video fully (all remote)]. A face to face hearing was not held because it was not practicable. The documents that we were referred to are in a bundle of 3463 pages and the witness statements, the contents of which we have recorded.

JUDGMENT

1. The Claimant was a disabled person within the meaning of section 6 of the Equality Act 2010 with effect from 3 February 2017 and at all relevant times from that date onwards.
2. The Claimant was dismissed by the Respondent (within the meanings of section 95(1)(c) of the Employment Rights Act 1996 and section 39(7)(b) of the Equality Act 2010 respectively) on 22 February 2018.
3. All of the complaints are within our jurisdiction. None of them are outside our jurisdiction either due to time limits or due to early conciliation requirements.
4. The complaint of deduction from wages is well-founded.
5. There was disability discrimination within the meaning of section 15 of the Equality Act 2010 in relation to
 - 5.1. The unfavourable remuneration paid by the Respondent to the Claimant during the period that she was working from home
 - 5.2. The Respondent dismissing the Claimant
6. There was disability discrimination within the meaning of section 19 of the Equality Act 2010 in relation to
 - 6.1. The Respondent's requirement that employees must work from the office premises in order to receive the basic pay component of their remuneration
 - 6.2. The Respondent's requirement that employees use their holiday entitlement in respect of absences for which the reason was a genuine inability to work due to ill health
7. There was disability discrimination within the meaning of section 21 of the

- Equality Act 2010 in relation to the Respondent's failure to make reasonable adjustments for the Claimant while she was working from home, by
- 7.1. failing to pay any basic pay (even pro rata the hours she worked)
 - 7.2. failing to agree what hours she would work
 - 7.3. failing to provide remote access to the Respondent's computer systems
 - 7.4. failing to make arrangements to sufficiently reduce the disadvantage caused by not having access to those systems
8. The Respondent victimised the Claimant, within the meaning of section 27 of the Equality Act 2010 by
- 8.1. Ceasing to provide her with vacancy lists so that she could work from home
 - 8.2. Threatening to take action against the Claimant in relation to false allegations of breach of data protection or confidentiality requirements
 - 8.3. Ceasing to make commission payments to the Claimant
9. The complaint that the Claimant has been subjected detriment contrary to the right contained in section 23(1)(a) of the National Minimum Wage Act 1998 is well-founded in that she was subjected to the following detriments:
- 9.1. Ceasing to provide her with vacancy lists so that she could work from home
 - 9.2. Threatening to take action against the Claimant in relation to false allegations of breach of data protection or confidentiality requirements
 - 9.3. Ceasing to make commission payments to the Claimant
10. The Respondent unfairly dismissed the Claimant (contrary to sections 94 and 98 of the Employment Rights Act 1996)
11. The Respondent's dismissal of the Claimant contravened section 39(2)(c) of the Equality Act 2010, because the dismissal was discrimination within the meaning of section 15 of that Act.
12. The complaint that the dismissal was discrimination within the meaning of section 13 of the Equality Act 2010 does not succeed and is dismissed.
13. The remedy hearing will take place on 19 July 2021.

Employment Judge Quill

Date 5 March 21

JUDGMENT SENT TO THE PARTIES ON

24 March 21

FOR THE TRIBUNAL OFFICE

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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