



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms I Axon

**Respondent:** Mitchell NW Limited

**Heard at:** Manchester (in private; by CVP)

**On:** 20 January 2022

**Before:** Employment Judge Ross (sitting alone)

## Representatives

For the claimant: In person (her father attended as support)

For the respondent: Mr McCrossan, Counsel  
Mr T Grainger, Instructing Solicitor  
Mr Mark Mitchell (in attendance)  
Mr Mark Macklin (in attendance)  
Mr I Wilde (in attendance)

# JUDGMENT

The judgment of the Tribunal is:

1. The claimant is not permitted to amend her claim to include the allegation from her Schedule of Allegations document that she was told to return to work from furlough in July 2020 as an act of direct or indirect pregnancy/maternity discrimination pursuant to section 18 Equality Act 2010.
2. The Tribunal has jurisdiction to hear the claimant's other allegations as set out in the attached Schedule of Allegations document because the Tribunal finds it is just and equitable to extend the time limit in accordance with section 123 Equality Act 2010.

Employment Judge Ross  
Date: 25 January 2022

FOR THE TRIBUNAL OFFICE

**Note**

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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## Schedule of Allegations

Type of Discrimination	Act or failure to act which claimant says is less favourable treatment	Name of person responsible for each act or failure to act	Date of each alleged act or failure to act	Did anyone witness what happened? If so, who?	Do you rely on a real or hypothetical comparator? If real, who? (Not needed for acts relating to pregnancy or maternity)	State the protected characteristics you rely on for each act or failure to act listed
Direct discrimination – section 13 Equality Act 2010	Not being given sick pay when others were	Julie Oliver (claimant informed by Mr Macklin)	Any sickness absence between August 2018 and start of maternity leave in February 2019	R Macklin	D Sutton	Pregnancy and maternity
Direct discrimination – section 13 Equality Act 2010	Refusal of holiday request	Julie Oliver, on the instruction of Mr Mitchell	December 18	R Macklin	Steven Smith, Gary Hickson and Harry Hughes	Pregnancy and maternity
Direct discrimination – section 13 Equality Act 2010	Refusing an amended health and safety assessment	Mr Mitchell and Julie Oliver	October 2018			Pregnancy and maternity
<b>The claimant was not permitted to amend to include this claim listed below.</b>						
	<del>Told not to return to work from furlough</del>	Mr Mitchell	July 2020	R Macklin	Unsure of exact names	Sex

## Harassment

List each act of unwanted conduct complained of	Name of the person who carried out the unwanted conduct	What date did this happen?	Did anyone witness it, and if so, who?	Comparator	State the protected characteristic you say the conduct relates to
Comparing my baby to a dog	Julie Oliver	12 October 2018	R Macklin		Pregnancy and maternity
Being excluded from company's family day	Mr Mitchell	8 September 2019			Pregnancy and maternity
Being given a bible	Mr Mitchell	11 May 2019			Religion and belief
Being given a company car unsuitable to be on the road because I was originally given a company car which did not fit my pram and then was given one without road tax and was left stranded with no car once I realised, resulting in my partner towing it home	Mr Mitchell	June 2019	Mr Macklin		Pregnancy and maternity
Refusing an amended health and safety assessment	Mr Mitchell and Julie Oliver	October 2018			Pregnancy and maternity