



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss D Hirons -v- **University Hospitals Birmingham NHS Foundation Trust**

PRELIMINARY HEARING

(CONDUCTED REMOTELY IN PUBLIC VIA THE CLOUD VIDEO PLATFORM)

Heard at: **Centre City Tower, Birmingham**

On: **8 January 2024**

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

Appearances

For the Claimant:

In person

For the Respondent:

Mr R Hignett (counsel)

JUDGMENT

1. The tribunal has jurisdiction to hear the claimant's claim for unlawful deductions from wages to include a claim for holiday pay pursued as wages.
2. The tribunal does not have jurisdiction to hear the claimant's claim for holiday pay pursued as breach of contract and/or breaches of the Working Time Regulations.
3. The respondent confirmed before me today that the impairments relied upon by the claimant for the purposes of her disability discrimination complaint namely breathing problems, anxiety and depression and long Covid are conceded as disabilities within the meaning of the Equality Act 2010 at all material times.
4. The respondent concedes that the disability discrimination complaint identified at paragraph 5.2 of Employment Judge Harding's order of 7 August 2023 is in time, the claimant having confirmed the payroll email referred to in that paragraph was that dated 12 January 2023 (and not June 2022).
5. As to the remaining disability discrimination complaint as identified at paragraph 5.1 of Employment Judge Harding's order of 7 August 2023 that was not



presented in time. It is just and equitable to extend time in relation to that complaint.

I have issued a separate order giving directions how the claim shall be prepared for trial.

Employment Judge Perry

Dated: 9 January 2024

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.

All judgments (apart from those under rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

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