



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Dowzycka

**Respondent:** DHL Services Limited

**On:** 22 and 23 March 2021

**Before:** Employment Judge D N Jones  
Mr D Pugh  
Ms J Hiser

This hearing was conducted remotely, by video (V), because of the restrictions arising from the pandemic Covid19.

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Ms E Wheeler, counsel

**Interpreter:** Mr P Giers

## JUDGMENT

1. The claimant made unauthorised deductions from the claimant's wages in respect of sick pay to which she was entitled and shall pay to her the sum due of **£955.84**.
2. The claimant was a disabled person, but the respondent did not know, nor could reasonably have been expected to have known that the claimant was disabled at the time. The claims for direct discrimination, discrimination arising from disability and breach of the duty to make adjustments are therefore dismissed.
3. The provision, criterion or practice in respect of the application of the sickness absence policy did not put persons with whom the claimant shared the protected characteristic of disability at a particular disadvantage compared with persons who did not share it. The indirect disability discrimination claim is therefore dismissed.

Employment Judge D N Jones  
Date: 23 March 2021  
JUDGMENT SENT TO THE PARTIES ON  
Date: 24 March 2021