



EMPLOYMENT TRIBUNALS

Claimant: Mr Nazmul Hussein
Respondent: Westminster Bangladeshi Welfare Trust
Before Judge: Employment Judge Davidson

DECISION

In my decision to dismiss the Respondent's application for its costs in respect of the full merits hearing, I invited the parties to make representations in relation to the Claimant's application for his costs in defending that application. I have considered the representations made by both parties in relation to this matter.

I accept the Claimant's contention that the application was made out of time, with no explanation or application to extend time, and was therefore destined to fail on that technicality. Further, although the Claimant was unsuccessful in his whistleblowing claim, the tribunal's decision did not suggest that this was a claim which should never have been brought.

I have taken account of the Respondent's representation that it is a charity but I do not accept that this is a reason not to make an award of costs because those running the charity decided to make a costs application. The Claimant, who is an individual not in work, had no choice but to incur costs in responding to the application.

I therefore award to the Claimant the sum of £500, which I consider is a reasonable amount to incur in defending the costs application.

Employment Judge Davidson 29 September 2017