



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondents

Mr M Janas  
Mr M Relich

v

(1) Plane Catering Lited (in  
liquidation)  
(2) Secretary of State for  
Business, Energy and  
Industrial Strategy

## JUDGMENT ON RECONSIDERATION

1. It is in the interests of justice to reconsider the judgment sent to the parties on 11 September 2018 and that part of the judgment at paragraph 2 which refers to the above named claimants (12 and 13) is hereby revoked.

## REASONS

### Introduction and issues

1. This matter came before me for a hearing on 6 August 2018 where claimants numbered 1) to 11) were successful in their claims of failure to consult under s188 Trade Union and Labour Relations (Consolidation) Act 1992. The above-named claimants did not attend.
2. By email of 8 August 2018 the above-named claimants applied for reconsideration of the decision that the tribunal had no jurisdiction to hear their claims. That application provided good reason for the non-attendance of the claimants and for the apparent late submission of the claim forms which was caused because of the great confusion about the correct name of the respondent company.

### Law and submissions

3. The principles for reconsideration of judgments is set out in rule 70 Employment Tribunal Rules of Procedure 2013 which reads as follows:

“The tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any

judgment where it is necessary in the interest of justice do so. On reconsideration, the decision (the original decision) may be confirmed varied or revoked. If it is revoked it may be taken again.”

4. Rule 71 provides that an application for reconsideration should be presented in writing within 14 days.

**Conclusions**

5. I accept that it is in the interests of justice to reconsider that part of the judgment of 6 August that stated there was no jurisdiction to hear the above-named claimant’s claims. Having now received adequate explanations, that part of the judgment is revoked.
6. Mr Janas and Mr Relich are therefore entitled to the same judgment as the other claimants, namely that there was a failure to consult and that there should be an award for a protected period of 75 days for all those working for the first respondent at Unit 24.

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Employment Judge Manley

Date: 17 September 2018.....

Sent to the parties on: 3 October 2018

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For the Tribunal Office