



EMPLOYMENT TRIBUNALS

Claimant: Ms G Richardson

Respondent: Cembrit Ltd

JUDGMENT ON APPLICATION FOR RECONSIDERATION

The judgment of the tribunal is that the claimant's application for reconsideration is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. At a hearing on 27 June 2017 the Tribunal determined that the claimant Ms Richardson had not been unfairly dismissed by her former employer, Cembrit Ltd. She was employed by the respondent for less than two years and the essence of her case was that the reason for dismissal was pregnancy. The respondent simply said that the decision to dismiss was taken on a date (31 August 2016) on which both parties agreed the respondent was not aware of the claimant's pregnancy.
2. The claimant seeks a reconsideration of that decision in an email dated 2 August.
3. Firstly, she refers to evidence from her Manager Mr Wilden. One issue we were called upon to consider was the tone of the messages sent by him after

31 August, which did not, on the face of it, evidence an imminent intention to dismiss the claimant. The explanation he gave for that state of affairs was information passed to him by a former employer, which convinced him that the claimant was likely to be difficult if she was effectively given “notice” that she was to be dismissed. The claimant says she has spoken to that former employer (although it in fact appears she has exchanged text messages with him).

4. While it is true that the former employer appears to deny the discussion took place, it is apparent that he does not wish to have anything to do with the claim (or indeed the claimant). It is not clear that a great deal of weight can be placed on his responses. Furthermore, the essence of our decision was that three witnesses for the respondent had confirmed that the decision in question was taken on 31 August and we accepted their evidence on that subject. In those circumstances it appears very unlikely that the further evidence now produced by the claimant would make any difference to the outcome of the case.
5. The reference by Mr Wilden to the claimant allegedly saying she did not want to have more children is specifically addressed within our Judgment. There is nothing further to add on that subject.
6. The claimant correctly points out that we accepted evidence from three witnesses who were still employed by the respondent. It is almost inevitably the case that witnesses giving evidence for a respondent will still be employed by that party and to that extent may be said to have an interest in the outcome. That is something we take into account.
7. The claimant refers to further documents that she hopes will now come to light, namely correspondence post-dating 31 August. However, no documents have yet been produced that might, as the claimant clearly hopes, cast doubt on the respondent’s case.
8. The power to reconsider a Judgment does not exist in order to give a party a “second bite at the cherry”. In my view there is no reasonable prospect of the original decision being varied or revoked and accordingly the application for reconsideration is refused.

Employment Judge Reed
Dated 23 August 2017