



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4104827/2017

Employment Judge M Whitcombe

10 **Ms N Shabbir**

Claimant
Represented by:
Mr R Byrom
(Solicitor)

15 **Glamour Eyes Limited**

First Respondent
Represented by:
Mr I Maclean
(Consultant)

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RECONSIDERATION

Employment Tribunal Rules of Procedure 2013

Rules 70-73

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1. The judgment of the tribunal is varied to the following extent only: the claimant is also awarded an additional (agreed) sum of £8,520.87 under “grossing up” principles to reflect the incidence of tax.

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REASONS

2. In a reserved judgment sent to the parties on 10th August 2018 the tribunal upheld claims brought under sections 18(4) of the Equality Act 2010 and 47C(1) of the Employment Rights Act 1996 and awarded compensation.

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3. In the final paragraph of our reasons we referred to the issue of “grossing up” of compensation. We had raised that issue with the parties during submissions and since neither of the representatives was then in a position to make oral submissions on the point we set a deadline of lunchtime the following day to
5 make written submissions if “grossing up” were sought.
4. In an email sent at 10:24 on 20th July 2018 the claimant duly communicated the joint wish of the parties to return to the issue of grossing up once the judgment on all other issues had been promulgated. Unfortunately, and
10 probably due to a significant backlog in the processing of incoming correspondence by the tribunal administration, that email was not drawn to our attention before we reached our decision. We therefore proceeded on the basis that no submissions had been made and that the claimant did not seek grossing up.
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5. Once that unfortunate turn of events had been brought to my attention I invited an application for a reconsideration. Through that route the parties were effectively able to make the submissions they would have been able to make on the issue of grossing up had the email of 20th July 2018 been drawn to our
20 attention prior to judgment.
6. Happily, the respondent also agreed the claimant’s calculations in an email dated 18th September 2018, and it is therefore possible to vary the tribunal’s original award by consent.
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7. In those circumstances I decided in accordance with rule 72(2) of the Employment Tribunals Rules of Procedure that it was unnecessary to deal with the reconsideration at a hearing in the interests of justice.
- 30 8. Therefore, by consent, the claimant will also be awarded an additional agreed sum of £8,520,87 under “grossing up” principles to reflect the incidence of tax.

In all other respects the judgment and reasons remain as originally promulgated.

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**Employment Judge: M Whitcombe
Date of Judgment: 25 September 2018
Entered in register: 01 October 2018
and copied to parties**

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