



EMPLOYMENT TRIBUNALS

Claimant: Mr. S. Wardill

Respondent: Shell International Petroleum Company Limited

JUDGMENT

The claimant's application dated the 10 March 2019 for reconsideration of the judgment sent to the parties on 25 February 2019 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The application made by the Claimant is on two grounds, firstly that the Tribunal should have considered whether the Shell Group of Companies (parented by Royal Dutch Shell) could require a Company in Australia (QGC) to comply with a Local Non-National Policy. He stated that it was in the interests of justice to allow his application for reconsideration to assess the legality of Shell Global HR policies which he described as an anachronism.
2. The Tribunal must consider the interests of justice from the point of view of both parties in this case. It is important that the public policy principle that in all proceedings there should be finality in litigation. It is noted that this issue was considered in detail in the decision, findings of fact were made at paragraphs 3-7 and it was concluded that QGC was an entirely separate entity from the Respondent and there were no facts before the Tribunal that would permit the corporate veil to be pierced. There was also no evidence to suggest that QGC, a legal entity based in Australia, was placed under pressure by the parent Company (also not a party to these proceedings). The Claimant pursued these arguments before the Tribunal and they were considered but rejected. As this is an application to revisit factual and legal

arguments that have already been considered, it is considered that it is not in the interests of justice to reconsider this matter. The application on the first ground is refused.

3. The second ground for reconsideration of the decision seeks to challenge the evidence on whether he was given the right to appeal (the decision of the tribunal on this point is at paragraphs 32-3), he commented that in his view the reference provided was inappropriate (the Tribunal having concluded that on balance it was fair at paragraph 29) and he raised four points on matters he described as misunderstandings about the evidence.
4. Although the Claimant disagreed with some of the findings of fact and the decision, an application for a reconsideration is not intended to give parties an opportunity to re-hear the same evidence or to have the same evidence rehearsed with a different emphasis. As this appears to be what the Claimant is seeking to do, his application for a reconsideration on the second point is refused.
5. The Claimant asks for a copy of the transcript of the Court proceedings. Employment Tribunal proceedings are not recorded so no transcript is available.

Employment Judge Sage
Date: 26 April 2019