



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4122227/2018

Employment Judge: P O'Donnell

Miss B Jakubczyk

1st Claimant

Mr D Gill

2nd Claimant

RDM Polish Food Ltd

**Respondent
Represented by
Mr D Hamilton,
Solicitor**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Respondent's application for reconsideration is granted and the decision to reject the Respondent's employers contract claim is reversed.

The Respondent had submitted a response to the claim which included an employer's contract claim. The employer's contract claim was rejected on the basis that it did not appear to be one which the Tribunal had jurisdiction to hear given that the Claimants had not expressly pled their claim as including a claim for breach of contract.

The Respondent made an application under Rule 13 for this to be reconsidered on the basis that part of the sums sought by the Claimants must be sought by wage of breach of contract because they were not sums which fall within the definition of "wages" under section 27 of the Employment Rights Act 1996.

In light of the subsequent confirmation by the Claimants that they did seek to advance a breach of contract claim, the Tribunal considers that the decision to reject the employer's contract claim was wrong and that it should be accepted in full. The reconsideration application is, therefore, granted.

Employment Judge:	Peter O'Donell
Date of Judgement:	16 April 2019
Entered in register:	24 April 2019
And copied to parties	