



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Peck  
**Respondent:** Royal Mail Group Limited

## JUDGMENT

The claimant's application dated 8 July 2019 for reconsideration of the judgment sent to the parties on 4 July 2019 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, for the following reasons:

**Ground one – direct discrimination: the Tribunal was wrong to prefer the evidence of Ms Woods given at the Hearing to that given in writing by Mr Michael Hogg**

1. The Claimant disagrees with the weight the Tribunal chose to give to different elements of the evidence before it. The points he raises were within the Tribunal's contemplation when it made its decision.
2. There is consequently no reasonable prospect of the decision being varied or revoked to reflect the Claimant's view of the evidence on the grounds that that is necessary in the interests of justice.

**Ground two – direct discrimination: the Tribunal was wrong to conclude that the Respondent did not directly discriminate against the Claimant by the email dated 28 June 2018**

3. The Claimant agreed the characterization of that email as an "instruction" by agreeing the list of issues which was carefully revisited at the beginning of the Hearing. At no point during the Hearing did he suggest that to characterise it in this way was to misunderstand his case. It would not be in the interests of justice to now reconsider that email on the basis that it was not in fact regarded by the Claimant as an instruction.

4. Further and separately, if the email were instead characterised as an attempt by Ms Wood to dissuade the Claimant from applying for further jobs (as he suggests in his application), the structure of the analysis would remain as set out in the Tribunal's decision. There is no reasonable prospect of the decision being revoked or varied on the grounds that it is necessary to do so in the interests of justice in light of the matters raised in the Claimant's application. They are simply an attempt by the Claimant to persuade the Tribunal that it should have given different weight to the various elements of the evidence before it.

**Ground three – indirect discrimination: the issue of group disadvantage**

5. The Claimant disagrees with the weight the Tribunal chose to give to different elements of the evidence before it. The points he raises were within the Tribunal's contemplation when it made its decision, with the exception of points made by the Claimant as a result of additional evidence he refers to (a study and report available at [www.researchgate.net](http://www.researchgate.net)).
6. There is therefore no reasonable prospect of the decision being varied or revoked to reflect the Claimant's view of the evidence before it on the grounds that that is necessary in the interests of justice.
7. There is also no reasonable prospect of the Tribunal deciding that the interests of justice require it to consider the additional evidence now provided by the Claimant (and so reconsider its decision) because:
  - a. This is evidence that the Claimant could have relied on at the Hearing which took place between 10 and 12 June 2019 (given that the survey comprising the additional evidence is dated 2011) but he did not produce it for that hearing;
  - b. Further and separately, the Claimant was given the option during the Hearing of there being an adjournment so that he could have time to consider the Aspects Styles questions but he preferred to continue with the Hearing.

---

Employment Judge Evans

Date: 19 July 2019

JUDGMENT SENT TO THE PARTIES ON

FOR THE TRIBUNAL OFFICE