



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss K Paczkowska

**Respondent:** R-Com Consulting Limited

## JUDGMENT

The respondent's application dated 5 August 2019 for reconsideration of the judgment sent to the parties on 1 August 2019 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked.
2. The application to reconsider the Judgment suggests that the Tribunal applied the wrong test in determining victimisation by finding the act complained of arose as a reaction to proceedings being brought by the claimant without considering if the real reason for the respondent's act was a desire to protect the respondent's position when the information that would need to be provided was central to the ongoing dispute itself, with the respondent needing to protect itself against further litigation from the claimant and from any prospective employer for being in breach of its common law obligations.
3. In the Judgment at paragraphs 89-92 the Tribunal has set out Ms Halliwell's position with regard to the giving of the reference.
4. In paragraph 127 of the Judgment we determined that Ms Halliwell's motivation for not giving the reference was based upon the fact that the claimant had brought her claim to the Employment Tribunal alleging discrimination based on sex.

5. It is implicit from this finding that in our judgment the outstanding issue, in the form of the Employment Tribunal claim, was a significant influence upon Ms Halliwell's decision making process, and thus was more than trivial.

6. In such circumstances it is not considered to be in the interests of justice to reconsider the Tribunal's judgment.

Employment Judge Sherratt

2 September 2019

JUDGMENT AND REASONS SENT TO THE PARTIES ON

5 September 2019

FOR THE TRIBUNAL OFFICE