



THE EMPLOYMENT TRIBUNALS

Claimant: Mr J Taylor

Respondent: Interview Hub Ltd

JUDGMENT ON RECONSIDERATION

The Respondent's application dated for reconsideration of the judgment sent to the parties on 26 February 2019 is refused.

REASONS

1. The reasons for the judgment sent to the parties on 5 March 2019 is as follows. The Respondent did not attend the hearing and the Tribunal therefore heard from the Claimant only. The Tribunal had before it the Respondent's response and considered this when deliberating.
2. The Claimant's unopposed evidence was that he received a shortfall in pay of £483.38. He should have received £2,083,33 but only received £1,600.
3. The Claimant's case was that he was at all times an employee and that the label of self-employment was a sham. He said that he was originally engaged by the Respondent as an employee, and that there was no change in the type of work he did of for the Respondent throughout the time he worked for the Respondent even though the label attached changed to self-employment. His evidence was that nothing changed in relation to how he did his work, the level of control exercised by the Respondent or in any other way.
4. The Claimant said he had no consultation that his position with the Respondent was redundant, he simply got an email saying the company had closed.
5. The Tribunal found that the Claimant remained an employee throughout his time working for the Respondent and that the label attached of self-employment was a sham. Nothing changed in how the Claimant undertook his work following the purported change in status.
6. Therefore the Claimant had the two years' service required to bring a claim of unfair dismissal. Given that there was no consultation at all the

dismissal is clearly unfair. Even for a small company such as the Respondent some degree of consultation is required even if it is not as formalised as would be required of a larger organisation.

7. The Claimant is entitled to a redundancy payment of £1,041.65 based on his age and length of service. The Claimant gave satisfactory evidence of his attempts to find alternative work and the compensatory award for unfair dismissal is assessed as £32,026.
8. The Respondent emailed the Tribunal on 15 April 2019 saying it wished to appeal. The Respondent was informed on 10 June 2019 that an appeal was to the Employment Appeal Tribunal, but he could request a reconsideration of the judgment to the Tribunal and was asked if he wished to apply for a reconsideration. No formal request for a reconsideration has been made. The Respondent was dissolved on 22 October 2019.
9. Notwithstanding the dissolution of the Respondent there was no reasonable prospect of the original decision being varied or revoked given that the Respondent failed to attend and has given no reason why there was no attendance. The Claimant gave cogent evidence which was accepted by the Tribunal.

Employment Judge Martin
Date: 25 November 2019