



EMPLOYMENT TRIBUNALS

Claimant: Mr J Smith
Respondent: Must Wine Bar Harpenden Limited

JUDGMENT

The respondent's application dated 7 October 2019 and expanded on by email dated 5 November 2019 for reconsideration of the judgment sent to the parties on 27 September 2019 is refused.

REASONS

There is no reasonable prospect of the original decision being varied or revoked. That is because the application for reconsideration wrongly assumes that the words "23 working days paid holiday" can be calculated by reference to a 7-day working week. The contract must, in my judgment, be read in the light of the Working Time Regulations, which confer a right to 5.6 weeks' annual leave and a maximum 48-hour working week (at least where there is no valid opt-out, but as far as annual leave is concerned probably even where there is such an opt-out).

In addition and in any event, in the circumstances that (1) there was no ET3 response to the claim filed by the respondent, and (2) the respondent did not attend the hearing of the claim, in my judgment it would not be in the interests of justice for there to be a hearing to consider whether my original decision should be revoked or varied.

Employment Judge Hyams

Date: 12 December 2019

JUDGMENT SENT TO THE PARTIES ON

.....07.01.20.....

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FOR THE TRIBUNAL OFFICE