



# EMPLOYMENT TRIBUNALS

**Claimant: Mrs AM Knott**

**Respondent: Caldwalader, Wickersham & Taft LLP**

## JUDGMENT

The claimant's application dated 22 January 2020 for reconsideration of the judgment sent to the parties on 20 January 2020 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. Although the claimant had not included in her pleaded case of indirect sex discrimination the health and safety reasons for the minimum statutory requirements under the Working Time Regulations ("WTR") for annual leave, the Tribunal did question both parties about it and took it into account during its deliberations.
2. The respondent's counsel did address the Tribunal in relation to the claimant's statutory minimum annual leave entitlement under the WTR on her return to work in 2018 in his submissions. He explained that the claimant had 7 days statutory minimum leave days following her return to work after maternity leave during the remaining 16 weeks of the year. If the claimant took just the full 7 days leave the claimant would have a daily target of 8.6 billable hours per day to achieve her bonus. This was not disputed by the claimant's counsel in his reply. The Tribunal took this into account when reaching its decision.
3. The Tribunal took account of the fact that the claimant had a choice between taking very generous holiday leave or working more to improve her chance of obtaining the bonus. This was without sacrificing her statutory minimum holiday leave during the period following her return to work.

**Case No: 2201760/2019**

4. The claimant's second row in the table was considered as an example in the Tribunal's deliberations but the half way position was not what happened in the claimant's case.
5. The Tribunal did not, therefore, conclude that the respondent was entitled to put new mothers under greater pressure not to take annual leave to which they were statutorily entitled to. Following her return to work the claimant could have taken her statutory minimum annual leave of 7 days and obtained her bonus.
6. Therefore, the claimant's application for a reconsideration is refused on the basis that it has no reasonable prospects of success.

---

Employment Judge Isaacson

Date 29 January 2020

JUDGMENT SENT TO THE PARTIES ON

30 January 2020

.....  
FOR THE TRIBUNAL OFFICE