



EMPLOYMENT TRIBUNALS

Claimants: Mr W Islam
Mr A Khan

Respondent: DL Insurance Services Limited

JUDGMENT

The claimants' application dated **18th August 2020** for reconsideration of the judgment sent to the parties on 4th August 2020 is refused.

REASONS

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

1. There has already been a full day's preliminary hearing to determine the Respondent's applications to strike out parts of the claim as having no reasonable prospect of success or as being outside the jurisdiction of the tribunal.
2. The matter has therefore been fully considered
3. The application of 18th August 2020 does not disclose any good reason why the decision leading to the judgments made upon those applications should be re-taken.
4. The application submitted by Mr Islam, but apparently on behalf of both Claimants does not address at all the issue in respect of regulation 3 (1) (a) of the Employment Tribunal's (Early Conciliation: Exemption a& Rules of Procedure) Regulations 2014 which led to Mr Khan's claim being dismissed.
5. Nor does the application actually address the race and sex discrimination claims which were dismissed as having no reasonable prospect of success. There is only one passing and unspecific comment to the effect "maybe if I was not Asian I wouldn't have been harassed...Maybe if I was a female I would have been ok.."
6. Nor does the application address the fact that the only identifiable claim of unauthorised deductions from wages which emerged in the course of lengthy discussion at the preliminary hearing was in respect of bonus payments for doing "retentions". Where Mr Islam refers at length in his application to the evidence in respect of the actions of Mr Shields or Ms Boyd which he says is vital, he appears to have missed the point that the complaint in respect of non--payment for retentions is in fact proceeding to a final hearing. The matters in respect to the updated change to the slide presentation when it was copied to the Claimant, and the pension deductions were fully explored at the preliminary hearing and clearly did

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not give rise to any actual unlawful deduction from the wages that were properly payable under the contract of employment.

7. Even though the Claimants feel passionately that all their claims should proceed, there is no reasonable prospect of any other decision upon the law or the merits being taken if I were to reconvene this preliminary hearing and listen to the same arguments again.
8. The refusal to allow amendments to the claim is not a judgment and is not therefore properly the subject of a reconsideration application.
9. It is, however, a case management decision (or decisions) which may be set aside in the interests of justice under rule 29 of the Employment Tribunal (Constitution & Rules of Procedure) regulations 2013.
10. Once again these matters have been fully aired at the preliminary hearing, and indeed Mr Islam largely appears to accept within his application that these complaints were not included within the original Claim Form (ET1) and/or are outside the time limits. I can see no good reason for me to vary or set aside these case management orders.

Employment Judge Lancaster

Date 21st August 2020