



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Sloper  
**Respondent:** Watches of Switzerland Operations Ltd  
**Heard at:** Bristol **On:** 08 June 2021  
**Before:** Employment Judge P Cadney  
**Representation:**  
Claimant: Written Submission  
Respondent: Written Submissions

## **Reconsideration Judgment**

The judgment of the tribunal is that-

- i) The claimant's application to reconsider the Judgment is dismissed as there is no reasonable prospect of the decision being varied or revoked.

## **Reasons**

1. The tribunal heard the claimant's claim over three days on 17<sup>th</sup>/18<sup>th</sup>/19<sup>th</sup> February 2021. The claimant's claims of discrimination arising from disability (s15 Equality Act 2010) and the failure to make reasonable adjustments (s20 Equality Act 2010) were dismissed for the reasons given orally on the day and subsequently set out in writing following a request for written reasons. The claimant has applied for reconsideration of those decisions.
2. The essence of the application for reconsideration as set out in the application dated 19<sup>th</sup> April 2021 relates to the position of Ms Karen Coghlan. The difficulty for the claimant is that we accepted Ms Coghlan's evidence in two particular factual respects:-
  - i) Firstly we accepted that although the claimant had disclosed the fact that he suffered from Bi-Polar disorder to her that she had kept his confidence and not disclosed it to anyone else (para 9).
  - ii) Secondly we accepted that she had not made the remarks attributed to her as the reason for not offering a PIP(para 28).
3. The claimant does not allege that his disability caused or contributed to his underperformance. His s15 claim in respect of dismissal was based solely on the alleged remarks. As we found on the balance of probabilities that we accepted Ms Coghlan's evidence that she had not made them that claim inevitably failed. As a result of the first finding the evidence before us was that

neither Mr Choudary, nor Mr Howarth knew or could have known of the disability and it cannot therefore have played any part in their decisions in respect of the dismissal or appeal. The failure to make reasonable adjustments claims failed essentially as a matter of law for the reasons set out in the decision, and the reconsideration application does not engage them..

4. In the circumstances . There is nothing in the application which sets out any basis for considering that there is a reasonable prospect of the original decision being varied or revoked and according the application is refused.

**Employment Judge P Cadney**  
**Date: 18 June 2021**

Judgment and Reasons sent to the Parties: 21 June 2021

FOR THE TRIBUNAL OFFICE