



EMPLOYMENT TRIBUNALS

Claimant: Ionel Ion

Respondents: Citu Manufacturing Ltd.
C Thompson

JUDGMENT

The claimant's application dated **2nd June 2021** for reconsideration of the judgment sent to the parties on **19th May 2021** is in time (and the tribunal apologises for having incorrectly stated that it was not) but is refused.

REASONS

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

1. The full tribunal made the necessary findings of fact on the available and relevant evidence over a seven day hearing. The claimant was not prevented from giving evidence which was in fact relevant to the issues which the tribunal had to decide. Not all the matters he wished to raise were, however, material.
2. The fact that the claimant disagrees with those findings and does not himself accept that evidence, is not a ground for reconsideration.
3. The matters identified in the application are also not in fact directly material to the issues in the case, and would have made no difference to the decision reached.
4. The claimant was dismissed for redundancy. The respondents have not lied about the reason.
5. The decision to select the claimant for redundancy was ultimately taken by Mr Wilson in the circumstances set out in the reasons for the judgment.

6. Whatever the precise terms of any alleged protected disclosure the claimant has not proved any link between such a disclosure (or disclosures) and the decision to select him for redundancy.
7. Contrary to what is set out in the application the finding of the tribunal was that he was disabled at all material times.
8. On the evidence, however, the respondents could not have reasonably known that he was placed at any substantial disadvantage in being required to lift plasterboard once the period of light duties following his return to work had ended. Nor on the evidence are any of the other claims of disability discrimination made out.
9. The tribunal did consider the potential issue of subconscious bias in selecting for redundancy for compliance with the company's cultural values, which was a matter the Judge himself had raised, but accepted, taking into account all on the facts, the respondents' evidence that the decision was on no grounds whatsoever because of race.
10. Whilst there were issues arising as to the manner the case was being interpreted, these appeared to have been resolved by consent. The issue only came to ahead when the claimant – who was standing up at the time - turned aggressively on the interpreter, who was sitting nearby, and shouted at her, so that she was understandably and visibly upset. Although the Judge was prepared to accept initially that this was not intentional on the part of the claimant, even after a short break to seek to diffuse the situation he refused to accept that his actions were inappropriate, and the interpreter was not able to continue. The case therefore, in these exceptional circumstances, had to be adjourned overnight for a replacement to be found, and he then conducted the remainder of the proceedings without incident.

Philip Lancaster

Employment Judge **Lancaster**

Date 30th June 2021