

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4102822/16

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Held in Glasgow on 27 October 2017

Employment Judge: Laura Doherty

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Mr Sean Pearson

Claimant

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LTM Group Ltd

Respondent

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Tribunal is that the Tribunal's Judgment promulgated on 7 April 2017 is revoked, to the extent that it was found that the claim under Section 38 of the Employment Act 2002 succeeded.

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REASONS

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1. Following a Hearing which took place on a number of dates from January to April 2017 the Tribunal issued a Judgment dismissing all the claims presented, other than a claim under Section 38 of the Employment Act 2002, which it found had succeeded. Parties were asked to indicate within

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14 days of the date of the Judgment whether they considered a Remedy Hearing was necessary.

2. The Tribunal now considers the issue a Judgment in these terms was an error on its part. There was no finding in favour of the claimant in this case, and therefore Tribunal of its own initiative, considered it was in the interests of justice to reconsider the Judgment in this regard.
3. The parties were advised by letter on 13 July 2017 the Tribunal proposed to reconsider this aspect of this Judgment, and the reasons why. The parties were asked to consider whether a Hearing should be fixed, and in the event it was felt a Hearing was not required, they were given the opportunity to present written submission by 28 July 2017.
4. While there was no consent to the Tribunal's proposal from the claimant, there was no substantive opposition identified to what was proposed.
5. In the circumstances, the Tribunal was satisfied that it was in the interests of justice to review and revoke this decision to the extent that it found the claim under Section 38(2)(a) of the Employment Act 2002 well founded.

Employment Judge: L Doherty
Date of Judgment: 30 October 2017
Entered in register: 02 November 2017
and copied to parties