



EMPLOYMENT TRIBUNALS

Claimant: Mr H Jani

Respondent: Elis UK Ltd

UPON APPLICATION under rules 70 and 71 of the Employment Tribunals Rules of Procedure 2013 made by letter dated 27th April 2022 and received by the Tribunal on 27th April 2022, to reconsider the judgment dated 21st March 2022 (sent to the parties on 13th April 2022), without a hearing:

JUDGMENT

The Claimant's application for reconsideration of the judgment dated 21st March 2022 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked, because the Claimant is seeking to re-assert or re-argue matters that have already been considered.
2. The judgment of 21st March 2022 followed a 1 day preliminary hearing which took place on 14th January 2022. An oral decision was not given on 14th January 2022 and judgment was reserved. Following the hearing the Tribunal gave lengthy and careful post-hearing consideration to all the matters raised, and the documentation provided, by both parties.
3. The claims that were dismissed were all brought outside the applicable time limits and were dismissed because time was not extended (where it was possible to extend time).
4. The Tribunal has no discretion to permit the claim for holiday pay for the period prior to 30th December 2017, regardless of the reasons for the delay in bringing the claim. The claim for holiday pay after 30th December 2017 has not been

- struck out and further case management directions have been given to permit this matter to be determined at final hearing.
5. The detailed reasons why the claims were dismissed were fully set out in the written reasons which accompanied the reserved judgment of 21st March 2022.
 6. It is acknowledged that the Claimant feels strongly about the complaints that have been dismissed and that even a small erroneous deduction or compensation award is of real significance to him, particularly as he is in relatively low paid employment.
 7. The reasons for the delay in presenting his claims were fully aired during the preliminary hearing on 14th January 2022 at which the Claimant was assisted by an interpreter and gave oral evidence. Oral evidence was also heard from the Claimant's union representative and from the Respondent's Service Resource Manager. Following the evidence, both the Claimant and Respondent made submissions.
 8. All the matters raised in the request for reconsideration were taken into consideration in reaching the original decision and full consideration has already been given to the Claimant's reasons for the delay in bringing the claims. No new material facts or evidence have been put forward in the request for a reconsideration that were not before the Tribunal at the preliminary hearing on 14th January 2022.
 9. No error of law or fact on the part of the Tribunal is asserted in the request for a reconsideration.
 10. There are therefore no reasonable prospects of the original decision being varied.
 11. It is also acknowledged that the Claimant feels that he is being dealt a poor hand as a result of being unrepresented.
 12. During the hearing the Tribunal sought to mitigate any disadvantage to the Claimant resulting from his lack of representation. The Tribunal did so by explaining to the Claimant at the outset in simple terms what the Tribunal would need to be consider and the tests that it would ultimately apply. Also, by asking questions of all witnesses (including the Claimant) to obtain evidence on all relevant matters which might not otherwise have been aired and therefore ensuring that all relevant matters were covered.
 13. Assisted by the interpreter, the Claimant was very articulate and very capable of explaining his case. He made relevant and detailed submissions following the evidence.
 14. The Tribunal is satisfied that the Claimant had a fair hearing and was not substantively disadvantaged by his lack of representation.

15. There are no special reasons why the matter should be reconsidered when there are no reasonable prospects of the original decision being varied.

Employment Judge L Clarke

Date: 28th April 2022

The reasons for this decision were given orally at the hearing. Written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of this written judgment being sent to the parties.

Public access to employment tribunal decisions

Note that both judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties.