



EMPLOYMENT TRIBUNALS

Claimant: Mr T Lee

Respondent: Leofric Building Systems Ltd
Mr Colin Hammond
Mrs Julie Houston

Before: Employment Judge P Cadney

Representation:

Claimant: Written Submission

Respondent:

Reconsideration Judgment

The judgment of the tribunal is that-

- i) The claimant's application to revoke or vary the Judgment is dismissed.

Reasons

1. The tribunal heard the claimant's claim over three days on 7th / 8th / 9th February 2022. The tribunal upheld the claimant's claims of automatic unfair dismissal(s100(1)(c) Employment Rights Act 1996) and the failure to provide written particulars of employment.
2. The Respondent seeks a reconsideration of the decision to uphold the unfair dismissal claim. The reasons for making the findings are set out at paragraphs 15 and 16 of the reasons. For the reasons set out there we rejected the respondent's evidence as to the reasons for dismissal and concluded that the reason or principal reason was that the claimant had raised the health and safety concerns.

3. The respondent seeks a reconsideration of that factual finding. The first basis is that both Mr Hammond and Mr Green had given evidence that the health and safety concerns were unfounded and/or were addressed on Monday 11th January 2021 in any event. Secondly a subsequent inspection by the HSE did not support the claimant. Thirdly the claimant's colleague B P-W had not raised health and safety concerns but was also dismissed for redundancy.
4. The essence of the reconsideration application is that those reasons set out by the respondent should have either led us to the conclusion that we accepted the respondent's evidence; or at very least that we should have concluded that even if we rejected the respondents reasons that we should conclude that the reason was an unknown reason (or at least one only known to the respondent) and not the claimant raising the health and safety concerns. For the reasons given above, the difficulty with that proposition was, in our view that nothing else had occurred between 4th and 8th January 2021 which could have explained the decision.
5. Whilst all of the assertions are factually correct the do not fundamentally affect our reasoning. For the reasons set out we rejected the respondent's explanation as to the reasons for dismissing the claimant. If that explanation is rejected the only other events which had occurred in the very short time period was the claimant raising the issues of being furloughed and the health and safety concerns. Those two were inextricably linked for the reasons set out in the reasons.
6. In the final analysis we considered all the evidence and reached the conclusions set out in the reasons. 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 accordingly the application is refused.

Employment Judge P Cadney
Date: 27 May 2022

Judgment sent to the parties: 15 June 2022

FOR THE TRIBUNAL OFFICE