



EMPLOYMENT TRIBUNALS

At a Remedy Hearing

Claimants: A and B

Respondents: C and others

Heard at: Nottingham

On: 8 and 9 August 2022

Before: Employment Judge R Hutchinson
Members: Mr J Akhtar
Miss L Lowe

Representation

Claimants: In person

Respondent C: Mr Robert Lassey, Counsel

Other Respondents: In person

Reconsideration

On the Tribunal's own initiative and following a reference from the Employment Appeal Tribunal the Tribunal has reconsidered the judgment and reasons dated 6 December 2021 under rule 70 of the Employment Tribunal's Rules of Procedure 2013.

The wording of the judgment remains the same.

in view of the Tribunal's findings at paragraphs 106, 107 and 110 of those reasons the findings in the following paragraphs are deleted 148.2, 148.3 and 148.7.

The tribunal also substitutes its findings at paragraphs 347 and 351 to read as follows.

347 2 (c) Throughout 2017 and 2018 did Mr E and Mr G and Mr F say to Ms B that she was too old?

347.1 we are not satisfied that she was often demeaned as being "too old."

351 1(g) On 29 June 2018 did Mr E say to Ms B “Of course, I forgot this is what old people do” in response to her telling him that she had gone to bed early each night on a work trip to Ibiza

351.1 we are satisfied that the claimant has not established that Mr E made that comment

351.2 Ms B did not complain about it in her grievance submitted a week later even though she did complain about the at a later stage in her grievance

JUDGMENT ON REMEDY

The hearing is adjourned part-heard and will reconvene on **23 August 2022** at **10:30 am** by **CVP**.

CASE MANAGEMENT SUMMARY

1. Following the reference of this case to the Employment Appeal Tribunal we dealt with the reconsideration of our judgment and reasons dated 6 December 2021. At the hearing on 8 and 9 August 2022 we heard evidence from both the Claimants, and they were cross-examined by the Respondent C’s Counsel. The other Respondents were given an opportunity to ask questions of the Claimants.
2. At the conclusion of the evidence, the matter was adjourned so that the parties could provide written submissions prior to our final decision.
3. That final decision will be made after those submissions are presented to us on 23 August 2022. Details of how to join the hearing will be provided in advance of that hearing and all Respondents are encouraged to take part in that hearing. There will be an opportunity for everyone to make submissions to the hearing and the Tribunal will then decide the issue of remedy and announce its decision at the end of the hearing.

CASE MANAGEMENT ORDERS

Made pursuant to the Employment Tribunal Rules 2013

1. The parties will prepare written submissions and exchange those written submissions and provide copies to the Tribunal by **12 noon on 22 August 2022**.
2. The Respondents, other than C, will also provide to the Tribunal details of their addresses, as well as other contact details including email addresses

so that the Tribunal can contact all the parties at the outcome of the hearing.

Employment Judge Hutchinson

Date: 11 August 2022

NOTES

(i) The above Order has been fully explained to the parties and all compliance dates stand even if this written record of the Order is not received until after compliance dates have passed.

(ii) Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.

(iii) The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.

(iv) An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative. Any further applications should be made on receipt of this Order or as soon as possible. The attention of the parties is drawn to the Presidential Guidance on ‘General Case Management’:

<https://www.judiciary.gov.uk/wp-content/uploads/2013/08/presidential-guidance-general-case-management-20170406-3.2.pdf>

(iv) The parties are reminded of rule 92: “*Where a party sends a communication to the Tribunal (except an application under rule 32) it shall send a copy to all other parties, and state that it has done so (by use of “cc” or otherwise). The Tribunal may order a departure from this rule where it considers it in the interests of justice to do so.*” If, when writing to the tribunal, the parties do not comply with this rule, the tribunal may decide not to consider what they have written.