



EMPLOYMENT TRIBUNALS

Claimant: Ms R Killeen
Respondent: Guidposts Trust Ltd

JUDGMENT

The Claimant's application dated 8 November 2022 for reconsideration of the judgment sent to the parties on 26 October 2022 is refused.

REASONS

1. There is no reasonable prospect of the original decision being varied or revoked because it would not be in the interests of justice.
2. The Claimant's application is for reconsideration of the judgment with respect to the application of a deposit order to PCP 10 (see paragraph 31(x) of the judgment). Essentially, the application is made on the basis that the Claimant was not offered a break during the Respondent's submissions and the offer of a break afterwards was not an adequate substitute as the opportunity to follow the Respondent's submissions had been lost. Further, during the lunchbreak the Claimant became unwell and so she and Mr Gibson did not have the opportunity to check what details they had said about other instances of verbal aggression being tolerated in the workplace. In fact, verbal aggression was not particular to the Claimant because on 19 March 2019 Jan Mathieson was verbally aggressive to others in a meeting and on 28 June 2019 Robert Range and Allan Holmes shouted at each other in a meeting and no action was taken with respect to these incidents.
3. Although the Claimant and Mr Gibson were not offered a break during the Respondent's submissions they were offered a break immediately afterwards which was declined. The reason given for declining the offer was not that a break would be superfluous because the opportunity to follow the Respondent's submissions had been lost, but because the Claimant was feeling well enough to continue and did not require a break. Mr Gibson did not at any stage indicate he had had difficulty following the Respondent's submissions; to the contrary his

Case No: 3305766/2021 & 3314898/2020

response was cogent and well-argued and indeed some of his submissions were accepted by the Tribunal.

4. As regards the decline in the Claimant's health during the lunch-time adjournment, by that time Mr Gibson had already completed his response to all the matters dealt with in the judgment, including whether a deposit order should be applied to PCP10. Mr Hignett then made further submissions (before lunch) that the Claimant's direct discrimination claim under s. 13 Equality Act 2010 should also be struck out or subject to a deposit order to which Mr Gibson was going to respond after lunch. However, since the Claimant had become unwell Mr Gibson was not required to make any response to the Respondent's application in respect of the s.13 claim and consideration of that application was adjourned to a further Preliminary Hearing (see paragraphs 5 & 6 of the Case Management Summary).
5. Further and in any event, even if Mr Gibson had during his submissions referred to the two alleged instances of shouting in March and June 2019 (now referred to in the application for a reconsideration), this would not have altered my conclusion that the main thrust of the Claimant's complaint was about verbal aggression directed at her (see paragraph 37 of the judgment) and/or that she had little reasonable prospect of proving at the final hearing that the Respondent had a PCP of accepting or condoning verbal aggression in the workplace.

Employment Judge **Judge's Surname**

Date: 6/12/2022

JUDGMENT SENT TO THE PARTIES ON

6/1/2023

NG.

FOR THE TRIBUNAL OFFICE