



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Zovko

**Respondent:** The Hungry Canary Limited

## JUDGMENT

The Respondent's application dated 23 February 2023 for reconsideration of the judgment sent to the parties on 14 February 2023 is refused.

## REASONS

1. On its own initiative, the Tribunal has varied the judgment of 14 February 2023 in the manner set out in the separately issued Reconsideration Judgment of 8 March 2023. The variation is unrelated to any of the points raised by the Respondent in its application of 23 February 2023.
2. There is no reasonable prospect of the varied judgment being further varied or revoked.
3. When the Reasons of 8 March 2023 and the Reconsideration Judgment of 8 March 2023 are read together, all of the points raised by the Respondent in its application of 23 February 2023 are addressed; in that regard, the following is to be noted:
  - a. Queries as to whether awards are gross or net are clarified and it is clarified that it is the Claimant who is to pay any relevant deductions to relevant authorities;
  - b. The query regarding the calculation of the award for failure to provide written particulars of employment falls away as a result of the variation made in the Reconsideration Judgment of 8 March 2023;
  - c. Arguments about whether the varied contractual arrangement between the Claimant and the Respondent entailed a 30-hour working week or a 32-hour working week are an attempt to reopen findings of fact set out in the Reasons;
  - d. Arguments about the reasons for the Claimant's dismissal are an attempt to reopen findings of fact set out in the Reasons;
  - e. Arguments that the Claimant was paid more by the Respondent than found to be the case in the judgment are an attempt to reopen findings of fact set out in the Reasons, which, in relation to the point at hand, were rooted in the evidence actually given by the Respondent at the hearing (paragraph 37,

Reasons).

**Employment Judge Byrne**

**8 March 2023**