



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Messi

**Respondent:** Precise Media Monitoring Limited (T/A Onclusive)

## JUDGMENT

The claimant's application set out in emails of 21 February 2023 and 22 February 2023 for reconsideration of the judgment with written reasons sent to the parties on 22 February 2023 is refused.

## REASONS

1. The claimant has emailed the tribunal on 21 and 22 February 2023 3 March 2023 to ask for EJ Wade to reconsider my oral decision of 21 February 2023 not to grant her application for interim relief.
2. Rule 72(3) Employment Tribunals Rules of Procedure 2013 ("ET Rules") provides that a consideration of whether any application for reconsideration has a reasonable prospect of being varied or revoked shall, where practicable, be carried out by the Employment Judge who made the original decision . It is practicable for me to consider this application, and so I will carry out that consideration.
3. A reading of the 3 emails in which the claimant applies for reconsideration appears to suggest that the claimant raises the following in support of her application:
  - a. I concentrated on the claimant's conduct rather than on the facts, such as that only the claimant's role was made redundant;
  - b. I refused to listen to the recordings she had made;
  - c. She was called a snake and a "black bitch" by a colleague;
  - d. The IT department had deleted an email dated 17 January 2023 subject "Re: BNP Access for Onclusive".
4. I consider that there is no reasonable prospect of the original decision being varied or revoked.
5. The judgment was concerning the claimant's application for interim relief, and to

have granted her application I would have had to have found that her claim for automatically unfair dismissal was “likely” to success. The authorities are clear that “likely” connotes a reasonably high degree of probability, as set out in the judgment.

6. A reading of the judgment makes clear that the claimant’s conduct was one of a number of factors I considered. It appeared to me, from the documents and pleadings, that the claimant (who had reached the end of the fixed term of the contract she was employed under) was dismissed because of a number of factors. It did not appear to me, on the available documentation, that a tribunal would be likely to find that disclosures (which did not appear to me would be found to be qualifying disclosures) were the reason for her dismissal. The fact that I did focus on her conduct is understandable, because misconduct was one of the reasons the respondent says it relied on for dismissal. The evidence was also not clear that the claimant was the only person to be made redundant. Even if it was the case, the offshoring of the claimant’s role was not the only reason relied on by the respondent.
7. The reasons why I did not listen to the recording are set out in the judgment, and there is little to add.
8. The claimant said at the hearing that she had been called a snake and a “black bitch” by a former colleague. She also drew my attention to documents of messages she shared with the individual she alleged had said these things. There was evidence from other members of staff indicating the level of feeling created by the claimant’s actions in the latter stages of employment. This allegation does not take things anywhere.
9. The claimant made allegations at the hearing that documents had been deleted. I cannot see how this particular document suggests the likelihood of the tribunal finding that protected disclosures were the reason for her dismissal rather than the reasons given by the employer.
10. In all the circumstances, I consider that there is no reasonable prospect of the original decisions being varied or revoked.

Employment Judge **Heath**

4 March 2023\_\_\_\_\_

Date

JUDGMENT & REASONS SENT TO THE PARTIES ON

.06/03/2023

FOR THE TRIBUNAL OFFICE