



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr C Coffey

**Respondent:** Coople (UK) Ltd

## JUDGMENT

The respondent's application dated 24 February 2023 for reconsideration of the judgment sent to the parties on 11 February 2023 is refused.

## REASONS

There is no reasonable prospect of the original decision being varied or revoked, because:

1. The respondent did not put in a defence to the claim. The hearing on 18 January 2023 was listed to determine the issue of remedy under the provision of rule 21(2), see notice of hearing dated 6 September 2022.
2. At the start of the hearing, I informed the parties that I considered that I should consider issues of liability, as EJ Hughes Order dated 22 July 2022 does not suggest that judgment had been given in favour of the claimant in respect of liability.
3. I therefore heard evidence from the claimant in respect of liability. I also allowed Mr Prati to raise any issues he wished, which he did. At no point did Mr Prati raise issues of jurisdiction, s.109 Equality Act 2010. The focus of his argument was that the alleged abusive conduct was not targeted at the claimant.
4. The respondent has provided a short application for review, setting out an argument that s,109(1) & (2) Equality Act 2010 applies, that the respondent cannot be liable for the acts of unrelated parties in circumstances beyond its control. I did not accept that argument as necessarily correct in law. I see no reason why the respondent could not in principle be liable in law for

acts its employee experienced on a 3<sup>rd</sup> party's premises. I saw no good reason to seek further arguments on this issue from the parties.

5. I concluded that the respondent is raising in reconsideration an issue it could have raised in a defence to the claim, or at the hearing when given the opportunity to do so. For the reason above I also considered it to have little merit. I considered the test in respect of 'finality of litigation' in *Ministry of Justice v Burton [2016] EWCA Civ 714*, that reconsideration should not be an opportunity for a party to present a case it should have brought earlier.
6. I concluded that in these particular circumstances it would not be in the interests of justice to vary or revoke the judgment.

**Employment Judge M Emery**  
**Date: 30 May 2023**