



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Zoe Phillips

**Respondent:** A. Menarini Farmaceutica International SRL

## JUDGMENT ON AN APPLICATION FOR A RECONSIDERATION

The Claimant's application dated 8 July 2023 for reconsideration of the judgment with reasons given orally to the parties on 7 July 2023 is refused.

### REASONS

1. The judgment was given orally at the hearing, with reasons, on 7 July 2023.
2. The Claimant emailed the Employment Tribunal on 8 July 2023 applying for a reconsideration of the judgment with reasons. The Claimant stated in that email "*all of the above I'd like to ask you to send to Judge Young for her to consider and reflect upon*". The 8 July 2023 email referred to matters which in substance were matters that the Claimant relied upon as part of her claim before me on 7 July 2023 save a number of other matters which I shall now refer to. Those matters are: the Claimant also stated in her email that she was having difficulty finding permanent work, remarked upon the amount in social security available to her and explained that she was working in a zero hours minimal wage job at an off licence for normally 1 day a week.
3. Rule 70 of the Employment Tribunal Rules of Procedure ("Rules") provides a sole ground for reconsideration as, where it is necessary to do so in the interests of justice. The interests of justice does not mean that in every case where a party is unsuccessful, they are automatically entitled to reconsideration. Instead, a Tribunal dealing with the question of reconsideration must have regard to the overriding

objective to deal with cases fairly and justly, and the Tribunal should be guided by the common law principles of natural justice and fairness.

4. Tribunals have a broad discretion but that must be exercised judicially, which means not only taking into account the interests of the party seeking the reconsideration, but also the interests of the other party to the litigation and the public interest in the finality of litigation (*Outasight VB Ltd v Brown* 2015 ICR D11 EAT).
5. Under rule 71 of the Rules, an application for reconsideration must be presented in writing and copied to all other parties within 14 days of the date upon which the written record of the decision which is the subject of the reconsideration application was sent to the parties, or if a request for written reasons was made, within 14 days of the date the written reasons were sent out, if later. In this case, the Tribunal has not yet sent the parties, the written judgment, although the Claimant has made the application within 14 days of the oral judgment. The Claimant hasn't copied her application to the Respondent. Notwithstanding, the Tribunal has on 12 July 2023 sent the Respondent the Claimant's application.
6. There is no reasonable prospect of the original decision being varied or revoked, because the Claimant's application for a reconsideration dated 8 July 2023 does not present evidence or matters that have not already been considered at the hearing or refers to additional matters that were not presented at the hearing, but are irrelevant to the issues I had to decide on whether I had jurisdiction to consider the Claimant's claim. I have had regard to the overriding objective, to consider the case fairly and justly and I have done so in respect of the Claimant's application. But I must also have regard to the public interest requirement so far as is possible there be finality of litigation. In the circumstances, the Claimant's application for reconsideration of the oral judgment and reasons on 7 July 2023 to dismiss her claim is refused.

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Employment Judge Young

Date 27<sup>th</sup> July 2023 \_\_\_\_\_

JUDGMENT SENT TO THE PARTIES ON

....3 August 2023.....

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FOR THE TRIBUNAL OFFICE