



EMPLOYMENT TRIBUNALS

Claimant: Ms Amber Ward

Respondent: Dermalogica UK Limited

JUDGMENT

The claimant's application dated 24 July 2023 for reconsideration of the judgment sent to is refused because there is no reasonable prospect of the original decision being varied or revoked.

REASONS

1. The application makes a large number of points which were raised, or might have been raised at the hearing. An application for reconsideration is not intended to be an opportunity for a disappointed party to re-argue each point, and so not every point raised can be addressed.
2. The main basis of the application is that there was a lack of disclosure by the respondent. The application has enclosed copies of various requests for disclosure by the claimant made before the hearing. Employment Judge Martin give a direction reminding both parties of her duties of disclosure and explaining that if there were not complied with it might lead to an unless order and in due course to an order striking out the claim or response. She did not make a finding that the respondent was in breach of its duty of disclosure. Subsequently, the respondent wrote to the tribunal setting out its position that the items sought were irrelevant or that the scope of the search request it was disproportionate. That is how things stood at the start of the hearing. There was no request for further disclosure at the hearing or any application for an adjournment on that basis.
3. The application, and the case advanced at the hearing, also reflects a general allegation that there was a culture of bullying at work. Mr Gesese, as a former colleague, gave evidence to the effect that he was a victim of bullying. The applications for disclosure related largely to evidence that might support that claim, such as exit interviews for other members of staff. However, the tribunal was not

considering the general culture at the workplace, or any allegations of race or other discrimination against other individuals. It heard evidence from Mr Gesese relating to his own experiences and did not cast doubt on his account, so further supporting evidence would not have made any difference to the tribunal's conclusions.

4. Those conclusions related only to Ms Ward. It found that her allegations of bullying and harassment were substantially out of time and so it had no jurisdiction to consider them. Again, further documentary evidence in support of those claims would not have affected the time limit issue.
5. At paragraph 20 the application refers to evidence of Ms Sarah Beardsworth to the effect that she believed that Mr Gesese had resigned for personal reasons. However, again:
 - (a) the Tribunal accepted Mr Gesese's account,
 - (b) this was not relevant to Ms Ward's case, and
 - (c) her allegations of harassment were out of time.
6. Any point arising from her evidence could have been raised in submissions.
7. There was no claim of whistleblowing before the tribunal. At the claimant wanted to present such a claim and application should have been made at the preliminary hearing or before the final hearing to amend her claim.
8. Accordingly, there is no reasonable prospect of the original decision being varied or revoked.

Employment Judge Fowell
Date 07 August 2023