



EMPLOYMENT TRIBUNALS

Claimant: Mr R Stack

Respondents: (1) Angard Staffing Solutions Limited
(2) Royal Mail Group Limited.

JUDGMENT

The claimant's application dated **5th September 2023** for reconsideration of the judgment given on 2nd June 2023, written reasons for which were sent to the parties on **23rd August 2023** is refused.

REASONS

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

1. This was a unanimous decision of a full tribunal which has already made all relevant findings of fact. That the Claimant does not accept those findings is no ground for reconsideration.
2. On those findings the First Respondent was clearly acting within the range of reasonable responses when dismissing the Claimant on very strong evidence that he had indeed used foul and abusive language towards a fellow worker.
3. It therefore followed that the reason for dismissal was not in any way because he was disabled but because of that misconduct.
4. It was also found, preferring where applicable and for the reasons stated the hearsay evidence of Ms Eastwood, that the claim of harassment was not made out. Hearsay evidence is expressly admissible under rule 41 of the Employment Tribunals Rules of Procedure 2013.

5. The only identified allegation of harassment was solely in respect of Ms Eastwood's interaction with the Claimant in the car park and on the route into work. It did not relate to the actions of Ms Scott or to any other alleged "defamation". The reference to **Greasley Adams v Royal Mail** in the context of paragraphs 2.2 and 2.3 of the Application (the logic of which is however not easy to follow) is therefore misconceived and not relevant. The Tribunal applied the law as established in the leading case of **Richmond Pharmacology v Dhaliwal**, which **Greasley Adams** also followed.
6. The Claimant's purported reliance on section 20 (6) of the Equality Act 2010, which he also referenced in the course of the hearing, is misconceived. This is not a case where the duty to make reasonable adjustments properly arose, or was even alleged to have arisen.
7. The ACAS code of practice on disciplinary procedures does not apply to a fact finding or investigative hearing, but only to actual disciplinary hearings, so is not relevant when considering the fairness of procedures at that stage.

Employment Judge **Lancaster**

Date 8th September 2023