



EMPLOYMENT TRIBUNALS

Claimant: Mrs Jennifer Schroeter

Respondent: MacBeattie Recruitment Ltd t/as ROC Recruitment

JUDGMENT

The claimant's application for reconsideration of the judgment sent to the parties on 20 December 2023 made on the 3 and 30 January 2024 is refused.

REASONS

1. The claimant requested written reasons and reconsideration by emails of 3 January 2024 and 30 January 2024. She submitted a further document on the 18 February 2024. These were referred to the Employment Judge on the 14 March 2024. These reasons have been provided as soon as possible in the light of other sitting commitments.
2. The claimant's application was made 'in light of concerns regarding the handling of the evidence and the consideration of the seriousness of my mental health'. She relies on the following particular points.

Inadequate review of evidence.

3. The claimant states she was advised by the tribunal to submit 'everything' and that the 'crucial details and critical evidence supporting my discrimination claims needed to be thoroughly examined' and questions whether it was. The claimant alleges that the tribunal did not take account of all the comments she

states the respondent made which provided 'significant proof that there is discrimination in the workplace'.

Insufficient consideration of mental health

4. The claimant states that she is 'deeply concerned that the tribunal did not give sufficient weight to my claims of mental health impacts due to the alleged discrimination'.

Further submission by the claimant dated 18 February 2024

5. The claimant sent in a further email stating that she wished to expand on the points she had already made to 'underscore the imperative of being heard'. She considered this crucial to 'prevent others from enduring similar ordeals'. She set out how there was a significant gap in the protection afforded to employees who encounter harassment and bullying by their employers within a two year period proceeding dismissal. She considered that this 'legislative deficiency shields employers from accountability for mistreating their employees'. The claimant explained her difficulties in dealing with the tribunal process as a litigant in person and how 'in advocating for my case, I seek not only redress for myself but justice for those who have been silenced by fear or disenfranchisement'.

6. **Relevant Provisions of the Employment Tribunal Rules 2013**

Reconsideration of judgments

Principles

70. A Tribunal may, either on its own initiative (which may reflect a request from the Employment Appeal Tribunal) or on the application of a party, reconsider any judgment where it is necessary in the interests of justice to do so. On reconsideration, the decision ("the original decision") may be confirmed, varied or revoked. If it is revoked it may be taken again.

Application

71. Except where it is made in the course of a hearing, an application for reconsideration shall be presented in writing (and copied to all the other parties) within 14 days of the date on which the written record, or other written communication, of the original decision was sent to the parties or within 14 days of the date that the written reasons were sent (if later) and shall set out why reconsideration of the original decision is necessary.

Process

72.—(1) An Employment Judge shall consider any application made under rule 71. If the Judge considers that there is no reasonable prospect of the original decision being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application shall be refused and the Tribunal shall inform the parties of the refusal. Otherwise the Tribunal shall send a notice to the parties setting a time limit for any response to the application by the other parties and seeking the views of the parties

on whether the application can be determined without a hearing. The notice may set out the Judge's provisional views on the application.

(2) If the application has not been refused under paragraph (1), the original decision shall be reconsidered at a hearing unless the Employment Judge considers, having regard to any response to the notice provided under paragraph (1), that a hearing is not necessary in the interests of justice. If the reconsideration proceeds without a hearing the parties shall be given a reasonable opportunity to make further written representations.

(3) Where practicable, the consideration under paragraph (1) shall be by the Employment Judge who made the original decision or, as the case may be, chaired the full tribunal which made it; and any reconsideration under paragraph (2) shall be made by the Judge or, as the case may be, the full tribunal which made the original decision. Where that is not practicable, the President, Vice President or a Regional Employment Judge shall appoint another Employment Judge to deal with the application or, in the case of a decision of a full tribunal, shall either direct that the reconsideration be by such members of the original Tribunal as remain available or reconstitute the Tribunal in whole or in part.

CONCLUSIONS

7. Unfortunately it is clear from the claimant's application for reconsideration that she is failing to appreciate the nature of the hearing on 3 November 2023. It was not a hearing of her claim. It was listed to determine whether the claim could proceed it appearing to have been submitted out of time. As such it was not necessary for the tribunal to hear and examine the evidence of the nature of the alleged discriminatory conduct. That would only have occurred if the claim had been accepted as in time but it was not.
8. The claimant also states that the tribunal failed to take into account the effect on her mental health. The tribunal has recorded in its reasons the information it had available to it about the medication being taken by the claimant. That was all that it had. There was no evidence that this had impeded the claimant's ability to issue proceedings in time.
9. In the claimant's additional document submitted on the 18 February 2024 she refers to assisting others and to wishing to prevent others being subjected to discriminatory conduct. That may be the claimant's aim but this tribunal is concerned with her individual case only and not the potential claims of others.

10. No reasons have been put forward that would lead to the tribunal's decision being varied or revoked. It is not in the interests of justice to reconsider the judgment and the application for reconsideration is dismissed.

Employment Judge Laidler

Date : 10 April 2024

JUDGMENT SENT TO THE PARTIES ON
25 April 2024

FOR THE TRIBUNAL OFFICE