



EMPLOYMENT TRIBUNALS

Claimant: Shellyanne Hylton

Respondent: Network Rail Infrastructure Limited

RECONSIDERATION JUDGMENT

The claimant's application dated 27 May 2025 for reconsideration of the judgment sent to the parties on 13 May 2025 is refused.

REASONS

1. In dealing with this matter, I have had regard to both the claimant's application for a reconsideration and the respondent's response of 30 June 2025.
2. By Rule 68 of the Employment Tribunal's Rules of Procedure 2024, the Employment Tribunal may, either on its own initiative 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 judgment may be confirmed, varied or revoked.
3. The judgment will only be reconsidered where it is necessary in the interests of justice to do so. This allows the Employment Tribunal a broad discretion, which must be exercised judicially. This means having regard not only to the interests of the party seeking the reconsideration but also the interests of the other party to the litigation and to the public interest requirement that there should, so far as possible, be finality of litigation. Reconsiderations are therefore best seen as limited exceptions to the general rule that employment tribunal decisions should not be reopened and relitigated.
4. The claimant's application is based on what the claimant says are errors of law and fact as follows.
 - 4.1. The respondent's alleged concession that, if the claimant's race discrimination claim were upheld, her constructive dismissal claim would be deemed to have occurred on the grounds of race.
 - 4.2. The tribunal's alleged inconsistency between its liability and remedy judgment findings regarding the last straw event.

- 4.3. The remedy judgment casting doubt on the severity and intention of the harassment by asserting that the conduct was “not purposeful”.
5. Taking the matter at 4.1, the respondent denies any such concession. In any event, the tribunal is not able to reach those conclusions on the constructive dismissal claim for the reasons of law set out in the remedy judgment.
 6. With respect to 4.2, the tribunal found at the liability hearing that the claimant’s resignation letter stated that the last straw was the “harassment, bullying and discrimination” she had encountered. The tribunal noted that this was different to what the claimant said was the last straw in her list of issues, namely, the failure to arrange an alternative job placement for her. The tribunal did not make any findings as to what the last straw actually was in either the liability or the remedy judgment, as this turned out to be unnecessary.
 7. Turning to 4.3, the tribunal was clear in its conclusions on liability that the successful allegations of harassment were on the basis of the effect of the conduct, which did not have an harassing purpose. This is a different matter to severity, and a harassing effect can still be serious or severe.
 8. Accordingly, there is nothing in the claimant’s application which justifies a reconsideration.
 9. Taking account of the overriding objective of dealing with cases justly and fairly, I conclude that it is not necessary in the interests of justice to reconsider the original remedy judgment as there is no reasonable prospect of it being varied or revoked.

Employment Judge Liz Ord

Date 4 July 2025

JUDGMENT SENT TO THE PARTIES ON

16 July 2025

Ben Carroll-Turnbull
FOR THE TRIBUNAL OFFICE