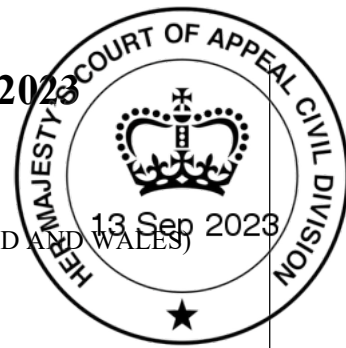




WEDNESDAY 13 SEPTEMBER 2023

**IN THE COURT OF APPEAL**

ON APPEAL FROM EMPLOYMENT APPEAL TRIBUNAL (ENGLAND AND WALES)  
EA-2021-000017-AT



**BEFORE** LADY JUSTICE SIMLER  
LORD JUSTICE DINGEMANS  
LADY JUSTICE WHIPPLE

CA-2023-000015

ON PAPER

Application No.

CA-2023-000015

**B E T W E E N**

OLSTEN (U.K.) HOLDINGS LIMITED

APPLICANT /  
APPELLANT

- and -

ADECCO GROUP EUROPEAN WORKS COUNCIL

RESPONDENT /  
RESPONDENT

**UPON** the remote hand-down on 26 July 2023 of judgment in these appeals

**AND UPON** the appeals being allowed on 26 July 2023

**AND UPON** considering correspondence from both parties

**IT IS ORDERED** that:

1. The Respondent is refused permission to appeal to the Supreme Court.
2. The complaint is remitted for rehearing to the CAC with the constitution of the CAC to be determined by the CAC itself in the usual way subject to paragraph 3 below.
3. To avoid unnecessary costs being incurred, remission to the CAC is stayed until expiry of the time permitted for the Respondent to apply directly to the Supreme Court for permission to appeal and, if such application is made in time, until that application is determined or withdrawn.
4. There shall be no order as to the costs of these appeals.

**REASONS**

1. The appeal has no real prospect of success for the reasons given in the judgments, and the Court is far from persuaded that it raises a question of general public importance in the circumstances.
  
2. So far as costs are concerned, although the Appellant is the successful party the Court has exercised discretion to depart from the usual rule and make no order as to costs of the appeals because: (i) the Appellant funded the appeals for both sides and it would be inconsistent for it now to recover its costs from the Respondent while meeting the Respondent's costs by agreement; (ii) that agreement by the Appellant reflects the nature of this litigation which seeks to resolve an internal company dispute, the Respondent simply consisting of a group of individual workers who have volunteered from time to time to fulfil this role; and (iii) the Appellant's grounds for resisting the complaints has shifted during the course of the proceedings and in particular on appeal, and an appeal to this Court might have been unnecessary had there been greater clarity from the outset.

**BY THE COURT**