



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr MT Chowdhury
(2) Mr MO Faruq
(3) Mr ME Hossain

Respondent: Mr. Toslim Ahmed trading as “Universal Solicitors”

DECISION ON RECONSIDERATION

The respondent’s application dated **20 November 2020** for reconsideration of the judgment sent to the parties on **16 November 2020** is refused.

REASONS

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

1. The application for reconsideration does not dispute that the Tribunal had the power to make an award under Section 38 EA 2002, but only that I should have made the lower award. The reasons in support of that submission were not made at the hearing on 11 November 2020. Indeed, the argument that only the lower award should be made was not made at all at the hearing on 11 November 2020; the only argument advanced by the Respondent was that the Claimants were not employees. It would not be in the interests of justice to permit an application for reconsideration on a basis not advanced at the remedy hearing.
2. Having considered the Judgment and Reasons promulgated on 16 November 2020, I correctly directed myself in law and applied Section 38 Employment Act 2002. In particular, paragraphs 18.3 and 18.4 of the Reasons demonstrate that I considered how serious the breach of the statutory requirement to provide written terms and conditions was and gave reasons why the failure was serious and put

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the award into the higher bracket. There is no evidence that I failed to exercise my discretion in a just and equitable way.

**Employment Judge A. Ross
Date: 17 December 2020**