



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Sandhu

**Respondent:** Fortel Services Limited

## JUDGMENT

The claimant's application dated 22 December 2020 for reconsideration of the judgment sent to the parties on 12 December 2020 is refused.

## REASONS

1. There is no reasonable prospect of the original decision being varied or revoked because, in the circumstances, the Tribunal has now power to make an award in respect of the matter complained of.
2. Under section 1 of the Employment Rights Act 1996 an employer is required to give to an employee a written statement of employment particulars no later than two months after the beginning of employment. However, the Tribunal may only make an award for a failure to comply with that requirement as specified by section 38 of the Employment Act 2002.
3. Section 38 of the Employment Act 2002 makes clear that if (in a case to which the proceedings relate, as in this case) the Tribunal finds in favour of the employee and, when the proceedings were begun the employer was in breach of its obligation to give the employee a written statement of employment particulars, the Tribunal is empowered to make an award.
4. In this case, the Respondent had given the employee a written statement of employment particulars before proceedings were begun.
5. There is no requirement for a written statement of employment particulars to be signed by either party.

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Employment Judge Pritchard  
Date: 30 December 2020