



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr T Zovko  
**Respondent:** The Hungry Canary Limited  
**Heard at:** East London Hearing Centre  
**On:** 7, 8, 9 February 2023  
**Before:** Employment Judge Byrne

## Representation

**Claimant:** In Person  
**Respondent:** Mr G Cornwell (Director of the Respondent)

**UPON** a reconsideration of the judgment dated **14 February 2023** on the Tribunal's own initiative under rule 73 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

# JUDGMENT

The judgment dated 14 February 2023 is varied in so far as it made two discrete awards for the claims relating to failure to provide a written statement of particulars of employment (s.38 of the Employment Act 2002) and failure to provide a written statement of changes to particulars of employment (s.38 of the Employment Act 2002). The variation is to the effect that a single award is made in relation to the failure to provide a written statement of changes to particulars of employment.

# REASONS

1. Section 38 of the Employment Act 2002 provides for an award to be made where there is a breach of the duty to provide a written statement of particulars of employment or a breach of the duty to provide a written statement of changes to particulars of employment.
2. The Tribunal finds it appropriate to make an award in the case at hand in respect of the failure to provide a written statement of changes to particulars of employment. Having regard to the fact that the Claimant did, at least, have sight of the variations to the contractual agreement in the documents that he signed on 1 September 2020, I find that the appropriate award in respect of the failure to provide a statement of changes to employment particulars should be 32 hours at £5.50 by 2 weeks, as follows:

2 weeks' pay (32 hours @ £5.50) = **£352**

3. Therefore, making the appropriate variation to the grand total sum in the judgment of 14 February 2023, the grand total sum **of £3,636.16** is payable to the Claimant by the Respondent forthwith. This is expressed as a gross figure. If necessary, it is for the Claimant to pay any relevant tax and national insurance contributions from that sum to the relevant authorities.

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**Employment Judge Byrne**

**Date: 8 March 2023**

JUDGMENT AND REASONS SENT TO THE PARTIES ON  
DATE: 10 March 2023

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FOR THE TRIBUNAL OFFICE