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STATUTORY INSTRUMENTS

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**2002 No. 2034**

**The Fixed-term Employees (Prevention of  
Less Favourable Treatment) Regulations 2002**

**PART 2**

**RIGHTS AND REMEDIES**

**Right to receive a written statement of reasons for less favourable treatment**

5.—(1) If an employee who considers that his employer may have treated him in a manner which infringes a right conferred on him by regulation 3 requests in writing from his employer a written statement giving particulars of the reasons for the treatment, the employee is entitled to be provided with such a statement within twenty-one days of his request.

(2) A written statement under this regulation is admissible as evidence in any proceedings under these Regulations.

(3) If it appears to the tribunal in any proceedings under these Regulations—

- (a) that the employer deliberately, and without reasonable excuse, omitted to provide a written statement, or
- (b) that the written statement is evasive or equivocal,

it may draw any inference which it considers it just and equitable to draw, including an inference that the employer has infringed the right in question.

(4) This regulation does not apply where the treatment in question consists of the dismissal of an employee, and the employee is entitled to a written statement of reasons for his dismissal under section 92 of the 1996 Act<sup>(1)</sup>.

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<sup>(1)</sup> Section 92 was amended by the Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 1999 (S.I.1999/1436), Article 3 and by the Employment Relations Act 1999 (c. 26), section 9 and paragraphs 1 and 5 of Part 3 of Schedule 4, and is amended by these Regulations, Schedule 2.