



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R S Chauhan

**Respondent:** Samworth Brothers Limited  
t/a Bradgate Bakery

**Heard at:** Leicester      **On:** Monday 14 and Tuesday 15 May 2018

**Before:** Employment Judge Hutchinson (sitting alone)

## Representatives

**Claimant:** In Person

**Respondent:** Mr C Finlay, Solicitor

## JUDGMENT

having been sent to the parties on 7 June 2018 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunal Rules of Procedure 2013, the following reasons are provided.

## REASONS

### Background and Issues

1. The Claimant presented his claim to the Tribunal on 10 August 2017. He had been employed by the Respondents from 13 October 2007 to 12 April 2017 when he was dismissed. He had worked for them as a Production Operative.
2. He claims unfair dismissal only. The Respondents say that the reason for dismissal was that he attempted to influence and persuade a colleague to provide a false statement in support of his appeal. They say that this constituted gross misconduct.
3. At the start of the hearing I agreed with the parties the issues that I would have to determine. These were: -
  - 3.1 What was the reason for the dismissal? The burden of proof is on the Respondents to establish a potentially fair reason.
  - 3.2 Did dismissal fall within the band of reasonable responses?

3.3 The Claimant says that dismissal was unfair. That he was a popular and good worker and that management turned against him.

3.4 He says that the Respondents harassed him and kept a close eye on him. That it was the Respondents who had not provided him with safety clothes and it was their fault that he had been subject to the initial disciplinary proceedings.

3.5. He complained that the Respondent's did not undertake a fair procedure.

3.6. He complained that dismissal was not within the band of reasonable responses.

## **Evidence**

4. I heard evidence from the following: -

- Nicola Smith, Preparation Manager who dismissed the Claimant
- Dawn Hazelwood, Senior Production Manager who dealt with the appeal
- The Claimant

5. Where there was a conflict in the evidence I preferred the evidence of the Respondent's witnesses. The evidence of Ms Smith and Ms Hazelwood was consistent with each other and with the written evidence that I had to consider. The Claimant's evidence that Ms Hazelwood and Ms Smith had somehow conspired to create a false allegation against him is not credible. They had no reason to do so.

6. He also complains that there was an organised plan to harass him. I am satisfied that there is no evidence to support such a contention. His evidence is not credible. There was an agreed bundle of documents and where I refer to page numbers it is from that bundle.

## **The Facts**

7. The Respondent produce own label sandwiches and associated products for a major UK retailer. They employ about 1,500 staff which is based at 2 sites in Beaumont Lees, Leicestershire.

8. The Claimant was employed as a Production Operative and had commenced his employment on 13 October 2007. His most recent contract is dated 3 July 2016 (pages 1-10). The contract refers to a disciplinary policy (page 8). That disciplinary policy was produced (pages 11-19).

9. On 15 November 2016 the Claimant was issued with a final written warning. The Claimant had breached safe working practices by failing to wear the correct PPE (Personal Protection Equipment), namely protective safety gloves on 2 occasions. As a result, he was removed from his Grote role until he had been retrained. He was told that the warning would be recorded on his personal file but would be disregarded after a period of 12 months from the date of issue. The warning letter is at pages 42-3.

10. On 18 November 2016 the Claimant appealed against that decision (page 44). In the letter he says that he was innocent of the allegations.

11. On 30 November 2016 his appeal was conducted by Matthew Hill, Senior Production Manager. At the appeal hearing he explained that the grounds of his appeal were as follows: -

11.1 He felt that the warning issued was not fair and that the warning was too harsh because he had raised issues with his Team Leader about gloves not being available.

11.2 He felt that it was not fair as there had been an accident with a colleague Rohit and he was still using the grote.

11.3 He said that other colleagues operated a grote without using a glove and named them.

11.4 He said that he had raised the issue relating to gloves not being available and had marked this on the check sheet.

11.5 He believed that it was common practice not to wear gloves on line 9 when operating the grote.

11.6 He said that there were people using the grote in recent months and they were not trained.

12. The notes of that appeal hearing are at pages 45 to 54.

13. During this appeal hearing he told Mr Matthew Hill that he should speak to a colleague Ahmed Al-Smadi (known as Walter) who he said would confirm that no gloves had been available.

14. Mr Chauhan had in fact earlier that day spoken to Walter himself and asked him to complete a statement to say that no gloves were available.

15. Matthew Hill then conducted a further investigation into the matters raised by the Claimant. This involved meetings with:

- Surjeet Grewal (pages 55-7)
- Ahmed Al-Smadi (pages 58-60)
- Rajesh Demgi (pages 61-2)
- Rohit Halpati (page 63)
- Mortyna Zdeb (pages 64-5)

16. Matthew Hill was concerned after speaking to Walter. He said that gloves were readily available for use on their line. He asked him if he was aware of the Claimant's accident and he confirmed that Mr Chauhan had spoken to him a few days before the appeal hearing. That Mr Chauhan had asked him to complete a statement stating that the gloves were not available. Walter had refused to do this because he said that this was not true.

17. Mr Hill wrote to the Claimant on 20 December 2016 with the outcome of the appeal (pages 66-8). In that letter he expressed his concerns about the behaviour of the Claimant and in the final paragraph of the letter stated:

“I am also extremely concerned by the alleged behaviour demonstrated by you with Walter. It is my belief that you have tried to cover your tracks by asking a fellow employee to falsify evidence for your own gain. I have therefore instructed that a separate investigation into this allegation take place promptly. This allegation could constitute a deliberate falsification of records and a serious breach of trust and confidence. These are both regarded as gross misconduct allegations and could result in dismissal.”

18. Simon Large was instructed to carry out an investigation into this matter and initially spoke with the Claimant on 20 December 2016 (pages 69-73). He showed him the final paragraph of the letter from Mr Hill. Mr Large put to the Claimant that he had tried to persuade Walter to make a false statement and the following day Mr Large then spoke to Walter (pages 74-6). He said that the Claimant had asked him to help him out and say that they had a conversation about the gloves. That they had spoken about no gloves being provided which Walter and the Claimant knew was untrue. He had refused to provide a false statement for Mr Chauhan.

19. Mr Large then had a further investigation meeting with Mr Chauhan on 28 December 2016. The notes are at pages 77-80. He put to him what Walter had said. On the same day Mr Large then met Kisharlal Moda (page 81) and on 4 January Mr Large prepared his disciplinary investigation summary sheet (pages 82-3). As can be seen from that note he said that the Claimant had admitted that a conversation had taken place with Walter but he had strongly denied that he had asked him to lie for him to help him during the process. On the other hand, Walter had been “adamant” that he had been asked by the Claimant to lie for him by giving a false statement.

20. Mr Large believed that on the balance of probabilities the accusation was true. He was of the belief that the Claimant had deliberately tried to influence a potential witness into giving a false statement to gain an unfair advantage in the disciplinary appeal process.

21. Mr Chauhan was then invited to attend a disciplinary hearing by way of letter of 11 January 2017 (pages 85-6).

22. The allegation that he faced at the hearing was:

“On or around 28 November 2016, you had a conversation with Ahmed Al-Smadi (known as Walter) in an attempt to influence him, and that this was intended to result in him providing false information to support allegations raised by you in the formal appeal process.”

23. Attached to the letter were the following: -

- Investigation meeting notes with the Claimant and other witnesses
- Appeal investigation meeting notes with witnesses
- A copy of the disciplinary policy
- A copy of the employee assistance programme brochure

24. The disciplinary hearing had to be rearranged but was conducted on 20 January 2017 by Nicky Smith, Preparation Manager. The notes of the meeting are at pages 89-97. Prior to the meeting Ms Smith had been provided with all the relevant documentation. At the start of the meeting Mr Chauhan was given extra time to discuss the case with his union rep who attended on his behalf, Jit Singh.

25. Mr Singh argued that Mr Large should not have been involved in the investigation of the conversation between the Claimant and Walter because he had also been involved in the investigation of the incident which had led to the Claimant's final written warning. Ms Smith ruled that she could see no reason why Mr Large's earlier involvement in the investigation of a separate incident would make it unfair for him to undertake the initial investigation into the conversation which had led to this disciplinary hearing.

26. In the meeting with Ms Smith Mr Chauhan admitted that having been told not to discuss the matter because of issues of confidentiality he had spoken to Walter to ask him about the gloves. He denied that he had asked Walter to lie for him. He said that he had not asked Walter to "help him out". He said that Walter had said that if he needed help he would give him a statement.

27. It transpired that Jit Singh did not have one of Walter's statements and because of this Ms Smith decided to adjourn the meeting to 10 February 2017 to give them chance to further prepare for the hearing. This is set out in the letter that Ms Smith wrote on 27 January 2017 (pages 110-1).

28. During the adjournment Ms Smith spoke to Matt Hill who corrected an error in one of the sets of notes (page 109). She also spoke to Walter on 26 January (pages 104-5). He confirmed that Mr Chauhan had approached him and asked him to do a statement that he had asked Walter for gloves. Walter told him that the conversation had not happened and he was then asked by Mr Chauhan "can you help me out then" (page 104).

29. Ms Smith then reconvened her meeting with Mr Chauhan and Jit Singh and the notes are at pages 120-33. At this meeting Mr Chauhan confirmed that he had asked Walter to do a statement but denied that he had asked him to give him a false statement. He said that he had not asked Walter for help but that Walter had offered to help him.

30. During the meeting Mr Chauhan suggested that Walter may have been trying to get revenge against him because he had raised an issue with Matt Hill about Walter doing massages on people and that the manager had told Walter that it was Mr Chauhan who had raised it.

31. Ms Smith asked Mr Chauhan to confirm whether he had ever been forced to operate the grote without the correct PPE. Ms Smith thought he was being evasive although he did not say that this had ever happened. Later in the interview he said that he had been under pressure to use the machine without gloves (page 125). When she asked him why he did not simply refuse he did not answer her question and said instead that he had written on the grote start up sheet that there were no gloves.

32. Ms Smith agreed to follow up some of the points raised by Mr Chauhan and adjourned the disciplinary hearing again. This was confirmed in writing on 24 March 2016 (pages 138-9).

33. Ms Smith then spoke to Matthew Hill on 22 March 2017 and he prepared a statement which is at page 135. In that statement he confirmed that Mr Chauhan had never spoke to him about Walter massaging any member of staff and that he had not raised it at the appeal hearing.

34. Ms Smith also then went back to Walter on 31 March (pages 140-5). He confirmed that as far as he was concerned Mr Chauhan had been asking him to lie to get him out of trouble. He was adamant that Mr Chauhan was asking him to give him a false statement. Ms Smith put to him the suggestion that this was an act of revenge on his behalf relating to him massaging staff. He said that Mr Chauhan had once said to him that "someone had complained to a BCC member" about him massaging. That he should not do it, but Walter was not aware that it was Mr Chauhan who had complained. Ms Smith was satisfied that it was only when she had told Walter about this that he had realised that Mr Chauhan had complained about it. She was satisfied he did not know about this before.

35. Ms Smith then reviewed the statements from the original disciplinary process. She made various notes at the side of the minutes. She then met with Mr Chauhan and Jit Singh again on 6 April 2016 (pages 148-51). The notes erroneously refer to a meeting taking place on 5 April 2016. At this meeting the Claimant summarised his defence.

36. In coming to her decision Ms Smith had to decide whether to believe Mr Chauhan had attempted to persuade Walter to provide a false statement for him. She was satisfied that Walter had been consistent throughout. She was satisfied that he was telling the truth. He had not deviated from his version of the events in all the discussions that she had had with him.

37. She found that Mr Chauhan had been evasive and often would not answer the question that she had asked. Furthermore, Walter had no motive for lying and the revenge theory put forward by Mr Chauhan was not credible. She was satisfied that there was no reason for Walter to lie and that Mr Chauhan had sought Walter out when he had been told not to discuss the disciplinary process with anyone. Mr Chauhan's motive for asking Walter was that he believed that he would have a better chance of succeeding with the appeal if he could get Walter to provide a supporting witness statement.

38. She felt that Mr Chauhan's version of the conversation i.e. that Walter had offered to help him out was not credible. Walter had confirmed that he had never said to Mr Chauhan that there were no gloves. Ms Smith was satisfied that Mr Chauhan had said the words "can you help me out" and in saying this he was asking Walter to make a false statement on his behalf. She was satisfied that there was no other rational interpretation for the question and certainly Walter's view was firmly that he had been asked by Mr Chauhan to lie for him.

39. Ms Smith did wonder whether Walter might have misinterpreted Mr Chauhan's words and was conscious that the conversation had been in English which was not the first language of either of them. Having spoken to Walter though she was satisfied that his language skills were very good both in comprehension and speaking and although Mr Chauhan's English was not as good he had had no difficulty in understanding and making himself understood, responding to the questions that she had asked him.

40. She concluded that Mr Chauhan had attempted to persuade Walter to make a false statement on his behalf. She then went on to consider the appropriate disciplinary sanction.

41. She felt that it was a matter of trust. It related to a health and safety issue which was paramount at Bradgate Bakery and she had no confidence in Mr Chauhan's trustworthiness in the future.

42. He had held a position of responsibility as a BCC representative and considered that staff tend to look up at their reps.

43. A serious breach of trust is an act of gross misconduct in the disciplinary policy and warrants summary dismissal. Making untrue allegations in bad faith is on the same list and she felt that trying to persuade a colleague to make an untrue statement should be treated in the same way.

44. She gave the Claimant credit for the fact that he had been employed for over 7 years but decided that summary dismissal was the appropriate penalty. Whilst she was aware that Mr Chauhan had only recently been given a final written warning she said that she would have dismissed him even without this. The notes of her considerations are at page 151a.

45. Ms Smith communicated her decision by way of letter of 11 April 2017 (page 152-3). Her findings were:

"It is my belief, in an attempt to overturn your final written warning issued on 8 November 2016 for a serious breach of health and safety regulations, you did attempt to influence and persuade Ahmed Al-Smadi to provide a false statement in support of your appeal. I believed Ahmed's reasons when he said he couldn't write a statement for you and I also believe that you asked him to help you out.

Your action constitutes gross misconduct for a serious breach of trust and confidence. I believe you did this in a cynical attempt to avoid receiving a final written warning for a serious breach of health and safety rules. In considering what sanction to issue, I took account of your long service history and commitment as an employee representative on the company consultation forum, the BCC. Even after taking account of your service and commitment to the company, I found your behaviour was indefensible. Health and safety is the most important single issue in the work place and by attempting to get a work colleague to make a false statement this demonstrates you cannot be trusted."

46. Her decision was to summarily dismiss the Claimant and his effective date of termination was 12 April 2017. She told him of his right of appeal.

47. Mr Chauhan appealed on 17 April 2017 (pages 154-5). Dawn Hazelwood, a senior Production Manager was responsible for hearing the appeal which took place on 27 April 2017.

48. Mr Chauhan was again accompanied by his union representative Jit Singh and the notes of the meeting are at pages 158-168. The meeting lasted about 90 minutes.

49. His grounds of appeal were as follows: -

- He felt that he had been treated unfairly during the disciplinary process
- He believed that the manager did not consider his request to acquire additional statements
- He believed the managers were not neutral during the investigation meeting and did not accept or act on the facts available

50. Ms Hazelwood took him through the grounds of his appeal.

51. Mr Chauhan's case was that whilst he admitted not wearing a glove he wanted to establish that there were no gloves available and he needed to go and speak to Walter who had misinterpreted their conversation.

52. He also said: -

- That Simon Large should not have been involved in the investigation because he had been previously involved in the initial investigation
- Walter should have been interviewed by the management as part of the investigation into the alleged breach of health and safety
- Another operative Rohit Halpati had had an accident involving stitches and absence from work
- He had referred to gloves on some of the grote "start-up" sheets
- He wanted Ms Hazelwood to ask other grote operators whether gloves were available
- Walter may have been taking revenge against him because Walter had been angry with him after Mr Chauhan had told Walter that she should not be doing massages at work
- That Simon Large and Matthew Hill had been involved in some conspiracy because they wanted to get Mr Chauhan dismissed.

53. After the meeting Ms Hazelwood met with Walter on 4 May 2017 (page 169-72). He confirmed that Mr Chauhan had asked him about the conversation about the provision of gloves and that Walter had said that he couldn't remember any such conversation and that Mr Chauhan had then asked him if he could help him out. Walter was again clear that Mr Chauhan wanted him to make a statement saying there no gloves available when Mr Chauhan knew that Walter did not believe that to be true.

54. Ms Hazelwood reviewed all the paperwork and the evidence that she had taken. She was satisfied that Walter was telling the truth and that he was convinced that the Claimant had asked him to make a false statement.



55. Ms Hazelwood considered whether there had been some misunderstanding but she was satisfied that there was none. Both Walter and Mr Chauhan spoke English well and had no difficulty in communicating at work.

56. She was satisfied that Nicky Smith's conclusion was the right one and that Mr Chauhan had asked Walter to make a false statement on his behalf. She was satisfied that the decision to dismiss Mr Chauhan was appropriate as there had been a serious breach of trust and confidence by him. She felt that dismissal was appropriate despite his length of service and that he would have been dismissed even if he had not been on a final written warning. She confirmed her decision and reasons in a letter dated 8 May 2017 (pages 180-1).

### **The Law**

57. The Claimant's claim is for unfair dismissal which is made under Section 94 of the Employment Rights Act 1996 (ERA).

58. Section 98 provides: -

“(1) In determining for the purposes of this Part whether the dismissal of an employee is fair or unfair, it is for the employer to show: -

(a) the reason (or, if more than one, the principal reason) for the dismissal, and

(b) that it is either a reason falling within subsection (2) or some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held.

(2) A reason falls within this subsection if it: -

(b) relates to the conduct of the employee,

(4) In any other case where the employer has fulfilled the requirements of subsection (1), the determination of the question whether the dismissal is fair or unfair (having regard to the reason shown by the employer): -

(a) depends on whether in the circumstances (including the size and administrative resources of the employer's undertaking) the employer acted reasonably or unreasonably in treating it as a sufficient reason for dismissing the employee, and

(b) shall be determined in accordance with equity and the substantial merits of the case.”

59. It can be seen from the above that the Respondent must establish the reason for the dismissal and that it is a potentially fair reason for dismissing the Claimant. If they satisfy me that the reason for the dismissal did relate to the Claimant's conduct I must then determine whether the decision to dismiss was fair for the purposes of Section 98(4) ERA. While the Respondent has the burden of proving its reason for dismissal when considering fairness for the purposes of Section 98(4) the burden is neutral between the parties.

60. Apart from Section 98(4) I must consider the ACAS code of practice relating to discipline and grievances at work which was issued by ACAS in March 2015 and supplemented in August 2017.

61. In assessing the fairness of the dismissal, I have considered the guidance in the case of **Iceland Frozen Foods Limited v Jones** [1982] IRLR 439. The correct approach for an Employment Tribunal to adopt in answering the question posed by Section 98(4) is: -

61.1 The starting point should always be the words of Section 98(4) themselves;

61.2 in applying the section I must consider the reasonableness of the employer's conduct, not simply whether I consider the dismissal to be fair;

61.3 in judging the reasonableness of the employer's conduct I must not substitute my decision as to what was the right course to adopt for that of the employer;

61.5 in many though not all cases there is a band of reasonable responses to the employee's conduct within which one employer might reasonably take one view, another quite reasonably takes another;

61.6 My function is to determine whether in the circumstances of each case the decision to dismiss the employee fell within the band of reasonable responses which a reasonable employer might have adopted. If the dismissal falls within the band the dismissal is fair; if the dismissal falls outside the band it is unfair.

62. When I am considering whether the Respondents have undertaken a fair procedure I refer myself to the case of **British Home Stores Limited v Burchell** [1978] IRLR 379. That case found that where an employee is dismissed because the employer suspects or believes that he has committed an act of misconduct, in determining whether dismissal is fair I must decide whether the employer who dismissed the employee on the ground of the misconduct in question entertained a reasonable suspicion amounting to a belief in the guilt of the employee of that misconduct at that time. This involves 3 elements: -

62.1 It must be established by the employer the fact of the belief and that the employer did believe it;

62.2 It must be shown that the employer had in his mind reasonable grounds upon which to sustain that belief;

62.3 the employer at the stage at which he formed that belief on those grounds must have carried out as much investigation into the matter as was reasonable in all the circumstances of the case.

## **My conclusions**

63. I am satisfied that the principle reason for the Claimant's dismissal was his conduct. The Respondents have established that the reason that they dismissed him was because of a conversation with his colleague Walter in which he attempted to persuade Walter to make a statement which he knew to be false in support of the Claimant's appeal against a final written warning.

64. I do not accept the Claimant's contention that the reason for his dismissal was because the Respondents were trying to take "revenge" for the Claimant's activities on the staff consultative committee or that the aim of the Respondents was to curtail those activities and keep him away from the BCC.

65. This point was raised in the Claimant's statement and was raised by him at the appeal hearing for the first time. I am satisfied that the suggestion is not credible. When the Claimant was issued with his final written warning a consequence of it was that his membership of the BCC had been suspended for 12 months. The argument would also involve a conspiracy amongst Simon Large, Matthew Hill, Simon Hill, Nicola Smith and Dawn Hazelwood. There is no evidence of any such conspiracy and I am satisfied with the evidence of Nicola Smith and Dawn Hazelwood that no such conspiracy existed.

66. The Respondents having satisfied me that the reason for his dismissal did relate to his conduct as described above, I turn to the matters I have outlined in the law relating to Section 98(4) and the tests set out in **Iceland Frozen Foods** and the **BHS v Burchell** cases: -

66.1 I am satisfied that both Nicola Smith and Dawn Hazelwood who have both given credible evidence to me in the Tribunal, genuinely believed that the Claimant was guilty of the misconduct alleged.

66.2 They had reasonable grounds for that belief. In particular: -

66.2.1 Walter was interviewed on several occasions by Simon Large, Nicola Smith and Dawn Hazelwood. He was consistent throughout. He was clear in his belief that the Claimant tried to persuade him to give a false statement in respect of the Claimant's appeal against his final written warning.

66.2.2 Nicola Smith and Dawn Hazelwood were both satisfied that there was no reason for Walter to lie about the conversation. The Claimant had advanced at the disciplinary hearing the so called "revenge" theory. This was that Walter had been aggrieved about him reporting Walter for "massaging" female colleagues. There was no evidence though that the Claimant had reported Walter and certainly Walter did not know that the Claimant had allegedly reported him in any event.

66.2.3 The suggestion by the Claimant that Walter had offered to "help the Claimant out" rather than the Claimant saying, "can you help me out" was not tenable. They were satisfied that there was no reason why Walter would offer to lie for the Claimant to help him out of avoiding a final written warning.

66.2.4 They were satisfied that the Claimant and indeed Walter had a very good command of English and were both able to make themselves sufficiently clear in their respective interviews with Simon Large, Nicola Smith and Dawn Hazelwood.

66.2.3. In the hearing Nicola Smith and Dawn Hazelwood were credible when they told me that the Claimant was perfectly capable of expressing himself. He had been a representative at BCC meetings

over many years and at no time had the Claimant needed an interpreter and indeed at the hearing before me did not need an interpreter and understood perfectly what was happening. This was particularly shown in the preparation of both his witness statement and his submissions to me at the end of the hearing.

66.3 At the time they formed their belief they had carried out a reasonable investigation. They had not just relied on the investigation of Simon Large. They had interviewed the witnesses themselves.

67. For these reasons I am satisfied that both Nicola Smith and Dawn Hazelwood have reasonable grounds to believe that the Claimant was guilty of the conduct in question.

68. So far as the reasonable investigation is concerned I have had regard to the ACAS code of practice. It can be seen from the facts I have set out above that I am satisfied that: -

68.1 The Claimant was aware of the case and evidence against him having been provided with all the statements available at each stage of the process.

68.2 He was given the opportunity to put his side of the case again at each stage of the process. It can be seen from the evidence that he did so.

68.3 Throughout the proceedings the Claimant was accompanied by an experience trade union representative, Jit Singh who presented his case at every stage.

68.4 Both Nicola Smith and Dawn Hazelwood did not just rely on statements and their interviews with the Claimant but took time to interview witnesses and Walter to satisfy themselves as to the truth of the allegations against him.

68.5 The appeal hearing, in effect, constituted a complete rehearing of the case.

69. For these reasons I am satisfied that at the time that Nicola Smith and Dawn Hazelwood reached their conclusions they had carried out as much investigation as was reasonable in the circumstances of the case.

70. I am satisfied that dismissal fell within the band of reasonable responses. The Claimant was a long serving employee and the Respondent's rightly took this into account.

71. He was also in a position of trust and had been a BCC representative in the past. Being a long serving employee and holding a position of responsibility carries with it the responsibility of setting a good example to other employees. The Claimant's behaviour in trying to persuade Walter to lie for his own ends is I am satisfied a severe breach of trust.

72. I am satisfied that the management had not turned against him. Nor, did they harass him and keep a close eye on him. He was always provided with safety clothes and gloves and it was his own fault that he had been subjected to the disciplinary process.

73. I am satisfied that in all the circumstances of the case dismissal did fall within the band of reasonable responses and the claim of unfair dismissal therefore fails and is dismissed.

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Employment Judge Hutchinson

Date 1 October 2018

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE