



EMPLOYMENT TRIBUNALS

Heard at: Croydon (by video) **On:** 11 to 13 November 2025

Claimant: Mr Willer Lafeuillee

Respondent: Little & Large Inns Limited

Before: Employment Judge E Fowell

Mrs N O'Hare

Mr S Corkerton

Representation:

Claimant In person

Respondent Heather Platt of counsel, instructed by Michelmores LLP

JUDGMENT

The unanimous decision of the Tribunal is that the claims of discrimination and harassment on grounds of race or religion, together with the claim of victimisation, are dismissed as without foundation.

The claims of wrongful dismissal and unlawful deduction from wages are also dismissed.

REASONS

Introduction

1. These written reasons are provided at the request of the respondent. As usual, some editing has taken place for the sake of clarity, and here and there some points are expanded, so these written reasons are the final version.

2. By way of background Mr Lafeuille, who describes himself as of Black Caribbean heritage, worked for the company as a kitchen porter in their pub/restaurant *The Running Horses* in Dorking. He was only there for about six weeks before he was summarily dismissed and evicted from his room. Opinions differ greatly over the reason for that decision: the company says that he was behaving erratically and aggressively, to the extent that he was a danger to other members of staff; he says that it was a response to a post he made on the staff WhatsApp group alleging race discrimination.
3. In order to convey the nature of the case it may be easier, since it is quite short, to quote the original description of the claim which Mr Lafeuille set out in the claim form. We have added some breaks for ease of reference:

“I was making complaints about racial discrimination and acts of aggression on the 31st of March 2024 and was told I was fired immediately after.

I am complaining about being labelled a drug dealer, being referred to as a dog, staff opening door with my little brother inside my room, playing songs with the N word, spitting sounds being made near me, food being burnt and not done according to standard, acts of aggression like staff pointing a knife at me in the kitchen while looking me in the eyes, subtracting 30 hours out of my first month working, not being given a contract about my rights at work and working hours

...

There was one incident which was the most humiliating of all where I asked one of the chefs to prepare me a sandwich for breakfast, I then told him I don't eat bacon, however he made me a pork sausage sandwich which I was unaware of.

One of the chefs went to inform management who informed one of the owners who I believe to be of Arabic descent, he then came into the kitchen and stood in the kitchen and made the statement “when are they going to fix this wire that is hanging here?” with heavy emphasis on hanging. He did this to let everyone know he won't be supporting any discrimination complaints I might have.

Another incident is where staff would always use London Pride pint cups as a way to antagonise me whenever they like.

They would also use bottles of vinegar right next to a gas bottle, the gas bottle head was taken off.

4. Some of these allegations are easier to understand than others. The significance of the vinegar bottle is said to be that it rhymes with the “n word” and so placing it near to him was, he says, meant to send that message. The gas bottle without the head is said to represent decapitation. The allegation with the hanging wire is another one in the same context of actions by other members of staff which were apparently innocuous but which Mr Lafeuillee viewed as sinister and threatening.
5. The allegation in relation to London Pride pint glasses required further investigation. It was not mentioned at the time of his employment or dismissal and so the respondent struggled to understand it when it appeared in the claim form. They assumed that he took exception to the word Pride with its association with gay pride but in fact he clarified at one of the preliminary hearings that the focus was more on the word London, which he associated with what he referred to as “white pride”.
6. These allegations were refined during the course of these proceedings. There was a preliminary hearing on 15 May 2025 before Employment Judge Perry. The allegation that he was a drug dealer was discussed, and it proved to be based on an inference he drew from seeing a roll of cling film in the reception area. It is still not clear to us why, but he took it as a statement that he was a drug dealer on the basis that drugs often come wrapped in cling film.
7. It also emerged that he was never referred to as a dog, just that one of the waiters used the word “dog” repeatedly in his presence.
8. Some new allegations were added at that hearing by way of amendment. One was that “Bart” (whom we now know to be Mr Bartlomiej Paruzel, the Head Chef) made a comment about “having an AK47 to shoot these cunts” and that he made a spitting noise behind Mr Lafeuillee’s neck.
9. More detail was also obtained of the complaints about racial discrimination which Mr Lafeuillee says led to his immediate dismissal. He explained that he had posted on a work WhatsApp group about a chef saying “Yabba Dabba Doo!” to him. This made him think of Scooby Doo, and hence was another veiled reference to dogs, and by extension of him being a dog and, as he put it in his witness statement, of racialized dog stereotypes. It is accepted therefore that Mr Lafeuillee did not make any more express reference to race discrimination at the time.

10. The respondent has pointed out that "Yabba Dabba Doo!" was in fact the catchphrase of Fred Flinstone, something which appears to be accepted, but that was the association Mr Lafeuillee made at the time and the allegation was pursued.
11. The issues went through some further refinements and efforts were made to compile an agreed list. There was a further hearing on 12 September 2025 when that list was reviewed. It did not include any mention of vinegar bottles or of hanging wires or of the door to his room being opened, and those points were not allowed to be added back in at that late stage, in part because of their vagueness. We will work through the final list of allegations in due course.

Procedure and evidence

12. We were provided with a bundle of 404 pages but almost all of this was generated in the course of these proceedings, which have been contentious. It contains an unsigned contract of employment, which was just an example of the usual template. There is a staff handbook and a CCTV policy, since CCTV footage, or the lack of it, featured heavily in the dispute, but nothing to show that these were provided or considered at the time. There are some payslips and a dismissal letter, and some photographs of a steak which Mr Lafeuillee says was overcooked and another that was undercooked.
13. The most significant items were:
 - (a) a memo from Mr Joao Soares, the General Manager, made shortly after the dismissal, and recording the events leading up to it, and
 - (b) a letter or report from the police who attended on his final evening and who then took Mr Lafeuillee away to another hotel for the night.
14. However, in the course of this hearing, other documents have come to light. It is unfortunate that they were not obtained earlier. One obvious omission was the work WhatsApp group thread, which is where Mr Lafeuillee posted the Yabba Dabba Doo comment which he say led to his immediate dismissal. It was therefore found and located, together with a staff rota which was posted on it for the final week. Unfortunately, from an evidential point of view, the WhatsApp messages from his last day were all deleted, either by the group administrator or Mr Lafeuillee, so we cannot see what was said.
15. In addition, there was a 3-page handwritten letter of complaint about Mr Lafeuillee, dated 30 March 2024 (the day before his dismissal) written by one of the waitresses, Ms Catton. She was 17 at the time. This note could and

should have been obtained much earlier because Mr Soares stated in his witness statement, at paragraph 23, that:

“I was given verbal and written reports by some members of the team, that they had felt intimidated and threatened.”

16. We therefore asked for these written reports but only Ms Catton’s handwritten complaint could be obtained.
17. A number of other documents were also produced, which we will describe as we come to them. There were not many, but the fact is that more contemporaneous documents were disclosed during this hearing than before it, and so there was a disappointing failure on the part of the respondent to comply with the duty of disclosure. In the course of these proceedings Mr Lafeuillee has made 13 requests for disclosure, and the lack of response has raised the temperature unnecessarily. For example, he requested the metadata from the memo from Mr Soares to find out when it was written. That could have been provided, or the respondent could have made clear that it was made after his dismissal. Nevertheless, there was no attempt to conceal evidence; there was simply a lack of enquiry into documents such as WhatsApp posts, rotas, CCTV footage, which individual witnesses might have been able to obtain. Instead, the respondent relied on the small handful of records relating to Mr Lafeuillee’s employment which were held centrally.
18. The respondent’s witnesses also appear to have prepared their witness statements in isolation, and without the benefit of being made aware of these documents or even the specific allegations in the claim. They have simply provided their recollection of events. That has advantages and disadvantages, and in places they did not agree about the detail of times and events, particularly on the last day. Mr Soares and Mr Freeman had to provide very short addendum statements in the last week responding to those allegations. We heard, for example, that Mr Paruzel only learned of the comment attributed to him concerning AK47s in the last week. We allowed those amendments as they consisted of a few short sentences denying particular points and did not introduce any new elements which would have been difficult for Mr Lafeuillee to deal with.
19. We then heard evidence from Mr Lafeuillee and several witnesses from the company:
 - (a) Mr Bartlomiej Paruzel, Head Chef;
 - (b) Mr Joao Soares, General Manager;

- (c) Ms Delia Fediuc, Restaurant Manager;
- (d) Mr Robin Freeman, Food Director;
- (e) Mr Richard Brown, Head of Hospitality.

20. Witness statements were also provided by Ms Catton and Mr Vincenzo Lanni, a sous chef. We also had a statement from Ms Chabaszewska-Paruzel, the Head Housekeeper / Administrator. She did attend to give evidence but had childcare issues when it came to her time to do so, and given the pressure of time with so many witnesses in a three-day case, the respondent decided not to call her. As a result, her evidence, and that of the other two, has to be given less weight than those witnesses who did attend.

21. Having considered this evidence, and the submissions on each side, we will set out our findings. That is no easy task. In the great majority of Employment Tribunal cases the facts are well documented. Usually there are a series of meetings involved, often minuted, with outcome letters and a final decision. Here, as should already be apparent, there are very few contemporaneous documents of any sort.

22. We will not attempt to deal with every point that was raised, only those necessary to deal with the issues in the agreed list and to support our conclusions. Where other members of staff are mentioned, those who are not witnesses or closely involved in the case, we will generally just give their first name, unless there is some particular reason to identify them more fully.

Findings of Fact

23. The Running Horses is a gastro pub with seven en-suite rooms, one of several operated by the company. Mr Lafeuille was employed as a kitchen porter, working in the kitchen cleaning pots and pans. He also had a room there in the staff accommodation. There was another kitchen porter, Tayjarne, and Charlie, a trainee chef, who did weekend shifts as a kitchen porter too. Charlie, like Ms Catton, was also 17.

24. There were several chefs – we heard mention of Gordon, Dean, Tomas, Damon, Luke and Tim - and Mr Vincenzo, the sous chef. Above them was Mr Paruzel, the Head Chef. There were two Restaurant Managers (depending on their shift) - Gio and Delia, running the restaurant and managing the waiters and waitresses. Since the pub had accommodation there were housekeeping staff, managed by Mrs Chabaszewska-Paruzel. Mr Soares, as General Manager, was in overall charge but above him in the company hierarchy was

Mr Richard Brown, the Head of Hospitality, and Mr Robin Freeman, Director of Food. (He has now left the company). In keeping with the hospitality industry generally it was a diverse workforce, with staff from all parts of Europe. Some were identified to us as black, including Tayjarne and Caleb, one of the waiters.

25. Mr Lafeuillee had worked in kitchens before and was familiar with the duties. He filled in an induction form but was not given a contract or handbook, but he was put on the staff rota and added to the kitchen WhatsApp group. All of the kitchen staff were on that group, including the Food Director, Mr Freeman, and most of the content was about food deliveries, supplies which were running low, staffing issues, recipes and the like.
26. The respondent has helpfully taken the list of issues and set out in chronological order the factual allegations in question, and we will deal with them in the order they appear in that list.

Allegation 1 – music

27. On 23 February, during Mr Lafeuillee's first week, Chef Damon was playing music in the kitchen. The staff bring in their own playlists and a track from Biggie Smalls came on, which contained the N word. Mr Lafeuillee took offence but, he now accepts, did not say anything, perhaps because he was new. That allegation is therefore by way of background only.
28. There was then another such incident on 23 March, about a week before Mr Lafeuillee's dismissal. Chef Gordon had brought his playlist, which included Kanye West's "Gold Digger", which also contains the N word. This time Mr Lafeuillee did speak up. He asked him to turn it off, which he did, and that was the end of the matter.
29. As a digression, we can see from the WhatsApp group that Mr Lafeuillee also spoke up on 2 March, because he posted to say that there were four chefs in the kitchen (generating a lot of washing up) and that he wanted Charlie to help him out. In fact he went further and posted that Chef Luke was being spiteful in not agreeing. Luke responded on the chat and was diplomatic. He pointed out that they were not busy and that there was no need to post on the group chat as they were all working together. Mr Soares then became involved and Charlie was moved onto kitchen porter duties. That is therefore an example of quite disruptive behaviour on his part which his managers tried to defuse.

Allegation 2 - the steak

30. On Mr Lafeuillee's account, on 6 March he decided to make use of his staff discount and went into the restaurant one evening. He ordered a T-bone steak and a bottle of wine. The steak was prepared by Chef Gordon but it arrived severely overcooked, to the point where ash could be scraped off it. He asked for a replacement and then received a sirloin that was undercooked. He photographed them both, then complained to Mr Soares, who told him (unfairly in his view) that he needed permission for future restaurant orders. Mr Soares' account - and it is one of the few allegations in which there is direct evidence on each side – was that Mr Lafeuillee should have got permission before coming in, in case the restaurant was too busy. Further, orders were processed through a ticket system so that the chef doing the cooking did not know who it is for. Mr Lafeuillee asked for a well done steak. When the waiter brought it to him he became angry because it was not cooked enough, he raised his voice and several customers looked across at him, and the atmosphere became very uncomfortable; the waiter apologised to him and it was taken to the kitchen to be cooked some more, but when it came back Mr Lafeuillee became angry again, raised his voice, took photos of the steak and said it was burned to a crisp. He then sent the steak back again and ordered a sirloin, medium rare, and then complained that it was undercooked.
31. Having explored these accounts further in evidence, it is also agreed that Mr Lafeuillee got up during the course of this episode and went into the kitchen to see who the chef was.
32. We also note the evidence in Ms Catton's witness statement. Her account was that he came into the restaurant and clapped or clicked his fingers at staff, shouted at them across the floor in front of guests and when he found that the steak was not to his liking, started shouting loudly, saying that he was not going to pay. She added that the waiting staff were embarrassed and "honestly we were all scared."
33. Given that strong and consistent evidence, we prefer the version of events put forward by Mr Soares and Ms Catton, that it was Mr Lafeuillee who was acting unreasonably and that there was no mistreatment of any sort.
34. Mr Soares later made his note of events, and recorded that they discussed this incident the next day, that Mr Lafeuillee was given a verbal warning about his behaviour and that he was happy with that outcome.

Allegation 3 – 30 hours pay

35. On 13 March Mr Lafeuillee told Mr Soares that he had not been paid properly. They sat down and went through the hours that he had actually worked and

there was a discrepancy. The issue was that he ought to have been clocking out for two hours between shifts. Mr Soares recorded in his note that Mr Lafeuillee then agreed that he had been paid correctly and that he would clock in and out correctly in future. That seems to us the most likely explanation. Certainly there was no further complaint or mention of it by Mr Lafeuillee.

36. We did get a screenshot during the hearing showing his clocking in and out times but it only came up in submissions. Mr Lafeuillee said that it was a forgery. Frankly, we were unable to decipher it because it is a poor quality image so we place no reliance on that document. The main points are that there was a contemporaneous note of that discussion and no further complaint.
37. For completeness, this allegation is not one of harassment or discrimination, simply of unlawful deduction from wages.

Allegation 4 – London Pride glasses

38. Allegation four relates to the London Pride glasses. For some reason this was not mentioned at all in Mr Lafeuillee's witness statement. However, he has provided what amounts to an earlier statement. This was in an application to amend his claim, made on 16 June this year, which was in the form of a lengthy narrative account. In many respects it is more detailed than his actual witness statement, and we will refer to it here and there, as it was at the hearing, for details of the allegations, such as when it happened and who was involved.
39. According to that June statement, Caleb was the one who used London Pride glasses to harass him. He explained to us in his oral evidence that Caleb would place the glass next to him (presumably in the bar) and this would be accompanied by a stare and a smirk.
40. The glasses are the standard ones provided by the brewery for using with their beer. There was no complaint about this at the time, no dates have been given and it is not clear how often it is said to have happened.
41. It is difficult to see how this was an act of harassment or discrimination, particularly as Caleb was another black member of staff, and the only relevant finding of fact we can make is that from time to time Mr Lafeuillee was served a beer in a London Pride glass.

Allegations 5 and 7 – AK47s

42. This allegation appears in the list of allegations twice, first as an allegation in itself and secondly as a "protected act", i.e. a complaint about discrimination which is said to have led to reprisals. As mentioned earlier, the allegation is

that Mr Bart Paruzel, the Head Chef, made a comment to Chef Gordon about wanting to have an AK47 “to shoot these cunts” and made a spitting noise behind Mr Lafeuillee’s neck. Although it is a lurid allegation, it is not mentioned in the claim form and we found it difficult to follow the evidence in relation to it.

43. According to his witness statement at paragraph 27 Mr Lafeuillee says:

“... when I mentioned to Gordon about AK47s being made in Russia Bart retaliated by making loud spitting sounds at breathing distance behind my back.”

44. This reference to Russia was repeated in closing submissions. It seemed to us that something about the mention of Russia caused Mr Lafeuillee concern. We now have a contemporaneous record of that incident because he sent a voice note to Mr Freeman (the Food Director) about it. A transcript was provided and we also heard the audio version. It reads:

“Robin I just wanted, um to tell you I was yesterday peeling a swede and my back was turned and Bart he was passing behind me and when he was passing behind me he was (sound of clearing throat) that’s how he was, like a hawking sound.”

45. From the audio version, it did not sound like a spitting noise. It was indeed more like a coughing sound. More significantly, it contained no mention of an AK-47 or any related comments.

46. We heard from Mr Freeman, who told us that he looked into this complaint at the time, spoke to Mr Paruzel, who told him that he had a cold, which seemed to explain the noise, and Mr Freeman then spoke to Mr Lafeuillee again to relay that information. He was never aware during those exchanges of any comment about an AK-47 and so we cannot accept on balance that any such comment was made. It is difficult to understand how it could have been and yet not have been mentioned at the time.

Allegation 6 – the sausage sandwich

47. The sixth allegation is in relation to the sausage sandwich. It is the sole allegation of discrimination on grounds of religion, in this case Christianity. We had some difficulty following his explanation as to why eating pork was against his religion but he said that it was prohibited in the Old Testament.

48. The sandwich was made for him by Chef Tim after Mr Lafeuillee told him that he did not eat bacon. There is very little further about this in Mr Lafeuillee’s witness statement, even though it was described in the claim form as the most

humiliating incident of all. We do not know for example what he said in response, or whether he ate the sausage sandwich.

49. In the June statement Mr Lafeuillee did provide some more detail. He said there that he started working that morning with two chefs, Thomas and Tim, that he asked Tim for 'a breakfast sandwich' and told him that he did not eat bacon. It is not clear to us what Mr Lafeuillee was expecting when he asked for a breakfast sandwich. Sausage seems the most likely alternative.
50. As far as the facts go, we accept that Mr Lafeuillee was given a pork sandwich but we can see no reason for complaint in that. Even if we assume that Tim knew that he was a Christian, that is no reason to suggest that he had an aversion to pork.

Allegation 8 - music

51. The next allegation is essentially a repetition of the first one, in relation to unwelcome music. The fact that Mr Lafeuillee asked for the music to be turned off is relied on as a protected act for the purposes of his claim for victimisation. We will return to that point.

Allegation 9 – the knife

52. Allegation 9 involves Charlie pointing a knife at him. Again this is dealt with relatively briefly in Mr Lafeuillee's witness statement. He stated, at paragraph 25, that:

"Charlie (white British) walked toward me with a knife pointed at me in an upheld position while staring into my eyes causing me to feel threatened, prompting me to report the incident immediately to Head Chef Tomas, who took no action"

53. The fact that Chef Tomas took no action suggests to us that he thought there was nothing in it. In his June statement, Mr Lafeuillee added that Charlie had a calm facial expression, which is also at odds with a threatening demeanour.
54. Mr Paruzel gave evidence that Mr Lafeuillee reported this to him, that he spoke to Charlie about it, Charlie told him that nothing had happened, and he reported this back to Mr Lafeuillee. So, he also concluded that there was nothing in it.
55. This "incident" took place in the kitchen where knives are in frequent use. It is not suggested that there was any argument between them or even that Charlie said anything to Mr Lafeuillee. Given the other events in which Mr Lafeuillee's perception of events has been at odds with other peoples', we conclude that he

simply misinterpreted what was going on and that there was no threatening action.

Allegation 10 – the cling film

56. Allegation 10 concerns the use of cling film. Mr Lafeuillee's statement says that on 30 March, which is the day before his dismissal, his brother arrived to visit and shortly afterwards, in the reception area, cling film had been deliberately placed on the table. He perceived this as insinuating drug-related stereotypes about black employees.
57. We were given a picture of the reception area, which appears a very nice lounge area with a table to one side. It would be an odd place to find a roll of cling film and we accept that one was left there but we see no reason to conclude that that was aimed at Mr Lafeuillee in any way, even if it was left there around the time of his brother's arrival. The allegation involves making a connection between cling film and drugs, then from drugs to black employees, both of which are considerable leaps.

Allegation 11 – dog comments

58. Allegation 11 is about the use of the word "dog" around Mr Lafeuillee. This was a single incident. In his June statement he said it happened during the last week of March, that one of the waiters referred to Gemma as a dog and did so, "in a way that it can only be viewed as directed towards me by the tone in which she was repetitively using it and the way she kept repeating the word dog"
59. It is difficult to follow how he formed that view. In fact it is difficult to understand this allegation clearly but it seems that Mr Soares was party to this conversation. He was asked about it in his evidence and said he did recall some such conversation. He explained that he had a good relationship with Gemma and that Chef Dean had said to him that she was like a little dog and that she came every time he called – he wasn't using the word dog in a derogatory sense.
60. Regardless of whether Gemma would welcome that description, it seems to us the most likely explanation and that once again Mr Lafeuillee had misinterpreted what was said as applying to him and relating in some way to race.

Allegation 12 – Yabba Dabba Doo

61. The next allegation concerns the Yabba Dabba Doo comment. We will attempt to put this in the context of the events on 31 March, which was Easter Sunday.

It was a very busy time at the restaurant. Mr Lafeuillee's brother had stayed over. He had only been permitted to stay for one night, and it may be that Mr Lafeuillee was in a bad mood about that because he had to take his brother to another hotel that morning. He then went to work in the kitchen.

62. There were several events that morning. According to Mr Lafeuillee's statement, at paragraph 45, a white Polish colleague, Milena (Mrs Chabaszewska-Paruzel) repeatedly used the word "cunt" near his work station. He says he objected to this, at which point Chef Dean became aggressive and began using the word "bastard".
63. Pausing there, Mrs Chabaszewska-Paruzel gave her own witness statement which, since it is directly related to this point, we will refer to. She said that she was in the porch area chatting and laughing with Charlie and Gordon, and that she used a swear word to describe herself – presumably the same one. She described it as a self-deprecating remark. At that point, Mr Lafeuillee came into the pot wash area and interrupted her:

"... he was staring at me and he stared me down so that I felt very intimidated. He said swearing was against God and he gave me a lecture about believing in God. The claimant is a large man and I am a petite woman. He was enraged, I describe it as boiling inside. He said I had been offensive towards him, which I had certainly not been - and I felt very upset and left the area. This was intimidating in my workplace."

64. Comparing those two accounts, it is agreed that the swear word in question was not used *to* Mr Lafeuillee or about him, it was just used in his presence. He agrees that he objected to it and took it on himself to speak to Milena about it. At that point she left. That is as far as we can be sure of things.
65. We heard evidence from Mr Soares too that Milena was upset and left, so we accept that Mr Lafeuillee must have spoken to her aggressively and upset her.
66. There was then another incident, shortly afterwards. In his June statement (which again is more detailed) Mr Lafeuillee stated that:

"Thereafter, as I entered the kitchen with plates in my hand and not able to see anyone round the corner I was greeted by Dean who was saying bastard in an aggressive pose gearing up to punch me which caused me to flinch"

67. We take it that this was when Dean was using the word "bastard" and that the two events were close together.

68. The June statement also records that after that one of the chefs:

“... mentioned to me of it being a busy day, to which I responded yes, it is busy. He then said for everyone to hear in the kitchen, “busy, yabadabadoo” to which I immediately thought of Scooby Doo and being associated with dogs. As soon as this happened, I posted this incident in the WhatsApp group, the duty manager immediately told me I was fired because I was not fitting in.”

69. Hence there were three alleged incidents in the kitchen that day, perhaps close in time; the first with Milena, the second with Dean squaring up to punch him when he came round the corner and the third being the Yabba Dabba Doo comment. That must be the order of events since Mr Lafeuillee says he was dismissed immediately after the third one.

70. There must also have been some separation between the second and third incidents as Mr Lafeuillee says that he went to see Mr Soares after the second incident and asked him to check the CCTV to see what Dean had done.

71. Mr Soares’ witness statement was written much later, from memory, and contained no mention of this, but in his oral evidence he agreed that Mr Lafeuillee had approached him to complain about Dean. This was just as they were getting ready to open the restaurant, so shortly before lunch. He was not able to come that minute but he did so shortly afterwards and reviewed the CCTV footage. It showed Mr Lafeuillee walking past the oven and then Dean was startled by him, showing up so close, and Dean then went back in surprise. (At that point in his evidence Mr Soares raised both his arms as if in a gesture of surrender).

72. We are satisfied from this that he did indeed investigate the complaint, despite it being such a busy day, and that having looked at it he was satisfied that there was no substance to Mr Lafeuillee’s allegation. That allegation itself is an unlikely one. There is no obvious reason why he would wish to punish or threaten Mr Lafeuillee and so again we put this down to him misreading the situation and seeing aggression when it was not there.

73. Mr Soares’ statement then records at paragraph 22, in what appears to be a further incident, that the kitchen staff called him into the kitchen urgently, where he witnessed Mr Lafeuillee acting aggressively and being angry. He then decided that enough was enough, but before dismissing Mr Lafeuillee he called his own manager, Mr Brown, to check that it was ok.

74. That is difficult to reconcile with Mr Lafeuillee's version of events, in which he posted on the WhatsApp group about the Yabba Dabba Doo comment and was dismissed immediately. (It is not clear who made this comment but there is a suggestion in the June statement that it was the same person who was involved in the conversation about Gemma, i.e. Chef Gordon.)
75. That led us to consider the WhatsApp posts to see when that message might have been posted. Several entries that day were deleted including some by Mr Lafeuillee himself. Mr Freeman agreed that there was such a post and that he deleted it because he didn't feel it was appropriate in a work-related WhatsApp group. There were two deletions by him, one at 1421 and one at 1535. Mr Freeman was in the restaurant until about 1430 that day so it seems more likely that this post was made at 1535. (We have no reason to doubt that the timing of Mr Lafeuillee's dismissal came shortly afterwards.)
76. Mr Soares told us that he never saw that post and so that was not the reason for the dismissal. Instead it was the continuing arguments in the kitchen and he was particularly concerned to find that Milena, who was pregnant, had been spoken to in the way she described. He reported it to Mr Brown as a safeguarding issue.
77. Weighing these alternative accounts, we can see no reason to believe that his decision to dismiss was based on a remark in the WhatsApp group about someone saying Yabba Dabba Doo. The connection which Mr Lafeuillee makes between that comment, and Scooby Doo, and hence dogs, and somehow race, would have been lost on him, as it was on us. (It is not even clear why the phrase was used in the first place, in the context of being busy.) It seems to us altogether more likely that there was a build up of issues and disagreements over the course of the day until a point was reached where Mr Soares felt that he had to intervene.
78. At that point Mr Lafeuillee went back to his room to pack. He felt so strongly about this situation that he called the police. They took a while to come, as might be expected, but we do have a full and detailed account of their attendance [249] dated 20 June 2024. It involved a conscientious review of all of the information they had because by then Mr Lafeuillee had made a complaint of discrimination against them.
79. The complaint handler had reviewed the incident logs, the body worn video from the officers who attended, the original call to the police and responses given by Mr Lafeuillee to a discrimination questionnaire - which we do not have. The letter says this:

"Having reviewed the police occurrence ... the complaint handler saw that the police officers arrived and spoke to yourself and the manager of the Running Horse public house. The officers have stated that the allegations you were raising were hard to decipher after speaking to you. They discussed this with the manager in which he updated officers that nothing had occurred and the issues were over you working there. When asked about the CCTV the manager stated nothing was captured.

The allegations you reported were mostly of verbal references which you have perceived to be racial as the only black staff member. The CCTV footage would be of little evidential value unless there was sound which the complaint handler does not believe there would have been, however it is noted you alleged one member of staff stood in a fighting stance and swung at you a couple of hours before police attended.

You told the police you wished to get away from the area so you could find new work. The manager ... completed an emergency payment run and assisted with hotel costs for you. Officers then transported you to the hotel making sure you had somewhere to stay. The officers were more concerned with your welfare due to the fact the communication with you was difficult, your allegations were hard to follow and on such a cold night you were in a T-Shirt but sweating while speaking to them outside for 45 minutes. Due to this, once you were safe the occurrence was filed as a concern for your welfare."

80. The manager was clearly Mr Soares. This report is consistent with him having seen the footage for himself and then telling the police that it did not show what was said to have happened, i.e. Dean taking a swing at him. That seems to be the meaning of the words "nothing was captured", i.e. nothing of significance rather than that there was no footage. It seems that the police were happy to take his word for this and did not extend their visit by viewing it for themselves.
81. The other hotel, to which Mr Lafeuillee was taken, was paid for by the company. Mr Soares also made arrangements for the balance of his pay to be sent to him the next day, but not any notice pay.
82. A dismissal letter [226] followed on 11 April, and confirmed that his employment had been terminated as of 31 March "on the basis of performance and inappropriate conduct in the workplace". It added:

"It was noted that your conduct in the workplace was unprofessional and confrontational. Your attitude towards your own work and hostility

towards other employees created a working environment in which was not possible for the team to carry on with their usual duties."

83. That seems to us a fair summary.
84. We will just say a final word about CCTV footage which has exercised Mr Lafeuille throughout these proceedings. He first made a request for the respondent to provide the CCTV footage of this incident on 27 August 2024. By then it may already have been recorded over, as the retention policy at the time was to keep it for eight weeks. There was a response by solicitors for the company to the effect that documents would be disclosed when ordered as part of the normal disclosure process. That is a standard response to requests of this sort but it would have been better to say at that stage that they had not been retained, better still to have retained them. A later letter added to the confusion by stating that the police had viewed the CCTV footage and were satisfied that it did not show anything, instead of saying that it had been available to view, or even that Mr Soares had viewed it. We accept however that that was simply an error or inaccuracy, not a deliberate attempt to mislead, and of course the police report was available to show the true position.

Applicable Law and Conclusions

Notice pay and wages

85. Turning to the applicable law, there is a claim of wrongful dismissal (or failure to pay notice pay) which has largely been overlooked. The only question here is whether Mr Lafeuille had committed a fundamental breach of contract, sometimes described as an act showing that Mr Lafeuille no longer intended to be bound by it.
86. Overall we are satisfied that that was the case, for the reasons just quoted in the dismissal letter. His conduct was increasingly unmanageable, and we have in mind the evidence from several colleagues about his behaviour including Ms Catton and Mrs Chabraszewska-Paruzel, who were clearly intimidated by him. That is not something any employer can be expected to overlook, and it kept happening. It is also clear from our own conclusions that Mr Lafeuille made allegations of the most serious kind, such as that Charlie threatened him with a knife and on the final day that Dean was threatening to punch him. There were a succession of rows in the kitchen on his final day, at his instigation, at an extremely busy time, so by that stage the working relationships had broken down.

87. For completeness, for the reasons already given, we find that there was no underpayment of wages.

Victimisation

88. Victimisation is a term often used to mean being picked on or unfairly treated but it has a narrower meaning in the Equality Act 2010. It applies where someone has made a *complaint* about discrimination and is singled out as a result. The test under section 27 Equality Act is as follows:

- (1) A person (A) victimises another person (B) if A subjects B to a detriment because—
 - (a) B does a protected act, or
 - (b) A believes that B has done, or may do, a protected act.
- (2) Each of the following is a protected act—
 - ...
 - (d) making an allegation (whether or not express) that A or another person has contravened this Act.

89. In this case the main protected act relied on is the Yabba Dabba Doo post. We cannot accept that that was in any sense an allegation that anyone had contravened the Equality Act. It is simply far too remote. Objectively, it is not a reference to Scooby Doo at all, let alone to dogs, and any further connection to discrimination is altogether obscure.

90. The second protected act, referred to as allegation 7, is the remark about the AK-47 and we have already concluded that that remark was not made.

91. The third protected act was in connection with playing music in the kitchen, and that was simply asking for it to be turned off, which does not in our view amount to a protected act either. Those conclusions are so clear that we do not propose to say anymore about victimisation, save to note our finding that Mr Soares never saw the WhatsApp post at the time.

Harassment

92. In simple terms, harassment is offensive treatment of one sort of another. It has to be related to the relevant protected characteristic, in this case race or religion. The legal test is set out at section 26 Equality Act and is as follows:

- (1) A person (A) harasses another (B) if—
 - (a) A engages in unwanted conduct related to a relevant protected characteristic, and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

93. The Code of Practice on Employment (2011) suggests that “unwanted” simply means unwelcome or uninvited, and goes on to say that unwanted conduct can include:

‘a wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person’s surroundings or other physical behaviour’ — para 7.7.

94. We have already concluded that only some of the alleged behaviour took place as described. Essentially, they are that:

- (a) songs were played at work featuring the N word
- (b) his steak was not cooked to his liking
- (c) he was given beer in a London Pride glass
- (d) he was offered a sausage sandwich
- (e) cling film was left on a table in the reception area
- (f) the word dog was used in his presence
- (g) someone said “Yabba dabba doo!”.

95. It is difficult to see how any of these actions could even amount to such unwanted conduct, although playing offensive music repeatedly might potentially fall into that category. But in practice these were all simply events at work which he misinterpreted.

96. The main question is whether any of them, singly or together, violated Mr Lafeuillee’s dignity or created an intimidating et cetera environment for him? These are strong words. In **Richmond Pharmacology v Dhaliwal** 2009 ICR

724, EAT, Mr Justice Underhill, then President of the Employment Appeal Tribunal, said, in a case of race discrimination:

“Not every racially slanted adverse comment or conduct may constitute the violation of a person’s dignity. Dignity is not necessarily violated by things said or done which are trivial or transitory, particularly if it should have been clear that any offence was unintended”.

97. Section 26(4) also provides:

In deciding whether conduct has [this effect], each of the following must be taken into account,

- (a) the perception of B;
- (b) the other circumstances of the case;
- (c) whether it is reasonable for the conduct to have that effect.

98. We have already given our view that these events were perceived by Mr Lafeuille as having that effect, but the final section requires that that view has to be objectively reasonable in the circumstances. Without labouring the point, Mr Lafeuille’s perception that this created a hostile etc. working environment was not a reasonable one in the circumstances. These were events which he either imagined entirely, such as Charlie with the knife or Dean squaring up to him, or which he put the most dramatic and inexplicable construction on, such as the use of the word “dog” in his presence.

99. Nor were they done with the purpose of causing him such offence. The music may well have been offensive, but it was turned off, so there is no reason to suppose that it was being played in order to offend him. It also seems unlikely that either of the white chefs involved would consider that playing these artists would offend Mr Lafeuille as a black man. Finally the offer of a sausage sandwich was entirely understandable in the circumstances, and there is no reason why Chef Tim would think it would be an offensive thing to do.

100. It is not therefore necessary to go on to consider whether any of this conduct was related to Mr Lafeuille’s race or, in the case of the sausage sandwich his Christianity, but for completeness we are satisfied that that was not the case in any respect.

Direct discrimination

101. Direct discrimination is similar to harassment but it tends to be used as a description of acts or decisions made by the employer or its management, rather than offensive comments or behaviour from members of staff, so is less apt to describe these allegations. The test under section 13(1) Equality Act is as follows:

“A person (A) discriminates against another (B) if,
because of a protected characteristic,
A treats B less favourably than A treats or would treat others.

102. The term “less favourable treatment” invites the question, less favourable than who? It is necessary to consider a hypothetical colleague or comparator in the same circumstances as Mr Lafeuillee apart from race, so a white colleague, someone who made the same complaints as Mr Lafeuillee and about whom the same complaints were made.

103. Once again, we can see no basis to conclude that any of this was affected by race (or religion). Nothing tangible was suggested by way of linkage, i.e. any facts which might suggest the presence of discrimination. The only slight indication that race might have played a part are in the use of the N word but, as already stated, we do not accept the idea that songs coming up on a playlist were intended to cause offence. We also bear in mind that this was a diverse workforce, and that Mr Lafeuillee was treated with considerable restraint and consideration for most of his time at the company, such as in connection with the steak incident.

104. There is no allegation of discrimination in connection with the dismissal itself. That is relied on solely as an act of victimisation, reflecting the way it was framed in the claim form as coming immediately after the complaint of race discrimination. So the alleged acts of discrimination are the same as for the claim of harassment. Again, they are largely the result of misinterpretation or have an innocent explanation.

105. If we are wrong in that conclusion, and if it were necessary to deal with the dismissal as an act of direct discrimination, we are satisfied by the respondent’s explanation that the real reason was his conduct. It follows therefore that none of the claims can be upheld, and that concludes these proceedings.

Employment Judge Fowell

Date 14 November 2025

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