



EMPLOYMENT TRIBUNALS

Claimant: Emma Griffiths
Respondent: IKEA LTD

Heard at: Watford Employment Tribunal
On: 26 and 27 March 2026 (By CVP)
Before: Employment Judge Harrison

Representation

Claimant: Mr G Bridges, friend
Respondent: Miss H Abas, counsel

JUDGMENT was sent to the parties on 12 May 2026. Written reasons having been requested in accordance with Rule 60 of the Employment Tribunals Rules of Procedure (that request having been sent on to the Employment Judge on 21 May 2026) the following full reasons are now provided:

REASONS

1. The matter was listed as a claim for unfair dismissal. The claimant's representative confirmed this at the start of the first day.
2. There was no agreed list of issues, however the respondent had prepared a list. The claimant's representative told me that he was a friend of the claimant, not a professional adviser, so I explained that a list of issues was a list of the legal points I would need to decide in reaching my considerations on the claim. I said that I had looked at the respondent's list of issues to decide the question of liability on unfair dismissal, which was a neutral list I could adopt, and I attach at Annex A. I said that I would add one further point to it (at 3.4), which is whether dismissal was in the range of reasonable responses. I referred the claimant's representative to the list as a guide to help put his case. He told me at the very end of the first day that he had not received the list from the respondent. Ms Abas arranged for this to be emailed to Mr Bridges, and he confirmed on the second morning that he had received it.
3. I agreed with the parties that I would first hear evidence on liability including evidence on Polkey, contribution, and the application of the Acas Code on disciplinary and grievances at work. I explained these three concepts to Mr Bridges. I explained how evidence would be given and how cross examination should take place to challenge any evidence with which the claimant did not agree. I agreed an order for giving evidence and said that after evidence there would be an adjournment for the parties to produce submissions, which I again

explained.

4. I took a short adjournment to read the witness statements. Evidence was given by the claimant on her own behalf, and for the respondent by Mr Franklin Matijevic, Sales Manager, and Mr Neil Martin, Business Navigation & Operations Manager. Each of the witnesses affirmed to tell the truth.
5. After the short adjournment, Mr Bridges said that he had telephoned the tribunal last week and, based on that call, he had not expected to have to cross examine. After a short discussion I agreed a further adjournment to give Mr Bridges some time to prepare questions. When he completed his cross examination of Mr Matijevic, Mr Bridges indicated that he may have missed points owing to his lack of preparation. I suggested, and the respondent's counsel agreed, that Mr Bridges consider his cross examination further during the lunch adjournment on the first day. If he wished to re-call Mr Matijevic to cover any additional points after the break, then he could do so. In the event, Mr Bridges confirmed that he did not have further cross examination.
6. Mr Bridges explained that the claimant was unwell and very anxious. I suggested a number of adjustments that could be adopted to help the claimant in giving her evidence: short questions, respondent's counsel to adapt her tone to the situation, a family member to sit next to the claimant as she gave evidence, other attendees to turn off their cameras, extra breaks should the claimant require them. These were agreed.
7. I had an agreed bundle running to 537 pages. I said to the parties that they should refer me to pages on which they would rely as I would not read other parts of the bundle. References to page numbers in these full reasons are to pages in that bundle.

Findings of fact

8. I make the following findings of fact based on the evidence I heard and was taken to.
9. The claimant was employed by the respondent from 27 June 2019 until 24 October 2024 when she was summarily dismissed for gross misconduct.
10. Before the matters to which this hearing relates, the claimant had no disciplinary issues during her employment and I accept her evidence that she and her colleague, Ms Sara Cennamo, were friends.
11. The respondent has a disciplinary procedure and local UK rules about discipline, and bullying and harassment (p79-111). The claimant has undertaken workplace training about conduct (p323) and completed her annual refresher training on 16 November 2023 (p260).
12. The local rules on discipline list examples of gross misconduct including any type of discrimination, victimisation, harassment, or bullying.
13. The claimant attended a training session with the respondent on 11 September 2024. One of the two trainers planned for the course was absent so the only

trainer in attendance was Camilla Catchmar. Ms Cennamo subsequently made a complaint about a comment made by the claimant during the training session. It is not in dispute that Ms Cennamo's nationality is Italian.

14. It is agreed that during the training a conversation took place between some of the attendees about vaccinations. Exactly what was said is in dispute. Ms Cennamo said that it started as:

"We were talking about the flu vaccines because I was booking the appointment in Boots via Ikea and I asked if they were going to do it too."

Ms Cennamo alleged that towards the end of this conversation the claimant said:

"You know in the UK everything was fine then all these immigrants came and this is why we are getting all these things."

I shall refer to this as the '**alleged comment**'.

Ms Cennamo said that following this comment "*I was upset*" and said:

"I can tell you for sure that people that come from Europe or any other places do get vaccinated and quite a lot."

15. The complainant, Ms Cennamo, did not withdraw this complaint at any point.
16. Having received this complaint, the claimant was suspended by the respondent on 10 October 2024. She was told (p176) that the complaint against her was an alleged breach of the respondent's anti-bullying and harassment policies, local rules, specifically relating to derogatory comments in the workplace about race. It was investigated by the respondent under its disciplinary policy as an allegation of gross misconduct for which the outcome could be dismissal without notice. Nothing in the respondent's policies states that harassment must be targeted at an individual.
17. The claimant denied and continues to deny that she made the alleged comment. That said, in her appeal and evidence before me and in submissions, the claimant's case has contained explanations why the alleged comment would not be gross misconduct and, in her submissions, similar arguments were advanced. The claimant accepted in her evidence before me that, had the alleged comment been made, it would not have been acceptable.
18. An investigation was carried out by Peter Lewis, Unit BR&C Leader. Mr Lewis interviewed the claimant and Ms Cennamo. He also interviewed Ms Luis Denney and Mr Ian Odell, who had attended the training. He did not interview Ms Catchmar, the trainer or one other staff member: neither was in the room at the time the alleged comment was made.
19. During her interview, Ms Denney substantially corroborated the allegation made by Ms Cennamo. She stated that a conversation had taken place which had related to vaccinations and that the claimant was talking about not vaccinating her kids whilst Ms Cennamo said,

"I don't understand why some mothers don't vaccinate their kids." (p183-184)

Mr Lewis asked Ms Denney if she remembered the claimant then making the alleged comment. Ms Denney replied:

"Yeah, I think she did, yeah. I don't remember the exact way she said it but along those lines. Yeah."

When asked if others had heard the alleged comment Ms Denney said

"Yea I know that Sara definitely did. Sara was taking a back by it and all went quiet."

20. In Mr Odell's interview when asked about the same conversation, he stated that he was *"tuned out a little bit"* (p197). When asked if he remembered the claimant making the alleged comment, Mr Odell said *"No."* Mr Odell does not say that the alleged comment was not made, he says he did not remember it.
21. Following the investigation meeting, Mr Lewis interviewed Ms Denney and Ms Cennamo to clarify their recollections. Both said that they did not think that the alleged comment was aimed at Ms Cennamo but that it was generic (p240, p253).
22. The investigation proceeded to a disciplinary hearing and the disciplinary manager, Mr Matijevic, wrote to the claimant on 21 October to invite her to a disciplinary meeting. The meeting notes record the content of the meeting. The claimant read a statement (p280-281) putting her position about the allegation. In the statement the claimant, for the first time, raised an explanation for the allegations against her saying that she had been speaking about her father having recently had whooping cough which his doctor had told him had been eradicated in the UK and it had been brought back to the UK from other countries.
23. The claimant gave evidence that she had had a lightbulb moment when she had remembered this issue, owing to one of the other witnesses mentioning polio.
24. During the disciplinary process, those involved did not use exactly the same words to describe the alleged comment. The words "foreigner" and "immigrant" were both used as was "England" versus the "UK." I find that the different recollections of the words used were sufficiently similar to be clear and to express in context a sentiment which was recognisable throughout in the alleged comment. The respondent did not reach its decisions on the basis that the claimant either used the word "immigrant" or the word "foreigner" without a context around it. The allegation was that the word used was part of a broader comment not a single word.
25. Mr Matijevic concluded that the allegations against the claimant were made out. He said several times that the respondent has a zero-tolerance approach to bullying and harassment offences and this was later supported by the appeal manager, Mr Martin.
26. I make a finding of fact based on his oral evidence and the contemporaneous

documents that Mr Matijevic considered alternative outcomes to a summary dismissal.

27. In the summary reasons he recorded on the respondent's internal paperwork for the decision he took, Mr Matijevic stated that it was reasonable to reach the conclusion that he did as the statement by Ms Cennamo was corroborated by Ms Denney unprompted. As a matter of fact, the statement by Ms Denney was not unprompted, it was a reply to a question put to her in the investigation interview. The dismissal letter Mr Matijevic sent to the claimant on 24 October 2024 (p276) giving reasons to the claimant why she was being dismissed summarily did not say that he relied on unprompted corroboration. It said that the alleged comment was corroborated. Mr Matijevic was not challenged on this point in cross examination although the point was put to Mr Martin. In any event, Ms Denney gave the evidence that was corroborative.
28. The claimant appealed by an email dated 31 October. Her appeal was heard by Mr Martin. Mr Martin did not completely rehear the case, he reviewed it.
29. Mr Martin wrote to the claimant on 1 and 7 November, to invite her to an appeal meeting (p283, p285). The meeting took place on 12 November.
30. The claimant read a prepared statement (p301) and Mr Martin discussed the claimant's appeal with her. Mr Martin adjourned to reach his decision which he sent to the claimant by letter on 15 November. His decision was to uphold the disciplinary findings and the sanction.
31. The claimant has raised an issue about a failure by the respondent to investigate her complaints about Ms Cennamo. As a matter of fact, I do not find that the claimant raised a grievance against Ms Cennamo at her disciplinary hearing and no evidence about any earlier grievance was before me during this hearing.

The law

32. Section 94 of the Employment Rights Act 1996 (**ERA**) gives employees the right not to be unfairly dismissed. The claimant must show that she was dismissed by the respondent under section 95. In this case the respondent admits that it dismissed the claimant.
33. Section 98 ERA deals with the fairness of dismissals. There are two stages in section 98:
 - 34.1 First the employer must show that it had a potentially fair reason for the dismissal within section 98(2);
 - 34.2 Secondly, if the respondent shows that it had a potentially fair reason, the tribunal must consider whether the respondent acted fairly or unfairly in dismissing for that reason.
35. Section 98(4) then deals with fairness generally. It provides that the determination of the question whether the dismissal is fair or unfair (having regard to the reason shown by the employer) shall depend on whether in the circumstances which includes 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 shall be determined in accordance with equity and the substantial merits of the case.

- 36 In misconduct dismissal there is well established guidance on fairness within section 98(4) in the decision of **Burchell 1978 IRLR 379** which both parties referred me to. The tribunal must decide whether the employer had a genuine belief in the employee's guilt in all aspects of the case including the investigation. The tribunal must decide whether the employer acted within the band or range of reasonable responses open to an employer in the circumstances.
- 37 I remind the parties, to be sure that they understand, that it is immaterial how the tribunal would have handled the events or what decision it would have made, and the tribunal must not substitute its view for that of the reasonable employer. I refer to the case of **Iceland Frozen Foods Limited v Jones 1982 IRLR 439**, which, again, both parties referred me to.
- 38 Both representatives provided me with written submissions which I read and considered before reaching my conclusions. Ms Abas augmented her written statement with some oral submissions. Mr Bridges did not. In their submissions I was referred by the parties to several cases. Before reaching my conclusions, I considered all the cases and they have, therefore, all been taken into account in my decision making.

Conclusions

- 39 In this case the respondent dismissed the claimant because it believed the claimant was guilty of misconduct. Conduct is a potentially fair reason for dismissal under section 98(2) ERA. The respondent satisfied the requirements of this section.
- 40 The respondent carried out an investigation and disciplinary hearing in compliance with its procedures, and the investigation was reasonable in all the circumstances.
- 41 I remind myself that after a first round of interviews Mr Lewis re-interviewed those he felt could add more to the investigation to ensure its thoroughness. The investigation included all those who had been present when the alleged comment was made. The failure to interview people who were not present during the conversation does not affect the procedural fairness of the dismissal.
- 42 Mr Bridges contends that the allegation cannot amount to gross misconduct. In this case I conclude that it does. The allegation was not about the use of a single word but about a longer comment which had the potential to constitute a breach of the respondent's local policies as alleged by them.
- 43 Whilst the claimant denied making the comment she agreed, in evidence before me, that, if made, the comment was unacceptable.
- 44 Mr Bridges asserts that the investigation was unfair as:
- 44.1 Ms Denney was prompted to corroborate the complaint by Ms Cennamo.

Ms Denney was asked about the alleged comment, but I do not conclude that this renders the investigation unfair. I remind myself of the case of **Lamb v Teva Ltd 2026 EAT 8**, to which I was referred, where the EAT summarised what is required of an employer in a disciplinary investigation which is completely different from that in a court case or a criminal investigation. I concluded that Mr Lewis' investigation met the standard set out there;

- 44.2 there was unfairness in the process as the investigation manager was not called to the disciplinary hearing nor the disciplinary manager to the appeal. Neither of these steps was requested at the time nor is it anticipated in the respondent's policy, nor is it a normal process in an industrial disciplinary procedure. I conclude that this does not lead to any unfairness in the application of the policy; and
- 44.3 Mr Lewis failed to complete all the tick boxes in the internal paperwork. This was not raised at the time. The documents were signed by the claimant as well as the respondent and my conclusion is that it does not affect the overall fairness of the procedure.
- 45 So far as the use of the word "unprompted" in his internal record is concerned, I find that this does not render the process or substantive decision making unfair. In his oral evidence, Mr Matijevic, who was not challenged on the point, gave clear and cogent explanations for his decision, referring consistently to making his findings by relevance to his reasonable belief based on all the evidence available to him, not to a single point. This was reflected in the letter giving reasons sent to the claimant.
- 46 Mr Bridges has referred me to the 2023 employment tribunal case of **Mr C Borg-Neal v Lloyds Banking Group Plc**. I was reminded by Ms Abas that this was not a binding decision as it was heard by an employment tribunal. I have read and considered it. The case is distinguishable from the circumstances here. It related to a question asked at an in-house training course which was relevant to that course. It does not assist the claimant's case.
- 47 I find that the respondent's management, Mr Matijevic and Mr Martin, held a genuine belief that the claimant was guilty of misconduct. Their evidence was clear about why they had reached this conclusion. It was based on a reasonable investigation from which there were ample grounds emerging for them to reach the conclusion that the allegation against the claimant was found. They had the band of reasonable responses in mind when they made their decision, and the sanction of dismissal without notice was within that band of reasonable responses for this employer in relation to this allegation.

Approved by:

Employment Judge Harrison

7 June 2026

JUDGMENT SENT TO THE PARTIES ON

9 June 2026

FOR THE TRIBUNAL OFFICE

ANNEX A

List of issues

Unfair dismissal (s.94 Employment Rights Act 1996 (“ERA”))

1. It is not in dispute that the Claimant was dismissed on 23 October 2024.
2. What was the reason for dismissal? The Respondent says the reason was conduct, a potentially fair reason under ss.98(1) – (2) ERA.
3. If the reason was conduct, did the Respondent act reasonably or unreasonably in all the circumstances, including its size and administrative resources, in treating that as a sufficient reason to dismiss the Claimant (s.98(4) ERA)? In particular:
 - 3.1. Did the Respondent have a genuine belief that the Claimant was guilty of misconduct?
 - 3.2. Did it have reasonable grounds upon which to sustain that belief?
 - 3.3. At the stage at which that belief was formed, had it carried out as much investigation into the matter as was reasonable in the circumstances?
 - 3.4 Was dismissal within the range of reasonable responses open to the Respondent?