



EMPLOYMENT TRIBUNALS

Claimant: Mr Sahag
Respondent: Mitie Limited
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 09, 10 and 11 February 2026
Before: Employment Judge S Iman

Representation

For the Claimant: Mr Clement
For the Respondent: Miss Harty

JUDGMENT

The claims of unfair dismissal, wrongful dismissal and Harassment relating to race and/or religion are not well-founded and are dismissed.

REASONS

Preliminary arguments

1. The tribunal heard an extensive and detailed application from the claimant in respect of the admission of additional documentation and evidence. This was strongly objected to by the respondent. The tribunal gave full reasons at the hearing but refused the application of the admission of additional evidence.
2. It was clear that the documentation that was relevant was contained within the hearing bundle. The respondent had included some of the documentation within the hearing bundle that was relevant. The tribunal considered that the documents were not relevant to the issues before it and therefore rejected the application. Further, the application being made so late would have prejudiced the hearing and the respondent due to consideration having to be factored in

for irrelevant documents that did not assist the tribunal in determining the issues. The tribunal considered that there was no hardship or prejudice in refusing the application for the claimant.

3. The Claimant identified the CCTV he wished the Tribunal to consider in respect of the specific CCTV footage; this was at Appendix 1 of his closing submissions. I had sight of this footage, but it was also helpfully summarised in the closing submissions.

Witnesses

4. The hearing was held via CVP over three days on 9, 10 and 11 February 2026. The trial bundle consisted of 453 pages accompanied by CCTV evidence referenced/referred within the documentation. The tribunal heard oral evidence on liability from four witnesses.
5. The Claimant gave evidence and Mr. Mazha Rul-Haq, who worked at the Sainsbury's store in Walthamstow).
6. On behalf of the Respondent, Mr. Kamal Miah, Security Operations Manager, Dismissing Offer and Mr. Luke Jennings, Senior Account Manager, Appeal Officer.
7. I am satisfied that the Claimant genuinely believes that he has been treated unfairly. However, this left him lacking in objectivity when he gave his evidence. He was unable to understand that his actions did also raise legitimate concerns for the employer. Therefore, I considered him to be quite entrenched in his views and therefore found him lacking in reliability.

The Law

8. The parties helpfully set up the law in their closing submissions which is captured below.
9. Section 26(1) of the Equality Act 2010 ("EA") provides that:
 - (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.

...

- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), 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.
10. The test for conduct "related to" a protected characteristic is wider than the test for direct discrimination, which requires treatment "because of" a protected characteristic. Where the words used are not inherently discriminatory, context will be important. To succeed in a harassment claim, a claimant either needs to prove that the conduct had the purpose of violating his dignity/creating a hostile environment and/or that it reasonably had that effect on them.
11. The adverse purpose or effect can be brought about by a single act, but the effects of that act must be longer in duration to do so (EHRC Guidance: Sexual harassment and harassment at work) and reach a degree of seriousness (*General Municipal and Boilermakers Union v Henderson* UKEAT/0073/14).
12. It is not enough for the victim simply to claim that the unwanted conduct violated their dignity or created an environment that was intimidating, hostile, degrading, humiliating or offensive to them. The Tribunal must also decide that it is reasonable for that to be the effect. In reaching their view on this, the Tribunal must take the victim's perception into account (s.26(4)(c)).
13. Case law indicates that an individual's dignity is not necessarily violated "by things said or done which are trivial or transitory, particularly where it should have been clear that any offence was unintended".
14. The burden of proof is in section 136 of the Equality Act which states:
 - "(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.
 - (3) This does not apply if A shows that A did not contravene the provision."

Background

15. The claimant is a Muslim. He was employed by the respondent as a security officer. He was based at Sainsbury's and had an unblemished record over more than 6 years of service.

16. The claimant commenced employment on the 18th of March 2018 as a security officer for Sainsbury's. Two workplace altercations occurred between the claimant and a colleague, MA. The claimant states that MA verbally abused and threatened him on the 14 October 2024. In what is described as the second altercation a store manager intervened and separated the two; the claimant left the store and was assaulted outside.
17. The latter matter is not before the tribunal as it occurred outside of the claimant's employment. Nevertheless, it is submitted as important background information for the matters before the tribunal and relevant to the overall picture and considerations made by the respondent. The claimant states that MA followed him outside on the date in question, where he physically assaulted him by pushing, stamping on his foot, and slapping him. The claimant acted in self-defence. The claimant reported the incident to the police and informed his management at 23:55 on the 14 October 2024.
18. He was suspended on the 16 October 2024. His suspension was further confirmed on the 16th of October 2024. An investigation meeting was held on the 28th of October 2024 which the claimant attended and which led to a disciplinary hearing on the 04 November in which the outcome of dismissal was communicated on the 05 November 2024. There was a subsequent appeal submitted on the 11th of November 2024. There was a revised appeal raising assault and racist allegations and religious belief allegations. Further evidence was provided by the claimant on the 14th of November 2024 and there was an appeal hearing held on the 05 December 2024 with the appeal outcome issued where the dismissal was upheld.
19. The claimant submitted that the two altercations (in close nexus and on the same day) occurred between him and a colleague, were instigated by MA, who verbally abused him, made threats, and repeatedly swore at him, making offensive remarks about his mother. During the first incident, the claimant maintains that he was interrupted while praying and was subsequently threatened by MA. The Claimant maintains that he remained calm and did not provoke him by pushing a chair towards him as alleged by MA or at all. The second altercation occurred later on the shopfloor, where MA continued his threatening behaviour towards the Claimant, leading to Sainsbury's management's intervention. During his evidence he sought to explain that this was one incident.
20. For clarity the further evidence submitted included calls, messages, and racist and religious abuse directed at the claimant by MA, including being called an "Israeli terrorist prick". The claimant submits that the appeal hearing was conducted unfairly, and his allegations of harassment, assault, and discrimination were not properly considered. His appeal was rejected on the 27 December 2027.

Findings of fact

Was the CCTV concealed/delayed deliberately from being given to the Claimant?

21. The claimant maintained that the respondent had failed to examine or examine properly all relevant CCTV footage and take into account all exculpatory evidence. During his evidence he also explained that/alluded to that the respondent was deliberately delaying in reviewing the CCTV and/ or giving him access to it.
22. The Respondent reviewed CCTV footage from the following cameras:
 - a. Investigation stage: Cameras 4, 56 and 58;
 - b. Appeal stage:
 - i. Before the appeal meeting: Cameras 4, 10, 28, 55, 56, 58 and 69;
 - ii. After the appeal hearing: Cameras 11, 12 and 5.
23. During his investigation meeting, the claimant raised cameras 11, 12, 69, 57 and 55 that it would be relevant and would assist. However, when asked what this footage showed, the claimant indicated that they would cover *extended breaks* and *comments*. The investigating manager concluded that breaks would not assist the investigation and the audio was not captured on CCTV. Cameras 11, 12 and 57 were reviewed at the appeal stage as requested by the claimant. There was no request for camera 69 to be reviewed at this juncture.
24. During his appeal meeting, the Claimant requested that they review cameras 11, 12 and 57. Following the appeal hearing and before making the decision, this footage was viewed. There seems to be an ongoing concern from the claimant that not all the CCTV footage had been obtained. However, in his appeal hearing there appears to be an acceptance that the footage had been obtained. Further, it appears during the evidence this seemed to be some reference to the fact that CCTV footage was being deliberately withheld in order to prejudice the claimant. I reject this, I consider that the respondents were acting fairly and were responding to the claimant's request. I am satisfied that all relevant CCTV footage was reviewed fully and was not deliberately withheld.

Kamal Miah in the disciplinary hearing and Luke Jennings in the appeal hearing showed through their language that he had pre-judged the outcome.

25. [Mr Miah] *The Tribunal was referred to the following statements:*

"You stated that [MA] threatened you and swore at your mother and this is why you lost your temper. I understand swearing by your mother's name that the temper will go high but at the same time you should have been aware you were still on a client site. You should have remained

professional, and you should have notified your line manager straight away. If you couldn't get hold of your line manager, you should have called control room. Why did you lose your temper on shopfloor?"

26. [Mr Miah]: *"This whole incident is unprofessional and embarrassment to the company"*
27. [Mr Miah]: *"Based on the fact that you have extensive training and experience which you admit yourself I feel your actions were beyond brand damaging and you should have never allowed to get to that point. I am not dismissing your claims or allegations. However, this severity of your actions outweighs these allegations. Although you say these are ongoing issues which you have raised. Ultimately, you were still trained to de-escalate matters in line with SIA and Mitie policy. You are licensed professional with adequate training to handle these situations appropriately."*
28. [Luke Jennings]: *"Personally, I feel you could have easily extracted yourself from the situation, however, you failed to make a better judgement call. You didn't call control, you didn't engage with your manager explaining the seriousness of the situation, rather felt locking the store down was more important which was the wrong decision."*
29. [Luke Jennings]: *Unfortunately, we are not privy to what happened outside of the store; however,*
30. [Luke Jennings]: *you do not conduct yourself as someone who was trying to de-escalate the situation on CCTV"*
31. I did not find any evidence of prejudgment. I completely accepted the evidence from Mr Miah and Mr Jennings. There clearly is a conversation occurring with the claimant to give him an opportunity to provide his comments. I note that Mr Jennings went on to review this CCTV when requested to do so and I accept that these comments were inviting comment from the claimant and he kept an open mind. Further, that Mr Miah was clear in stating that he was not dismissing the Claimant's allegations.
32. In his evidence, he explained that he had not yet reviewed the CCTV and indeed went on to review the CCTV and explained his evidence appeal could have been successful if the CCTV had shown what the claimant maintained, namely that he was not the aggressor but that was not what, in his view, the CCTV showed. Again, I entirely accept his evidence and consider it reasonable in the circumstances given what he had viewed on the CCTV.

The Respondent erred in failing to interview store colleagues who had witnessed the altercation

33. The Claimant maintained that the respondent adduced an email from a witness, Kalief Alexander, at 20:23 of 28 October 2024, who had witnessed the assault

that he, the Claimant, did not have an opportunity to challenge the contents of the statement. Mr Huq who not only witnessed the second incident but gave oral evidence of what he would have said had he been interviewed.

34. I accept that in the light of the CCTV and the Claimant's own description of his conduct as being unprofessional and admissions made, it was entirely reasonable for the Respondent not to interview any further witnesses.
35. Mr Huq in his evidence mentioned that he saw MA clearly provoking and insulting Khalid/his mother again swearing at him. He gave evidence that, particularly, a mother is, "very sacred and what the degree of the insult would have meant to the claimant and what he considered were the claimant's reasonable reaction in the circumstances.
36. The other point raised by the Claimant was that the respondent demonstrated **no** cultural understanding of the effect of this insult and/or, demonstrated no willingness to seek to understand despite its alleged, 'three key principles,' of Inclusion, Equality and Diversity in its, 'Equality, diversity, and inclusion policy, and that it failed to show that it took all reasonable steps to prevent MA from either harassing the claimant or doing anything of that description. I entirely reject this. Mr Miah in his evidence explained and the transcript is clear that as difficult as the situation would have been, the expectation was that the claimant should have extricated himself from this situation and informed his seniors as a matter of priority. There is a clear recognition from the respondent's witnesses that it would have been difficult given the level of insult but that the expectation in respect of professional conduct remained. I find that entirely reasonable and appropriate. An extract from the transcript refers to the following:

"I understand certain things had been said that would have upset you. However, you made a poor decision to engage rather than de-escalate the situation and remove yourself from the situation."

37. The Claimant was not an employee at the time that the message was sent and therefore the Tribunal does not have jurisdiction to consider the claim of harassment; (b) further and/or in the alternative, the message was not made in the course of MA's employment. His employment had been terminated at the point of the message being sent and the Respondent is not therefore **vicariously liable for his actions.**

Did the Respondent wrongly accused the Claimant of failing to report the altercation to his line manager

That the Respondent had stated that the Claimant had not followed his Stars training even though he had not been asked about this during the disciplinary process

38. The dismissal letter states that: "You didn't follow your training Stars as well as Safer." The Claimant's position is that he was not questioned about this in his disciplinary hearing. It was drawn to the Tribunal's attention that this was not raised in the grounds of appeal by the Claimant.

39. Though not specifically mentioning the label, Mr Miah did state that: “You failed to follow your training...” when interviewing the Claimant.
40. The Respondent submitted that Safer was a component of the claimant’s STARS training. Safer is a dynamic risk assessment model designed to reduce the likelihood of injuries to security officers, colleagues and the public. The model states that staff should “step back” from a situation to give them “time to calm down and think more rationally and also create some physical distance from potential assault”. The tribunal was informed that the Claimant had undertaken STARS refresher training in 2020, 2022 and 2024. I consider that the conclusion that the claimant had failed to follow his STARS/Safer training was reasonable. He was onsite with a client at the time.

Was there 1 altercation or a continuum of 2 separate incidents?

41. Both altercations took place on the evening of 14 October 2024, and I am satisfied that they were considered as a whole. Nor do I consider that there was a sufficient break that meant that the second incident was entirely separate from the first or vice versa. This was a new argument advanced during the course of proceedings, but the behaviour and the circumstances was taken into account by the Respondent in respect of the entirety of the conduct.

Was there a failure by management to give proper consideration or context to provocation or his attempts to contact management?

42. The claimant accepted in his evidence that he failed to let the control room know regarding the incident. The claimant maintained that he had called and texted his managers but was unable to get hold of them. However, when Mr Hussein (Officer Development Lead) returned his call, the Claimant advised him to call him back as they were closing the store at that time. Mr Miah maintained that this was unsatisfactory in his evidence.
43. For clarity, in his evidence and in the disciplinary hearing, the claimant stated that he was closing the store and/or dealing with a shoplifter at the time. I consider that the respondent’s conclusion that the circumstances of the altercation and relaying what had occurred should have been prioritised was reasonable, particularly within the wider context of the claimant’s role on site at the client. There was a failure to report to management which was compounded by the request to call him back. Further, the control room was not contacted as would be expected.

Was there a failure to consider mitigation, alternatives to dismissal, or length of service and the introduction of new allegations at outcome stage?

44. The Claimant maintains that the failure to consider is substantiated by there being no evidence of consideration of lesser sanctions, despite the admissions made and the claimant’s length of service, clean record, provocation, were not properly weighed before dismissal.

45. In closing submissions, the claimant advance that he was acting in self-defence. This was not accepted by the respondent nor by this tribunal. The CCTV shows clearly the claimant acting aggressively towards MA and indeed MA acting aggressively towards the claimant.
46. Mr Miah clearly stated in his evidence that he had considered the length of service, the claimant's mitigation, the clean record and the nature of the provocation. His evidence was unequivocal that: "they were both as bad as each other" and therefore despite having weighed everything in the balance, he was satisfied that the appropriate sanction was one of dismissal. I found Mr Miah to be a reasonable and honest witness and that he did in fact give consideration to these matters before concluding that the appropriate sanction was one of dismissal.
47. I do not consider that appeal hearing adopted an interrogatory approach and/or failed to remedy defects. Allegation of racist abuse ("Israeli terrorist prick") was not investigated as a separate or related disciplinary matter. I consider that the parties were treated even handedly. Both were questioned about their conduct through the company's disciplinary process.

Failure to investigate allegations of harassment and assault

48. The Claimant alleges harassment related to race and/or religion, including being referred to as an "Israeli terrorist prick." The Respondent's witnesses in their evidence explained that the other party, MA, was not employed by the Respondent when the statement was made. The Respondent maintained that alternatively, it took all reasonable steps to avoid such conduct such as training programmes and their policies. I find that MA was not employed at the relevant time and there was training around how to deal with such conduct.
49. The text message that was sent on the 11th of November from MA to the claimant describing him as an "Israeli terrorist prick" though I accept that it does not directly relate to the race and unprotected characteristics of the claimant, I also accept it has the potential to cause offence due to the claimant's religion. However, I am not under the view that the Respondent was under any obligation to investigate this matter any further than it did.
50. Mr Jennings explains that: "Within his appeal, Hajratullah made me aware of a 'WhatsApp' message that MA had sent about Hajratullah after both were dismissed, referring to Hajratullah as a "Israeli terrorist prick", and he included a copy of the message in his appeal evidence. He questioned MA on this message at his appeal hearing and he did not want to comment on in. When I asked if he had sent the message, MA replied, "no comment".
51. Mr Jennings in his evidence confirmed that he had the message in mind during his decision-making. He also confirmed that despite not commenting on the message, he did suspect that MA may have sent the message as he explained that he understood Jibraan to be MA.

52. It was not a message that was sent in the course of MA employment and therefore I cannot see how it can be argued that the respondent was liable for his actions. Furthermore, the message was sent 15:09 on 11 November 2024. MA was dismissed at 14.10, so that at the point at which he sent the text he was no longer an employee of the Respondent. In the case of summary dismissal, the time of dismissal is the precise moment that the dismissal is communicated (*Octavius Atkinson v. Morris* [1989] ICR 431). I do not find that there was no genuine attempt to investigate it - more that there was limitation in what could be done as MA had left and further, that it did not detract from the incident which was caught on CCTV. It was a matter that was before the decision-maker. They were fully aware of the provocation that was being argued by the claimant. They gave it the relevant weight that they thought it was appropriate to do so, and I do not find that they erred. Even if I am wrong about the fact MA was employed at the relevant time the text message was sent, it still leaves the question open as to what more the respondent could have done in the circumstances. I consider that they did as much as they were expected to do that was reasonable in the circumstances and in light of the fact that this situation had been caught on CCTV and both parties had been questioned about the sending of the text message.

Unfair Dismissal

53. Section 94 of the Employment Rights Act 1996 gives employees the right not to be unfairly dismissed. Enforcement of the right is by way of complaint to an employment tribunal under section 111. The claimant must show that he was dismissed by the respondent under section 95, but in this case the respondent admits that it dismissed the claimant.
54. Section 98 of the 1996 Act deals with the fairness of dismissals. There are two stages within section 98. First, the employer must show that it had a potentially fair reason for the dismissal within section 98(2). Second, if the respondent shows that it had a potentially fair reason for the dismissal, the Tribunal must consider, without there being any burden of proof on either party, whether the respondent acted fairly or unfairly in dismissing for that reason.
55. Conduct is a potentially fair reason for dismissal under section 98(2). The respondent has, in my view, satisfied the requirements of section 98(2). The documents are clear and compelling in respect of the reason for dismissal. The suspension letter, the investigation interview, the invitation to the disciplinary hearing and the final dismissal letter are clear in respect of the reason for dismissal. This was a serious incident, and the respondent took appropriate and relevant steps to investigate the matter, and I am satisfied that they held a genuine belief in the misconduct.
56. Section 98(4) then deals with fairness generally and provides that the determination of the question whether the dismissal was fair or unfair, having regard to the reason shown by the employer, shall depend 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 shall be determined in accordance with equity and the substantial merits of the case.

57. In misconduct dismissals, there is well-established guidance on fairness within section 98(4) in the decisions in *Burchell* [1978] IRLR 379 and *Post Office v Foley* [2000] IRLR 827. The Tribunal must decide whether the employer had a genuine belief in the employee's guilt. Then the Tribunal must decide whether the employer held such genuine belief on reasonable grounds and after carrying out a reasonable investigation. In all aspects of the case, including the investigation, the grounds for belief, the penalty imposed, and the procedure followed, the Tribunal must decide whether the employer acted within the band or range of reasonable responses open to an employer in the circumstances. 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 (*Iceland Frozen Foods Limited v Jones* [1982] IRLR 439, *Sainsbury's Supermarkets Limited v Hitt* [2003] IRLR 23, and *London Ambulance Service NHS Trust v Small* [2009] IRLR 563).
58. Counsel have helpfully provided me with written and oral submissions on fairness within section 98(4) which I have considered and refer to where necessary in reaching my conclusions.
59. As mentioned above, the claimant contends that the respondent did not carry out a reasonable investigation. The Respondent steps it took to investigate were reasonable in all the circumstances of the case. The respondent relied upon CCTV evidence from which it captured the altercation took place. The claimant also accepted his involvement during the investigation.
60. In his investigation interview, the claimant admitted to slamming the chair next to the podium in frustration and by the lift he stated that: "I lost it".
61. When asked whether he thought his actions and conduct were acceptable on a client's site, the claimant honestly and candidly answered and said "No".
62. When commenting on his own conduct whilst being on site, he described it as unprofessional. When he was told that his conduct was not professional or acceptable in any way, he agreed with the comment '100%".
63. The Claimant has maintained that he was provoked and that the provocation was so serious that resulted in him acting out of character and that this was extensive mitigation that should have been taken into account and was not given the appropriate weight by the respondent. However, in his investigation interview, the Claimant submitted and accepted that there was no real excuse for his behaviour. Mr Miah, during his evidence, accepted that it was probably likely that the other individual in the video had sworn at the claimant's mother. He also explained that the professional way to have dealt with it was to have walked away and contact senior managers. I have had the benefit of watching the CCTV also and it was used during the final hearing. I am satisfied that the respondent's conclusion that both parties were aggressive was reasonable.
64. Further, having heard from the claimant's witness Mr Haq, who explained to me that swearing at one's mother was very serious in their community. He explained that a mother is a sacred figure and that this would have caused

serious insult. I have had regard to this but still consider that the respondent did not err. As Mr Miah indicated in his evidence, as hard as it would have been, the appropriate response would have been to walk away.

65. I also had regard to the evidence given by the claimant's witness in respect of how the claimant had asked him to open the door and let him out because he was being followed around. It is clear to me having heard his evidence that the entire altercation was not seen by him.
66. I am satisfied that a fair process was followed. The claimant was asked for his explanation and actions during the disciplinary and appeal hearings. The way in which the respondent's witnesses assessed the claimant's explanation for his behaviour is relevant to whether they had reasonable grounds for their belief. The range of reasonable responses test applies to all aspects of what the respondent did.
67. I have the band of reasonable responses clearly in mind in reaching my decision. It is immaterial what decision I would have made. The claimant's case is that the respondent's management ignored his mitigation in reaching their decision and dismissal was a foregone conclusion. The Claimant was informed of the allegation against him, given both an investigation interview and a disciplinary hearing. The Claimant was to exercise his right of appeal. The respondent also had the benefit of reviewing all relevant CCTV footage to ensure that a fair process was followed and the right outcome was given.
68. Having watched the CCTV footage, it shows the claimant walking back towards the other party. It also shows the claimant acting aggressively and provokingly *squaring up* to the party.
69. For the reasons already set out above, I do not accept the claimant's position that the outcome was pre-judged. I found Mr Miah reliable and fair and a reasonable witness and accept his evidence that he was making reference to the claimant's conduct being unprofessional in the interviews but had not pre-judged the outcome. I am satisfied because there clearly is a request for explanation from the claimant in order to obtain his version of events. I consider this was a genuine attempt to understand what had occurred.
70. For the reasons already set out above, I consider that the Respondent's conclusion in observing the claimant engaging and squaring up to the other party in the CCTV that he had failed to follow his stars/safer training was reasonable. I consider that the claimant, if he disputed this had been raised with him properly, could have raised this in the appeal process. Therefore, I consider Mr Miah's comment that the claimant had failed to follow his training was entirely understood by the claimant.
71. I did not consider that there were any procedural defects in the process and the process followed was reasonable. I considered that the witnesses were objective and open minded throughout. I remind myself that it is not what I would have done in the situation that matters, but whether the sanction was also reasonable and within the band of reasonable responses. I consider that the

seriousness of the altercation, on a client site, with the mitigating circumstances in respect of the provocation taken into account, the claimant's clean record and length of service, still would not render the dismissal of gross misconduct outside of the band of reasonable responses.

72. In respect of the wrongful dismissal, I must decide if the claimant committed an act of gross misconduct entitling the respondent to dismiss without notice. In distinction to the claim of unfair dismissal, where the focus was on the reasonableness of management's decisions, and it is immaterial what decision I would have made about the claimant's conduct, I must decide for myself whether the claimant was guilty of conduct serious enough to entitle the respondent to terminate the employment without notice. I set out my findings about the claimant's actions above. They are equally applicable to the question whether the claimant was guilty of conduct entitling the respondent to dismiss without notice. I find that the claimant's conduct was unprofessional and aggressive and is captured on the CCTV. Notwithstanding the provocation, including insults to his mother, which would have been very hurtful, he failed to follow his training and extricate himself from the situation and had to be separated by another, this did amount to conduct entitling the respondent to dismiss without notice. The complaint of breach of contract fails and is dismissed.
73. Accordingly, all claims are dismissed.

Employment Judge S Iman
Dated: 07 July 2026