



Employment Law Round Up from HR Now

Claim:

Unfair dismissal and Discrimination of race

[Christian Raducan vs Pizza Express](#)

Pizza Express Ltd.'s correct following of procedure resulted in the claimant's claims failing due to little supporting evidence of unfair dismissal or racial discrimination.

Summary:

Christian Raducan had worked for Pizza Express for many years whereby he was contracted to work as manager and adhere to the Management Till, Cash and Security Policy. Failure to do so without recording it in the incident book was gross misconduct and said to result in disciplinary action.

Investigation found Mr Raducan related to suspicious transactions. On 26th May, Mr Raducan resigned (notice until 23rd June) and was absent from work due to ill-health 24th May – 10th June so was unable to meet Mr Gerry, a non-Jersey pizza express restaurant manager. Mr Gerry had accumulated evidence of gross misconduct and put into place a disciplinary process based on the allegations:

- The claimant had not followed company procedure when re-opening tables
- The claimant had not followed the Company FRA incident reporting procedure.

Mr Raducan was suspended 11th June following sick leave, as in line with the employer's disciplinary policy, and summarily dismissed 23rd June following a disciplinary hearing whereby he accepted breach of the till management policy.

The letter notifying the Claimant of his dismissal was dated 22nd June, based on a finding that allegations were found proven.

The claimant appealed on the grounds that the outcome of the case had been predetermined, there were poor working practices, had been unfairly suspended, treated unfairly to the detriment of his health, and that the Respondent failed to investigate properly.

Tribunal Outcome:

The appeal was held on 12th July in which tribunal considered whether the claims made were reasonable, however were found to have little or no evidence to support unfair dismissal or racial discrimination assertions due to correct following of procedure in response to non-compliance of clear policy.

The appeal was rejected by letter, and later email:

- Claimant's claim of unfair dismissal fails
- Claimant's claim of discrimination due to race fails

Lessons Learnt: Ensure policy is clearly outlined in the handbook and if there are policies significant to the employee's role, these should be highlighted to individual employees. Following disciplinary procedure correctly is essential at all stages.

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