

Employment Law Round-Up from HR Now



[Petru Serpu vs Jersey Waterfront Management Ltd](#)

Claim:

- Unpaid wages / unauthorised deductions
- Unfair dismissal

Tribunal found evidence that the employer had a genuine belief that Mr Serpu had committed gross misconduct by taking money out of the till and therefore he was not unfairly dismissed.

Summary:

Mr Serpu was employed as a waiter and was dismissed for gross misconduct following a thorough investigation, which found evidence of his taking money out of the till during his shifts. The investigation also found evidence of Mr Serpu had voided customers' bills in the till and kept the money they had paid him. Mr Serpu claimed that he was taking his tips out of the till and that this was standard practice at the Hotel and denied the other allegation.

Mr Serpu was employed for 11 months and therefore did not have enough service to bring a claim of unfair dismissal, however Tribunal had to consider the case in full as he was dismissed for gross misconduct and therefore not paid his notice period.

Mr Serpu also brought a case of unpaid wages, claiming that he had worked more shifts than had been recorded by the Company's electronic clocking-in system. He further asserted that it was standard practice to manually record additional shifts. The Employer denied that this was the case.

Tribunal Judgment:

Having reviewed the evidence, Tribunal found that the employer had followed a thorough process and there was no evidence to support Mr Serpu's claims and therefore found in favour of the employer.

Lessons to be learnt: make sure that you follow a thorough process and document your actions! Even though Mr Serpu did not have enough service to bring a claim of unfair dismissal, the Company had to prove that he had committed gross misconduct and therefore they were right in dismissing him without notice. The fact they had done such a good job of investigating and documenting their findings meant that they were not liable to any payment.

