


Employment tribunal case shines light on mistaken customer communications

09 October 2024  Rebecca Hawes

Rebecca Hawes' comments on the case were featured in an [article published by People Management](#)

An employment tribunal recently found that an employee dismissed for gross misconduct for inadvertently calling a customer a 'twat' was dismissed unfairly.

The case involved Meliesha Jones, who worked as a part-time administrator at Vale Curtains and Blinds in Oxford.

The incident unfolded when Ms Jones, intending to forward a customer's email to a colleague for further action, mistakenly replied directly to the customer instead. This error led to her dismissal by Vale Curtains and Blinds after the customer threatened negative publicity.

The tribunal found the principal reason for the dismissal was not conduct but the customer's threat to give the employer a poor review on Trustpilot, a reason capable of amounting to some other substantial reason such as to justify the dismissal.

The tribunal accordingly went on to consider whether the employer had followed a fair disciplinary procedure in dismissing Ms Jones. It concluded that it had not for the following reasons:

1. The same person acted as investigator, disciplinary officer, and appeal decision maker
2. Ms Jones was given inadequate notice of the disciplinary hearing
3. Ms Jones was not told which part of the disciplinary procedure she had breached
4. Ms Jones was not given reasons for the dismissal until after time had expired to appeal
5. Ms Jones was denied a meaningful appeal.

Employment tribunal lessons for employers

Employers should take care not to fall foul of the mistakes made by Vale Curtains and Blinds by ensuring a fair and reasonable disciplinary procedure is followed.

The compensation awarded to Ms Jones was reduced by 10% to reflect the extent to which she had contributed to her dismissal.

The expected introduction of day one rights in relation to unfair dismissal should make this decision a wakeup call for many employers.

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