

15 SEPTEMBER 2025



Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE

Coming
up this
week...

- Sam & Nils discuss an unfair dismissal case for calling your boss a d***head, along with the latest visa sponsorship challenges.
- Daniel explores whether an employee can elect to start maternity leave 'on the day I give birth'.
- In the news, we take a look at what point engaging in non-work-related activity in work time becomes misconduct.
- Register for our Autumn Seminars & Events Programme below!

The Legal Alternative Podcast



15. Calling Your Boss a D***head is Not a Sackable Offence & Visa Sponsorship Challenges

In this episode, Sam & Nils unpack a recent unfair dismissal case where an employee called her boss a d***head during a heated argument - and still succeeded in claiming unfair dismissal. We then discuss immigration issues for employers planning to recruit foreign workers, with a particular focus on the challenges and compliance considerations as businesses prepare for the busy Christmas season.



🌐 15. Calling Your Boss a D***head is Not a Sackable O...

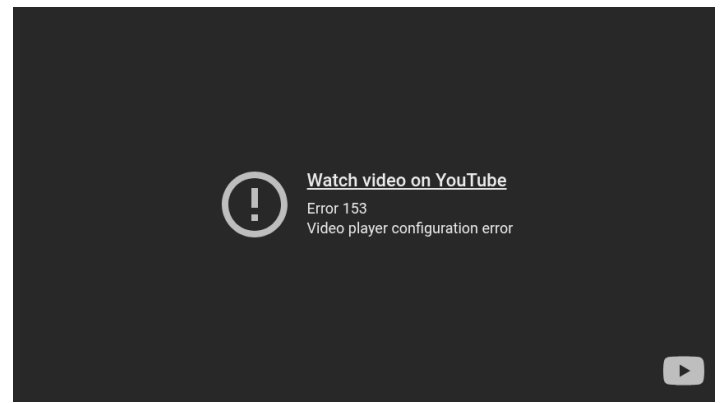
The Media Hub



Starting maternity leave - can I just choose the birth date?

A client question this week focuses on whether an employee can elect to start maternity leave 'on the day I give birth'. We explore whether this is possible, and the implications on the employer of an uncertain scheduling of maternity leave.

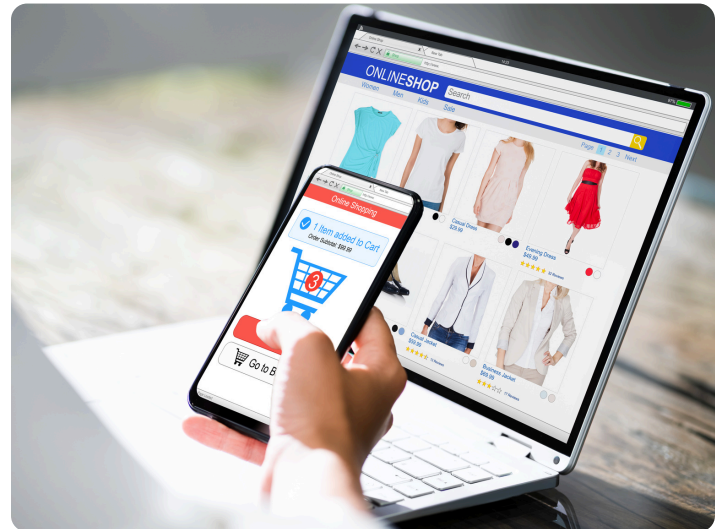
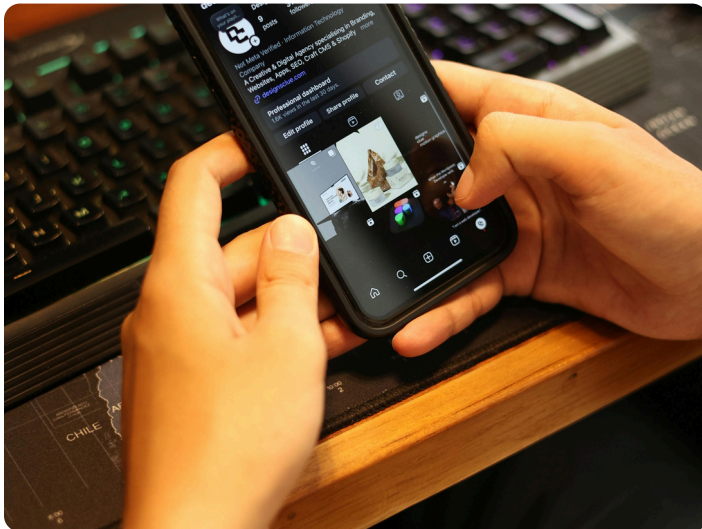
🌐 Starting maternity leave - can I just choose the birth d...



In the News



At what point does engaging in non-work-related activity in work time become misconduct?



Within the workplace the boundary between professional duty and person activity is often blurred. From a quick chat with a colleague to scrolling social media – throughout the day many employees engage in non-work-related activity during their working hours. This has become even more prominent with people working from home as we see individuals looking after their children and doing domestic tasks during working hours. But how much is too much? This article explores the legal limits of personal activity at work and how recent case law suggests that performing non-work-related activities during working hours does not necessarily amount to misconduct.

How is misconduct judged in the workplace?

Section 98 of the Employment Rights Act 1996 deals with misconduct in the workplace. The Employment Tribunal (ET) will initially look to Section 98(2) to see if there is a fair reason for the dismissal. After a fair reason has been established the ET will then look to Section 98(4) to determine if the employer acted reasonably and fairly when dismissing the employee in accordance with the facts of the case.

Fairness is usually separated into two parts:

1. Procedural fairness – did the employer follow a fair procedure.
2. Substantive fairness – did the employer act reasonably in treating the conduct as a sufficient reason for dismissal.

Case Study - Ms A Lanuszka vs Accountancy MK Services

Miss Lanuszka was the only full-time employee at Accountancy MK Ltd. She was dismissed in July 2023 after her employer found that she had allegedly performed non-work related activities on her work laptop. This was alleged after her employer placed spying software on Ms Lanuszka's computer which enabled her to record the activities Ms Lanuszka was undertaking on her work computer. It was found that she had spent across the 13th and 14th July 2 hour 33 minutes on her work computer of which 1 hour 24 minutes was for personal usage.

It was alleged that the claimant had previously seen the Code of Conduct specifically stating that they were not to use their work computer for personal use. Further to this it was alleged by the Company that Miss Lanuszka was given a formal warning letter as well as a notice of disciplinary hearing letter both of which the claimant denies ever seeing. The Claimant stated that the first time she heard of the misconduct was on the day she was dismissed.

The ET concluded on the 28 July 2025 that using a work computer for personal purposes is potentially a conduct issue which could potentially be a fair reason. However, there was no prohibition on Ms Lanuszka using her work computer for personal purposes. The Claimant had no underlying performance concerns and there had been no reasonable investigation. As a result, the Sections 98 (2-4) were not satisfied and the claim for unfair dismissal was successful, and the Claimant was awarded £14,120.41.

What does this mean for employers?

Going forward companies should be sure there is a clear workplace policy on personal use of work resources. However, with regard to non-work related activity in working hours employers must be sure to be fair and proportionate taking into account whether the personal activity is excessive or disruptive. If the personal activity is having no influence on productivity and the quality of the required work, provided an employee is not in breach of any company policy – it is likely that performing non-work related activity during working hours will amount to misconduct.

It is important to note that employers should ensure they are being consistently fair when dealing with employees and in the event that conduct does become excessive and disrupts the quality of work a fair process should always

Upcoming Events



Seminar & Events Autumn/Winter 2025

Your Practical Guide to Managing a Sickness Absence

25
SEPT

TIME

8:30 AM – 10:30 AM

LOCATION

Chadwick Lawrence Wakefield Office, WF1 2DF



🌐 Your Practical Guide to Managing a Sickness Absence

Employment Law and Recruitment Market Update *with Hays*

23
OCT

TIME

8:30 AM – 10:00 AM

LOCATION

Chadwick Lawrence Wakefield Office, WF1 2DF



🌐 Employment Law & Recruitment Market Update with Hays

Mock Tribunal Event: Disability Discrimination & Flexible Working

27
NOV

TIME

8:30 AM – 12:00 PM

LOCATION

Weetwood Hall Estate, Leeds, LS16 5PS



🌐 Mock Tribunal Event

Mental Health Awareness Sessions

Mental Health Training



24-25
SEPT

We're partnering with Tailored Learning Solutions to offer two day, in person, accredited Mental Health First Aid courses at our Wakefield office.

Accredited by [MHFA England](#)® and the [Royal Society for Public Health](#), MHFAiders will improve knowledge and develop skills to support someone who may struggling and what to do with crisis support.

🌐 Book Online | Tailored Learning Solutions

Contact Us



For questions, feedback, article ideas, or story contributions, email boxhr@chadlaw.co.uk and we'll be in touch.

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