

Monday Morning Dispatch

YOUR WEEKLY EMPLOYMENT LAW NEWSLETTER FROM CHADWICK LAWRENCE

Coming
up this
week...

- Sam & Nils discuss the new Electronic Travel Authorisation Scheme for entering the UK and the potential reintroduction of tribunal fees.
- Daniel answers a question on how the transfer of a business may affect a live disciplinary matter.
- We look at an unfair dismissal case involving a Boohoo worker and chewing gum theft, which highlights the importance of evidence over assumptions.
- Don't miss our Employment Law Update seminar this Thursday - register below!

The Legal Alternative Podcast



19. Electronic Travel Authorisation Scheme & the Potential Reintroduction of Tribunal Fees

Sam & Nils are back this week discussing the new Electronic Travel Authorisation (ETA) system for entering the UK, comparing it to the ESTA used for travel to the USA. They also explore the ongoing issues within the UK tribunal system, particularly regarding employment rights and the potential reintroduction of tribunal fees. The discussion highlights the challenges faced by the tribunal system, including delays and access to justice, and considers the implications of any future changes.



19. Electronic Travel Authorisation Scheme & the Pote...

The Media Hub



How does the transfer of a business affect a live disciplinary matter?

In this video, we explore what might happen where an employee facing disciplinary proceedings transfers to a new employer. We discuss the obligation on the transferring party to disclose information about the matter, and the ability of the new employer to pick up and run with the process.

🌐 How does the transfer of a business affect a live discipl...



In the News



When Assumptions Replace Evidence: Boohoo Worker Wins Unfair Dismissal Claim Over Chewing Gum 'Theft'



A warehouse worker who was dismissed by Boohoo for allegedly “stealing” promotional chewing gum has won his unfair dismissal claim, after an employment tribunal found that the company failed to properly investigate the circumstances surrounding the incident.

Background

Florentin Moraru worked at Boohoo’s Sheffield warehouse since 2020. In 2023, the online fashion retailer received supplies of Mentos chewing gum intended as free promotional items to be included in customer parcels.

According to Moraru, cases of the gum were placed openly around the warehouse, therefore making it easy for employees to obtain and consume them. Subsequently, it was found that despite Boohoo’s policy against consuming food in the warehouse, employees regularly helped themselves to the gum. Consequently, believing it was available for general staff use, Moraru admitted taking some and eating it, and storing packets under the stairs to share with colleagues.

The Disciplinary Process

In December 2023, Moraru was called into an investigation meeting and accused of theft. When questioned, he said:

“I just took it to share with my colleagues... nobody told me that it is forbidden.”

During a subsequent disciplinary meeting, he was shown CCTV footage of himself placing the gum under the stairs. Moraru admitted doing so and apologised but rejected the accusation of theft, explaining that everyone in the warehouse was eating the gum and that he thought it was allowed.

He was dismissed with immediate effect for gross misconduct.

Boohoo claimed that Moraru’s actions demonstrated concealment, implying dishonesty. However, he argued that no one had been told not to eat the gum and that even managers were doing the same. Evidence from colleagues later confirmed that a briefing about not consuming the gum only took place after Moraru’s dismissal, in January 2024.

His appeal was dismissed. The operations manager conducting the appeal failed to investigate his claim that others, including senior staff, were also consuming the gum. The tribunal described this as placing Moraru in a difficult position as he was asked to name colleagues to support his case.

Tribunal Findings

Employment Judge Kirsty Ayre ruled that Moraru had been unfairly dismissed, though his claim of race discrimination was not upheld.

The tribunal found that while Boohoo had reasonable grounds to believe Moraru had taken and stored the gum, it did *not* have reasonable grounds to conclude that this amounted to gross misconduct or theft.

Judge Ayre wrote:

“The claimant did not seek to hide or cover up what he had done and was honest and open throughout the disciplinary process. His behaviour was consistent with a genuine belief that eating the chewing gum was acceptable and common practice.”

The judgment added that employees cannot be blamed for behaviour they genuinely believe to be acceptable, particularly when such behaviour is displayed by those in positions of authority.

When Investigations Fall Short

The case serves as a cautionary example of how assumptions and poor communication can undermine the fairness of disciplinary action.

When employers fail to clarify expectations or investigate context thoroughly, dismissals risk falling outside the “range of reasonable responses” required under employment law.

Boohoo’s internal investigation and appeal were both found to be procedurally deficient: no evidence was gathered to verify Moraru’s claims that others consumed the gum, and no consideration was given to whether the behaviour was condoned by management.

Whereas a balanced, independent investigation would have explored all available evidence and assessed whether disciplinary rules were being applied equally.

Consequently, employers must remember that dismissing an employee for misconduct not only requires evidence of

Upcoming Events



Seminars & Events Autumn/Winter 2025

Employment Law and Recruitment Market Update *with Hays*



TIME
8:30 AM – 10:00 AM

LOCATION
Chadwick Lawrence Wakefield Office, WFI 2DF



🌐 Employment Law & Recruitment Market Update with Hays

Mock Tribunal Event: Disability Discrimination & Flexible Working



TIME
8:30 AM – 12:00 PM

LOCATION
Weetwood Hall Estate, Leeds, LS16 5PS



🌐 Mock Tribunal Event

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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