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Over the last fortnight, there has been extensive commentary on the Morrisons store manager, Sean Egan, who was dismissed after he intervened when a shoplifter became abusive.

As Mr Egan had almost 30 years' service, this incident has raised questions about workplace policies, staff health and safety and whether his dismissal was a proportionate response.

It has been reported that Morrisons relied on a 'deter and not detain' policy, when deciding whether to dismiss Mr Egan. Whilst not much has been stated publicly on this, policies of this nature tend to make clear that staff are strongly advised to not put themselves in harm's way.

Even if there is a policy stating staff should not detain shoplifters, there should be guidance on what staff are expected to do in 'worst-case' situations. If there was a presumption that the shoplifter was reaching for a weapon, what response should be taken by the employee? If staff are given regular training on what to do in these situations, alongside clear steps to follow, then an employer is naturally in a stronger position to defend their decisions to sanction employees not following the policy.

Based on the limited information available publicly, Morrisons has said they are confident that they followed the correct process, that the incident was thoroughly investigated and that the current reporting does not cover the full context of the incident. It is also worth noting that there is nothing to suggest Mr Egan has registered an unfair dismissal claim at this time.

If Mr Egan were to register a claim, then his dismissal would be deemed unfair unless Morrisons could show that the reason for dismissal was one of the five potentially fair reasons.

The five potentially fair reasons for dismissal are conduct, capability, statutory restriction, redundancy and/or some other substantial reason. We do not know for which reason Mr Egan was dismissed but it is presumed that Morrisons would rely on his conduct – as a breach of a workplace policy can typically be classed as a conduct issue and dismissal is an outcome to substantiated gross misconduct allegations.

At present, only employees with two years' service can bring an unfair dismissal claim. This will soon be reduced to six months', most likely, from 1 January 2027.

It is important to remember that only Mr Egan's account is publicly available so it would be irresponsible to draw conclusions on the merits of any case.

At this moment in time, the policy (and reasons for dismissal) are not publicly available and neither are details of how clearly the 'deter-not-detain' policy was communicated. There is also a distinct lack of information regarding Mr Egan's employment history, such as if there had been previous issues or sanctions on his disciplinary record. There is also nothing to suggest that the former manager's long-term service was excluded from the decision-making process, though clearly length of service on its own should not be seen as a reason to not discipline an employee.

A fair dismissal depends as much on process followed as the incident to which it relates. An employer would still need to show that they followed a fair process and that it was reasonable and practical for the employer to dismiss, rather than giving a lesser sanction, such as a written warning.



If you need advice on dismissals, please contact Andrew on 01904 528395 or at [ama@hethertons.co.uk](mailto:ama@hethertons.co.uk)  
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