

Unfair Dismissal/Gross Misconduct*

In case ADJ14020 being a case involving a bank official and a bank an issue arose relating to a cheque being endorsed. It appears that the employee advised a customer to sign her ex-husband's name on the back of the cheque. The AO in this case set out various reasons as to why it was an unfair dismissal awarding a sum of €10,000. The AO pointed out that the punishment of dismissal did not fit the crime and that the employee was not motivated by personal gain.

An interesting issue that was pointed out that the employee was dismissed for gross misconduct yet the employee did not suspend the employee pending the investigation and disciplinary investigation and that the employee was allowed to continue working in the same section for two months after the incident came to light.

If a serious issue arises which could amount to gross misconduct then it is vitally important for an employer to act immediately and this means placing the employee on paid suspension while an investigation takes place. It is equally important for an employer to consider various options other than dismissal. It would in our opinion be very hard to justify gross misconduct where a person is allowed to continue in a position for a period of two months.

****Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.***

*****In contentious cases, a solicitor may not charge fees as a proportion or percentage of any award or settlement.***