

Employment Law Round-Up from HR Now



Claim:

Unfair and Wrongful Dismissal £15,840 – October 2019

[Claudio Fort v F. Nicholson & Son](#)

Mr Fort won his case after he resigned as a result of being suspended without reason after he was assaulted by the owner's son.

Summary:

Mr Fort had 15 years' service with his Employer and had had a disagreement with the owner's son, who was also employed in the same Company, following which the owner's son assaulted him.

The Company suspended both parties and launched an investigation, which cleared Mr Fort of any wrongdoing. Mr Fort was invited to return to work, but he felt that the way this was handled had broken his trust and confidence in his employer and resigned.

The real question here was why was Mr Fort suspended? He was not accused of doing anything wrong and the investigation was not into his conduct – in fact, he was the victim.

Tribunal Judgment:

Tribunal considered whether the Respondent's actions after the assault were reasonable.

Tribunal also considered whether the Respondent was vicariously responsible for the assault and found that they were as (even though on a break), both the Claimant and the owner's son were working at the time, however considered this to be a side issue

The award would therefore be £25,840 (38 weeks' pay), however:

- the notice pay award was reduced by £8,160 as the Claimant had made the request to not work notice so he could start a new role.
- in order to be just and equitable, this was then reduced by a further £1,840 due to the size and resources of the business
- giving a total reduction of £10,000.

Lessons learnt: Think VERY CAREFULLY before you suspend someone. Do you have a valid reason to do so? If you do, make sure you make this very clear to them. F. Nicholson & Son did not take this into consideration, and it cost them!

