

## **Case Study Example 2**

### **Tribunal claim of alleged unfair dismissal from a former director and long-serving employee.**

The Claimant was dismissed following a fundamental breakdown in relations and behaviour by the employee believed to be incompatible with his senior position in the Company.

The Company sought to rely on the principle in *Perkin v St. George's Healthcare NHS Trust* in which the Court of Appeal ruled that the dismissal of a senior executive was for a potentially fair reason within the meaning of the legislation. In that case, the employee's manner and attitude towards colleagues had led to a breakdown in the employer's confidence in him and had rendered it impossible for the senior executives to work together as a team.

The Tribunal claim was also accompanied by a complex company restructure, handled by our Corporate team.

The claim in the Tribunal, which was anticipated to last 5 days, was subsequently withdrawn.

The matter was listed for a 4 day trial at Manchester Employment Tribunal but all claims were withdrawn at the 11th hour.