

Good case study
about the
employment
legislation prohibits
dismissal based on
dis...

[Business](#), [Company](#)



1. On what grounds do you think the Union would appeal this termination?

Fair grounds for dismissal: The Union is to investigate that the dismissal relates to one or more of the possibly fair grounds set out in the National Labor Act. The employee has to provide information on any warnings by the employer on the misconduct or any other offence.

Unfair grounds: Are there any unfair reasons for dismissal. The Union is to undertake investigation on employee and the reasons that could have been motivation for the termination by the employee.

Fair procedures: The employer must show that they were following procedures on the issue of dismissal according to the rules of the company. The employer must give appropriate warnings, by making the employee fully aware of the allegations against him and give him an opportunity to defend his side.

Rules awareness: The employer is to prove to the Union that the employee was conscious of the regulations in the employee act of the company. The employee on the day of suspension was not aware of the rules and regulation and the punishment of the offence, which has a heavy penalty of dismissal. This was derived from the information on the morning of suspension of the consequences if found guilty.

Working conditions: The Union is to investigate the working conditions of the employee that could have been reason for intoxication. The Union is to probe the relationship of the employee and the colleagues and that of the supervisor and the employee. The number of reports on intoxication in the Company will be in consideration.

2. Do you believe the company was correct in its actions given the work

history of the employee?

Company policy and guidelines: The Company was not correct in its actions of dismissal of the employee (Brenkert & Tom, 603). There is no mention of the employee having been in serious trouble prior to this incident. There is no mention of warning letters, disciplinary letters on the employee.

In the process of dismissal the employee was told and no evidence of termination in writing.

Employee rights: The suspension of the employee with no pay is not fair considering the employee has been working for the company for a period of 20 years. There is no mention of any payment after termination. The employer is to provide a severance pay after termination in accordance to the number of years the employee has been in the Company in fairness.

Working conditions and work relations: The Company can be subjecting its employees in a stressful environment that may lead the employees to resort to intoxication as in the case of the termination of the employee (Termination of employment digest, 9). The employer can create working conditions that enables a good relationship among the stakeholders.

3. What grounds would you expect to stand on as the Plant Manager in this termination?

The Plant Manager is to show reason why termination was an option for the employee in consideration after the appeal from the Union.

Capability and competency: The employee was not one of the best but was good and this shows that he was not exceptional and his dismissal will not have a negative impact on the company. The intoxication issue can lead to damage of goods considering it is a plant and there is possibility of

equipment use. The Plant Manager can introduce the issue of competency that shows that the employee can be the best but due to undue pressure of meeting deadlines resorting to misconduct.

Gross misconduct: The employee was intoxicated, and the disciplinary action may give rise to instant dismissal without notice or pay in lieu of notice.

4. What would you as a Plant Manager do differently?

Warnings: The Plant Manager, it will be appropriate to give warnings to the employee in informal warning, written warnings and ultimately dismissal.

The employee is to reform and will be under observation with no change leading to dismissal.

Rules and regulations: The Plant Manager is to provide a documentation of rules and regulation to employees so that they can be aware of consequences on offences and punishment for offences by the employee.

The Plant Manager can include help from Human Resources on best practices and assisting the team in enhancing working relations.

Improving Working relations and Conditions: The termination of an employee of 20 years for intoxication can mean the working conditions are unbearable.

The Plant Manager can change the working conditions by improve working conditions of worker to worker by introducing incentives, weekly meetings that brings together of colleagues providing refreshments and watch football, baseball and creating an atmosphere of togetherness can contribute the working conditions.

Human Resource: The Human resource department is to be involved from onset to avoid wrong dismissal, which can be very expensive if the employee

sues the company. The Plant Manager should work together with the human resource to avoid any future disagreements with the Union.

Works Cited

Termination of Employment Digest: [a Legislative Review]. Geneva:

International Labour Office, 2000. Print.

Brenkert, George G, and Tom L. Beauchamp. The Oxford Handbook of Business Ethics. Oxford: Oxford University Press, 2010. Print.