

EMPLOYMENT APPEALS COMMITTEE

Meeting: 25 November 2008
At: 1.00 pm

PRESENT

Councillors Christine Corris (Chair) in the Chair; Councillors Brian Millard, and Chris Murphy.

1. MINUTES

The minutes (copies of which had been circulated) of the meeting held on 2 September 2008 were approved as a correct record and signed by the chair.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. PUBLIC QUESTION TIME

No public questions were submitted.

4. EXCLUSION OF THE PUBLIC

RESOLVED - That the public be excluded from the meeting during consideration of agenda item 5 to prevent the disclosure of information relating to an individual. It would not, on balance, be in the public interest to disclose this information to the public because disclosure of the personal information would not be fair to the appellant and therefore be in breach of Data Protection.

Item not for publication

5. APPEAL A233

The Committee considered an appeal against dismissal from an employee of the Environment & Economy Directorate. The employee's sister and his representative attended the meeting and presented his case. The Committee was advised that the employee was too ill to attend but his representative reported that the employee was happy for the case to be heard in his absence.

It was then

RESOLVED – (1) That having heard all that had been said and having considered the documentation submitted about the incident and the matters in mitigation, the Committee are concerned about the racial element in this incident and will not tolerate racial abuse by Council staff. However, in this case the Committee feel that the appellant's mental health had not been fully considered and feel that in the circumstances a dismissal was too severe.

(2) On these grounds the Committee therefore allow the appeal and ask management to replace the dismissal with a final written warning.

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(3) The Committee also ask that time be allowed for the appellant to recover his health and that Occupational health be asked to work with the appellant and management to facilitate a structured and supported return to work as soon as reasonably practicable.

The meeting closed at 2.47 pm.