

## EMPLOYMENT APPEALS COMMITTEE

Meeting: 20 December 2004

At: 9.30 pm

PRESENT

Councillor Paul Carter (Chair) in the chair; Councillor Chris Murphy (Vice-Chair); Councillor Roy Weaver.

### 1. DECLARATIONS OF INTEREST

No declarations were made.

### 2. EXCLUSION OF THE PUBLIC

RESOLVED – That in order to prevent the disclosure of information not for publication relating to a particular employee, former employee or applicant to become an employee, or a particular office holder, former office holder or an applicant to become an office holder under the Council, the public be excluded from the meeting during consideration of Item 3.

Item not for publication

### 3. APPEAL A207

The Committee considered an appeal against dismissal from an employee of Stockport Direct Services. The employee and his representative attended the meeting and presented their case.

RESOLVED -

- The Panel was satisfied that the appellant went off sick with a migraine and did not make any attempt to notify the Council that he was still sick and unable to return to work the next day.
- The Panel was satisfied that the appellant was doing work at his property and as a result caused a severe injury to his finger.
- The appellant failed to advise the Council, as employer, of his injury in line with the Council's sickness absence policy.
- The appellant was subsequently seen at home in working clothes giving the view that he was working whilst off sick.
- As a result of the statements made by staff, the Council, as employer could reasonably take the view that the appellant was working while on sick leave.

In light of the fact that the Council needs to have high levels of trust in staff who work on their own and that there were no alternative work practices that the appellant could carry out, it was reasonable in the circumstances to dismiss.

Therefore, the Committee upheld the decision of management to dismiss the appellant.

The meeting closed at 11.50 am.