

Dismissal for cause: during sick leave an employee conducts such activities as to endanger his recovery



The worker was dismissed because during his sick leave he conducted heavy duty activities for his own interests.

Such heavy duty activities impinged on his chances to a quick recovery and justify the dismissal.

The Court of Appeal of Turin confirmed the lower Court decision and set out the following principles:

- the verification conducted by an investigation agency during the sick leave were legitimate and could be used as evidence by the Court;
- conducting activities during sick leave is possible unless such activities endanger recovery;
- conducting such activities justify dismissal for cause.

When publication on facebook contributes as evidence for fairway dismissal



It is a fact known that social networks can violate personal privacy as the story of Cambridge Analytica as proved. The use of Facebook can also be the cause of dismissal. A decision of the Supreme Court ruled that an employee who had posted insulting remarks: *this shitty job breaks my balls* on his Facebook page could be dismissed for cause.

That publication moreover qualifies as defamation as the person insulted can easily be identified and the blog could be read by a large number of people.

In another case the Supreme Court ruled that damage to corporate image is caused by excessive criticism and the revelation on corporate "chat" of wrongdoings at the workplace. A lower Court also ruled against an employee who had posted a pictures where he was holding a weapon.

Instead, another Court ruled in favor of a dismissed an employee who had insulted the client of department store who came to buy at the department store during Easter holydays, because after few minutes the post was removed and the Court said that it was only a moment of distemper.

In another case the Tribunal of Milan ruled that a dismissal was for cause because worker had posted on Facebook, three pictures where he and two colleagues said that the company *was a shitty place*. The issue of the role of social network used at the work plays is still very much in evolution.

Some cases follow one sets of principles based on corporate image protection and others follow the principle of proportionality of the punishment with regards to the offence.