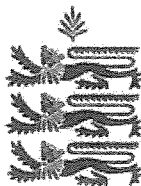


States of Guernsey



EMPLOYMENT & DISCRIMINATION TRIBUNAL

APPLICANT: Mr Malcolm Campbell
Represented by: Advocate Paul Richardson, AFR

RESPONDENT: Generali International Limited
Represented by: Miss Rachel Farnham, Collas Day

Decision of the Tribunal Hearing held on 27 November 2008.

Tribunal Members: Ms Georgette Scott
Ms Caroline Latham
Mr Andrew Vernon

UNANIMOUS DECISION

Having received confirmation that the Respondent, Generali International Limited admitted, accepted and would not contest the claim of unfair dismissal made by the Applicant, Mr Malcolm Campbell, the Tribunal sought only to find a remedy in this case.

Therefore, under the provisions of the Employment Protection (Guernsey) Law, 1998, as amended, Mr Campbell, who was unfairly dismissed by his former employers Generali international Limited was awarded the amount of £42,851.00.


Ms G Scott

.....
Signature of the Chairman

12 December 2008

.....
Date

NOTE: Any award made by a Tribunal may be liable to Income Tax
Any costs relating to the recovery of this award are to be borne by the Employer

Any Notice of an Appeal should be sent to the Secretary to the Tribunal within a period of one month beginning on the date of this written decision.

The detailed reasons for the Tribunal's Decision are available on application to the Secretary to the Tribunal, Commerce and Employment, Raymond Falla House, PO Box 459, Longue Rue, St Martins, Guernsey, GY1 6AF.

The Law referred to in this document is The Employment Protection (Guernsey) Law, 1998, as amended.

1.0 Introduction

- 1.1 The Respondent had indicated on ET2 Response form and in correspondence with the Secretary to the Tribunal that it would not contest the claim of unfair dismissal, would not be appearing at the hearing and had accepted the claim.
- 1.2 As a consequence both parties were informed in writing that as the claim was not contested the Tribunal would seek only to find a remedy on the day of the hearing, but would require both parties to submit evidence of salary in writing ahead of the hearing since that was in dispute based on the ET1 Application and ET2 Response forms. No other presentation, submission or other evidence would be required.

- 1.3 On the day of the hearing the Tribunal was surprised to note the presence of an Associate from Collas Day, Miss Rachel Farnham. She indicated that she was present as an 'observer' for her client, Generali International Limited, and was present to provide information if any was required. In her capacity as an observer she sat in the public gallery.
- 1.4 A letter from Collas Day, dated 24 November 2008, had been received by the Tribunal Service on the day prior to the hearing. The letter, from Collas Day on behalf of their client Generali, confirmed once more that "My client's position is that it will consent to a finding of unfair dismissal for the reason stated in Form ET2..." it also added conflictingly, "Needless to say this does not amount to an admission of unfair dismissal by my client". As the hearing opened, a copy of a letter, also dated 24 November 2008, was handed out by Miss Farnham for presentation to the Tribunal Panel, the Applicant and his representative. The letter referred to an enclosure which gave a breakdown of the Applicant's earnings.
- 1.5 Miss Farnham was asked to clarify and give an unequivocal admission or otherwise of her client's position, as the Tribunal could not continue on its present course without. An adjournment was made to allow Miss Farnham to receive her client's instructions.
- 1.6 On reopening the hearing, Miss Farnham was invited by the Chairman to appear in the position of Respondent's representative rather than as an observer. Miss Farnham advised the Panel that her client would admit to unfair dismissal on the basis that the Tribunal would not make a finding on the reasons for the dismissal. On being assured again that the Tribunal had met only to find a remedy since the case was not contested, and on being assured that the Applicant and his representative, Advocate Paul Richardson, accepted the admission, the hearing recommenced.

- 1.7 Having heard evidence from both sides on the calculation for the salary stated in ET1 and ET2 forms and agreeing a figure of £42,851.00, the hearing was closed.

2.0 Decision

- 2.1 Having received confirmation that the Respondent, Generali International Limited, admitted, accepted and would not contest the claim of unfair dismissal made by the Applicant, Mr Malcolm Campbell, the Tribunal sought only to find a remedy in this case.
- 2.2 Therefore, under the provisions of the Employment Protection (Guernsey) Law, 1998, as amended, Mr Campbell, who was unfairly dismissed by his former employers, Generali international Limited, was awarded the amount of £42,851.00.
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Ms G Scott

Signature of Chairman

Date: 12 December 2008