



Employment Injunctions – News

Mullen v Brown Thomas

Ms Justice Mary Laffoy granted an injunction in a recent High Court case that prevented Brown Thomas from effecting its decision to dismiss an employee. Ms Mullen had brought a claim of bullying and harassment to her employers and it was alleged that she was then told that she was being dismissed.

In seeking the injunction, it was claimed that the Applicant's dismissal arose from complaints made to her employer, stating that the Applicant had been bullied by a superior, whom she claimed made her working life "unbearable". She made an informal complaint, and when she felt that the issues were not properly addressed, she made a formal complaint through the Company's Grievance Procedure.

The complaints were subject to mediation during which the Applicant said she was told she should leave the company as a result of the breakdown of the working relationship between her and her superior. The company allegedly then told Ms Mullen that it was terminating her employment with immediate effect, providing her with one month's pay in lieu of notice.

The Applicant claimed that she was denied natural justice by her employer, including the right to appeal its decision to terminate her employment. The Applicant alleged that the dismissal would do irreparable damage to her professional reputation. She claimed that damages would not be an adequate remedy because she would not be able to find a similar position as a result of the current economic situation.

Laffoy J granted the injunction stating that the Applicant had raised a fair issue to be tried.

Recently the Courts have been slow to grant injunctions in employment cases. Essentially in order to secure an injunction, an employee must prove that he has a strong case for trial, that the balance of convenience lies with granting the injunction and that damages would not be an adequate remedy.



Laffoy J in the Brown Thomas case seems to have relied on the contention that the dismissal would do irreparable damage to the employee's reputation and that the Applicant would struggle to find another job in the market.

The case was settled between the parties before Laffoy J gave a judgement. Her decision in the ex-parte application may signify a significant change to the precedent of employment injunctions. It would appear that many employees would suffer damage to their reputation if dismissed and it is argued that reputational damage alone should not be enough to ground an injunction preventing the otherwise lawful dismissal of an employee, unless some sort of allegation has been made against the employee.

Employers who refuse to practice fair procedures and the principles of natural justice in terminating employment for misconduct reasons have always been at risk of having to defend their actions. If this case is relied on, it may be that employers who dismiss for non misconduct reasons will also be at risk of injunction, if the reputation of the employee is on the line.

If you require advice on any employment related matter please feel free to contact Ray Fitzpatrick on 01-2960666.