

**INDUSTRIAL TRIBUNAL**

**DECISION NO. 2125**

CASE NO. 2956

Re Employment Dispute

between

Alfred Littlejohn

and

The French Embassy in Malta

concerning the dismissal from  
employment alleged to be unfair.

Date : 20<sup>th</sup> February 2012

**Chairman : George Borg Cardona**

This dispute was referred to the Industrial Tribunal by means of a declaration filed in the Registry of the Superior Courts on 23<sup>rd</sup> September 2011.

The Tribunal held two sittings.

Alfred Littlejohn, hereinafter referred to as the “appellant”, was assisted by Dr Joanne Vella Cuschieri, while no representative of the French Embassy attended any of the sittings.

In his declaration the appellant claimed he had been unjustly dismissed from employment. He stated that on 27<sup>th</sup> May 2011 Michael Scicluna, the French Ambassador’s driver phoned him to say he was unwell and could not attend for work. His employment was as driver with the Embassy and he found no objection to do duties for the day as the Ambassador’s driver. However he immediately informed his superior and also the Ambassador himself that he had an appointment fixed for after 5 pm and would be unable to remain on duty after this time. They both told him this was no problem.

When it was time for him to leave at 5 pm for the appointment the Ambassador objected strongly and expected him to cancel his appointment and stay on duty. This notwithstanding that the Ambassador had earlier accepted that he would not stay after 5 pm and had in his presence booked a taxi to replace him.

The French Embassy did not submit a declaration of its case as requested in the Tribunal's letter dated 3<sup>rd</sup> October 2011. No representative of the French Embassy attended the first sitting on 7<sup>th</sup> November 2011 and the case was adjourned to 16<sup>th</sup> January 2012. The Tribunal ruled that if the French Embassy failed to file a Declaration of Case and failed to attend for the adjourned sitting the Tribunal would hear the appellant's pleas and give a decision. Although the French Embassy was notified of the Tribunal's ruling and acknowledged receipt of same it did not comply and once again no representative of the Embassy attended the sitting.

In its letter of dismissal the French Embassy informed appellant that it was disappointed with his negative attitude during the last days at work, that he loudly complained to staff about the delay in his lunch break due to the Ambassador's schedule although this was an exceptional event, that he left the Embassy premises without driving the Ambassador to his residence and did not park the car in the appropriate garage with security consequences.

The appellant contested these claims as absolutely unfounded and stated that during more than 20 years of service he was never given any warning.

The Tribunal observes that appellant was summarily dismissed and not given any opportunity to defend himself.

Since the French Embassy ignored the ruling given by the Tribunal and is in contempt of Court, the Tribunal has no option but to decide the case on the basis of submissions by the appellant.

It therefore considers that the dismissal was unfair and decides that the French Embassy has to pay compensation to appellant in the amount of €16000 (sixteen thousand euros) within one month of the date of this decision.

It was not possible for the Tribunal to decide the case within the period established by law because of the necessity for an adjournment and lack of facilities.

For the purposes of Legal Notice Number 48 of 1986 the Tribunal determines the fee of the lawyer who assisted the appellant in the amount of € 94 (ninety four euros).

Thus it finally determines this employment dispute.

Signed : George Borg Cardona  
Chairman

True copy

Mary Rose Galea  
for/Secretary

