

Whistleblower allegation unfair

Employers need to be able to trust employees to keep consultations confidential. A man sacked by Marks and Spencer (M&S) for leaking details of plans to cut redundancy payments to staff should not be labelled as a whistleblower as there is no suggestion that the company acted improperly, say lawyers.

The employee, who had worked at M&S for 25 years, was suspended last month after it was discovered he had briefed the media that the company was looking to cut redundancy pay by up to 25%. At a disciplinary hearing, he was then told that he was being sacked for gross misconduct.

Ronnie Fox, of Fox Solicitors, says that by labelling the employee as a whistleblower, it casts M&S in an unfair light when they had in fact done nothing wrong.

“There is a relationship of trust and confidence which ought to exist between every employer and employee. It seems that in this case, the individual concerned broke that trust and M&S were entirely justified in feeling that they could not rely on him to keep company information confidential in future. Nobody should be surprised the fact that he has been dismissed.”

Announcing an intention to appeal the decision, Maria Ludkin, legal officer at the union GMB and the employee’s representative at the hearing, says that the decision to terminate employment is a “gross act of corporate bullying”.

However, Fox suggests that the comments by the union are entirely misplaced.

“I have advised many employers about redundancy plans and there is always concern about the consultation process.

If employees cannot be trusted to keep proposals confidential, employers will become even more reluctant to consult,” he says.