

> Newsflash – 26 September 2007

Employment, Social Security and Immigration Law

Dismissal for serious cause: finally cost free

In the event a worker is dismissed with a notice period to be worked that is shorter than legally required, case law unanimously states that, in this case, the worker is entitled to additional compensation.

What happens then if the same worker commits a serious offence during his too short notice period ? Is he/she still entitled to additional compensation ?

Until recently, the Supreme Court had held that the right to additional compensation could not be influenced by subsequent events, such as a dismissal for serious cause. A worker dismissed for serious causes during an inadequate notice of termination could therefore still file compensation for additional notice.

In a recent decision of 26 February 2007, the Supreme Court decided that the right to file for additional compensation in case of a shortened notice period can be denied for the same reasons that affect the right to a notice period.

This reversal of case law entails that a worker dismissed on the basis of a serious offence even during a too short notice period always loses the right to file for additional compensation.

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