**Unfair Dismissal – The Swearing case**

In the case RM v SCT Pty Ltd T/A Sydney City Toyota (2013) FWC 1077 a car sales executive working for Sydney City Toyota was summarily dismissed after swearing at a customer. It was the salesman’s specific duty to assist customers in relation to the sale of Toyota cars.

The salesman was annoyed that the customer had bought a Toyota from another dealership and a couple of months later, spoke to the customer about this. Despite initially denying he had sworn at the customer, the salesman later admitted that the following conversation took place between him and the customer in the sales room:

Salesman: I thought that we were going to get the order for that one.

Customer: I don’t know what happened. We got it at Chatswood (another dealership).

Salesman: Well I guess that means that you wasted my \*\*\*\*\*\*\* time.

A witness stated that the salesman’s behaviour was ‘pretty aggressive’. A day after the incident, the car salesman was asked to attend a meeting to discuss allegations about this conduct and its impact on the businesses reputation.

He was asked if he would like to bring another person along to the meeting for support and was assured that if he needed more time, the meeting could be rescheduled. At the meeting, the car salesman was given the opportunity to response to the allegations. Shortly after the meeting, the salesman was given a termination letter which said his conduct ‘caused an imminent risk to the reputation and profitability of Sydney City Toyota”.

**Questions**

1. Do you agree with the decision to dismiss the employee? Explain.

Yes, the employee clearly verbally abused their customer which is grounds to summarily dismiss an employee and violated the code of conduct of the buisness

1. Do you agree with the way in which the business went about dismissing the employee? Explain.

Yes, the employer followed the correct protocols and fired the employee correctly by allowing the employee to tell his side in a meeting

1. If the salesman decided to take his case to the FWC, would he be successful? Explain.

It is unlikely he would win his case due to him clearly verbally abusing a customer which is grounds to summarily dismiss an employee

1. What could the business do to ensure something like this doesn’t happen again?

Ensuring employees are aware that swearing is a fireable offence and if they do the same they will get fired.

1. The salesman was summarily dismissed. Would this have happened if his employer had more than 15 employees? Explain.

Yes, the size of the business does not change the process of summarily dismissing employees

Now read this:

<http://workplaceinfo.com.au/termination/unfair-dismissal/cases/car-salesman-sacked-for-swearing-at-top-customer#.W2pZZOhubIU>

What are your views about this case after having read more about the case?

n/a