



No dismissal allowed due to the loss of a doctoral title - Labour Law

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GRP Rainer Lawyers and Tax Advisors in Cologne, Berlin, Bonn, Dusseldorf, Frankfurt, Hamburg, Munich, Stuttgart and London - www.grprainer.com/en conclude: In its judgement of November 25, 2013 (File number: 2 Sa 950/13), the State Labour Court (LAG) of Düsseldorf ruled that the loss of a doctoral title alone does not constitute a reason for dismissal. In the case in question, the State of North Rhine-Westphalia had decided that the employee was not authorized to use his doctoral title. He had acquired it at a private university in the USA, and he filed an action against the dismissal. The significant reason for the LAG's decision was mainly the circumstances which did not indicate any wilful deceit by the employee.

The employee was able to submit to the Court a doctoral thesis and a respective doctoral certificate. The title had also been entered in his identity papers. The plaintiff explained to the Court that he had not cheated in his doctoral thesis and had by no means purchased the title. In its reasons for the decision, the Court agreed with the plaintiff's arguments. It saw no signs of wilful deceit by the employee when he was hired or in the course of his employment.

The defendant was not able to argue convincingly that the plaintiff had deliberately claimed wrong facts. Neither was it evident that the doctoral title had been instrumental in hiring him as a business graduate. In addition, the employer had been provided with a valid doctoral certificate at the time of application and hiring. All these reasons suggest that a summary dismissal because of the loss of the doctoral title was not justified.

The effectiveness of a dismissal can depend on many factors. In addition to meeting statutory requirements, employers must also show a justifiable reason for dismissal. It is advisable that employers have dismissal notices examined for their legitimacy by a lawyer with experience in labour law.

Employees should also seek legal advice when they are facing unjustifiable dismissal. In such a case, quick action is required because there are short deadlines in labour law. For example, an action has to be filed within three weeks of the dismissal notice.

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Anlage: Bild

