

Employment Case Studies

MAMO TCV
ADVOCATES

Dr Christine Calleja

24th April 2024



1. Peter Kriznar vs Eden Hospitality Limited et – I.T. - 25th January 2024

What constitutes a Genuine Redundancy?



2. Karen Galea vs Durley Investments Limited - I.T. - 6th February 2024

The Employer's Obligations when Transfer of Business results in Redundancy



3. Matthew Degiorgio vs Air Malta PLC - I.T. - 23rd February 2024

Good Practices that must be followed in the case of Collective
Redundancies



4. Jennifer Tonna vs IDEA Advisory Ltd - I.T. - 14th November 2023 (the defendant company was represented by Dr Christine Calleja)

When Insubordination amounts to Gross Misconduct



5. TCB Services Ltd vs Muhammed Zohaib - I.T. - 8th November 2023

When Employer Breaches Employment Conditions



6. Steve Holland vs Office Group Limited - I.T. - 7th November 2023

- The Importance of Warnings
- The Contributory Negligence of an Employee towards his own Termination



7. David Joaquin Goncalves Geraldes vs BEM Operations Limited - I.T. - 18th October 2023

When Termination constitutes a Legitimate Disciplinary Measure



8. Halet vs Luxembourg - European Court of Human Rights - 24th February 2024

Disclosure of Confidential Information acquired in the Workplace can be Protected by Freedom of Expression



9. Joshua Bugeja vs Malta College of Arts, Science & Technology - I.T. - 6th October 2023

The Application of the Principle of “Like with Like” in cases of Discrimination



10. Maria Matruscelli vs Palumbo Malta Shipyards Limited et - Civil Court First Hall - 14th March 2024

Employer's Liability for Accidents occurring at the Workplace



**11. Henry Hank Aquilina vs Simonds Farsons Cisk p.l.c.
- Court of Appeal - 11th October 2023 (the defendant
company was represented by Dr Christine Calleja)**

Employees should provide an Explanation for their Misconduct during
Disciplinary Proceedings



12. IH vs MÁV-START Vasúti Személyszállító Zrt - Court of Justice of the EU - 2nd March 2023

Employee are Entitled to Daily Rest in Addition to Weekly Rest



13.CM vs TimePartner Personalmanagement GmbH - Court of Justice of the EU - 15 December 2022

The Application of the Principle of Equal Treatment of Temporary Agency Workers



14. Miss AB vs Royal Borough of Kingston upon Thames - London South Employment Tribunal - 11th September 2023

Employers must exercise a Duty of Care towards Employees, especially in Sensitive Cases



15. Wilson vs Financial Conduct Authority - UK Employment Tribunal - 20th December 2023

Employees cannot Force Employer to allow them to Work only from Home



16. Glasson vs Insolvency Service - UK Employment Appeal Tribunal - 7th December

When Unfavourable Treatment towards Employees with a Disability
does not amount to Discrimination



17. Melike vs Turkey - European Court of Human Rights - 15th June 2021

Dismissal of Employee for having “Liked” Facebook posts amounts to a Violation of the Freedom of Expression



18. Stefan Bartolo vs Air Malta p.l.c. – Court of Appeal - 3rd April 2024

- In times of Crisis, the Need for Marketing is more Significant
- The Industrial Tribunal must provide a Justification for Compensation



19. Gareth Mercieca vs Strand Marine and Auto Systems Ltd - I.T - 28th February 2024

The Industrial Tribunal's Jurisdiction excludes cases of Resignation, except for cases of Constructive Dismissal



20. Edwin Caruana vs Air Malta plc - Court of Appeal - 15th November 2023

Employees are only Bound by their Employment Contract which carries the Force of Law and Regulates the Employee-Employer Relationship



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Thank you!

