



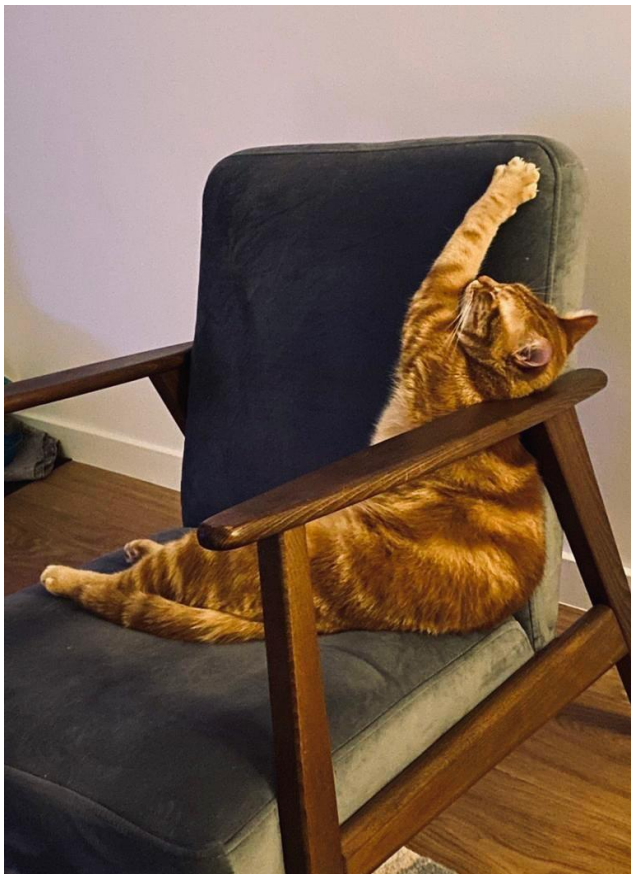
LINARI LAW FIRM

AVOCATS A LA COUR

**The employer's lawyer has the authority to execute a dismissal letter and the absence of signature does not automatically lead to an unfair dismissal.**

An employee hired under a permanent contract was dismissed with immediate effect for serious misconduct.

The employee lodged a claim against his former employer and alleged that the dismissal letter was invalid as (i) it was drafted on the employer's lawyer letterhead paper and (ii) only the lawyer's name was mentioned without a proper wet ink signature. The employee claimed that as a consequence the dismissal letter didn't produce any legal effect so that the dismissal was to be considered unfair.



The Court of Appeal rejected the employee's arguments considering that the former employee could not have been misled by the identity of the author of the dismissal letter or by the authority of the lawyer to act on behalf of the employer.

The employee didn't develop further his argument that an unsigned dismissal letter constitutes an irregularity of the dismissal's procedure, resulting in a loss for the employee to be compensated by the employer. The Court of Appeal therefore didn't analyze further this argument and only stated that the absence of signature on a dismissal letter does not automatically lead to an unfair dismissal.

The Court of Appeal also mentioned that a lawyer does have the authority to act on behalf of his client to dismiss an employee.

Linari Law Firm is of course available should you need any assistance regarding labour law or dispute resolution (legal advice, pre-litigation and litigation)

[CAL-2020-00121 3 June 2021](#)