

Bournemouth University Higher Education Corporation v Buckland

Constructive dismissal tests and definitions

A professor resigned after his marking was overturned without his knowledge. The tribunal held this was a breach of the implied term of trust and confidence, even though the employer had subsequently followed its grievance process. On appeal, the EAT said the test for constructive dismissal is whether the employer acted in a manner calculated or likely to destroy or damage the relationship of trust and confidence without reasonable and proper cause. In *Wishaw and District Housing Association v Moncrieff* neither a letter threatening possible dismissal, or withdrawing an offer of external mediation, could be viewed as the “last straw” entitling an employee to resign.

Case ref UKEAT/0492/08 and UKEAT/0066/08

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