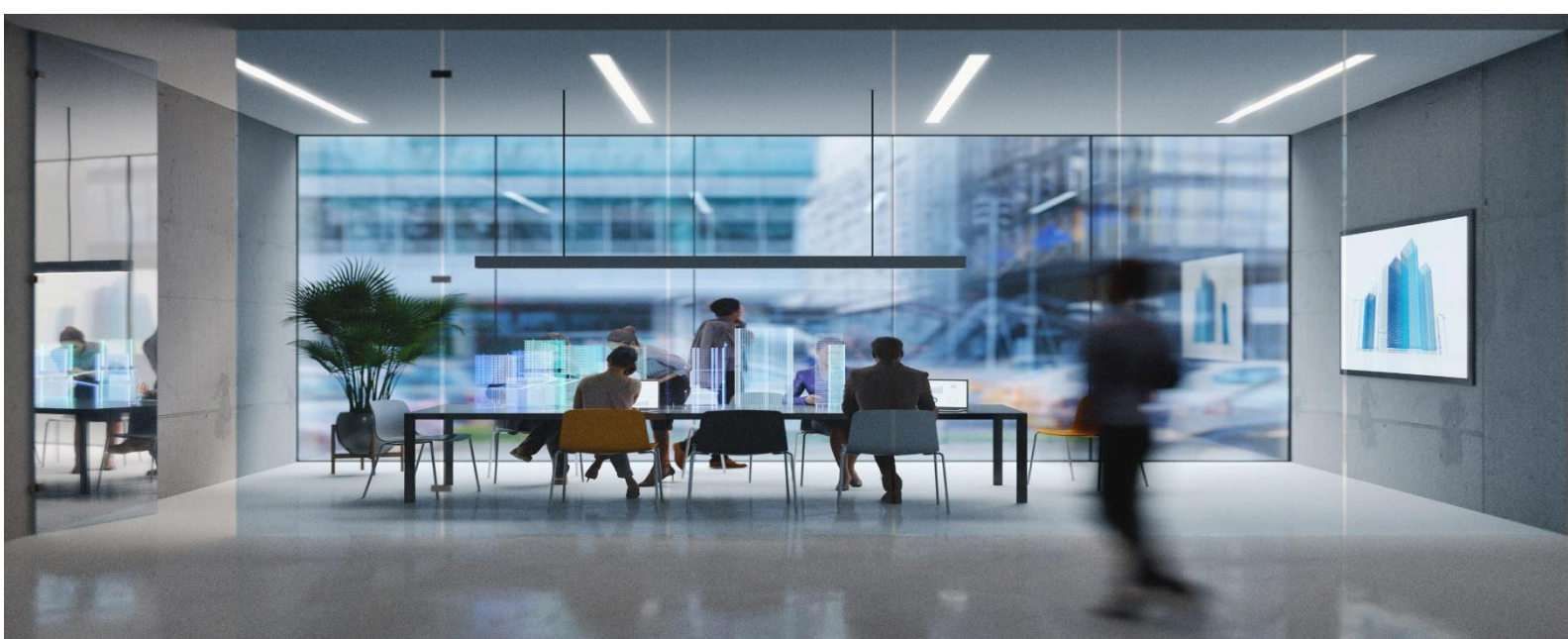


## Termination of Employment with Wrongful Reason Due to Union Activities



The Supreme Court's decision dated 28 March 2024 addresses the unlawful termination of an employee based on union-related activities, examining the case in light of constitutional guarantees such as freedom of association, equality before the law, and the right to effective legal remedies. This landmark decision clarifies the obligations of employers and reaffirms employees' rights to participate in union activities without fear of reprisal.

Subject of the case is dismissal of an employee who was actively involved in union-related activities. The key issue was whether the termination constituted a discriminatory act aimed at suppressing union participation and whether it violated the employee's constitutional rights. The Court also considered whether the dismissal adhered to labor law standards and procedural fairness.

The applicant alleged that their dismissal was a direct result of union membership and activities, in violation of constitutional protections. Specific claims included:

- **Violation of Freedom of Association:** The applicant argued that the termination was a deliberate attempt to restrict their right to freely join and participate in union activities, contravening constitutional guarantees.
- **Discriminatory Dismissal:** The applicant asserted that the dismissal was motivated by union affiliation, constituting unequal treatment under labor law.
- **Absence of Legitimate Grounds:** It was claimed that the employer failed to provide valid reasons for the termination, rendering it an act of retaliation against lawful union activities.
- **Inadequate Legal Recourse:** The applicant expressed concerns about the lack of effective judicial remedies to challenge the dismissal and protect their rights.

The Supreme Court conducted an extensive evaluation of the case, considering constitutional principles, labor law provisions, and the factual context provided by both parties. Key aspects of the evaluation included:

- **Freedom of Association:**
  - The applicant argued that the termination was a deliberate attempt to restrict their right to freely join and participate in union activities, contravening constitutional guarantees.
- **Discriminatory Dismissal:**
  - The applicant asserted that the dismissal was motivated by union affiliation, constituting unequal treatment under labor law.
- **Absence of Legitimate Grounds:**
  - It was claimed that the employer failed to provide valid reasons for the termination, rendering it an act of retaliation against lawful union activities.
- **Inadequate Legal Recourse:**
  - The applicant expressed concerns about the lack of effective judicial remedies to challenge the dismissal and protect their rights.

The Supreme Court concluded that the dismissal violated the employee's constitutional rights, particularly the freedom of association and protection against discrimination. Key findings and directives included:

- **Unlawfulness of Retaliatory Dismissals:** The Court ruled that terminations based on union-related activities are inherently discriminatory and undermine labor rights.
- **Strengthening Judicial Protections:** The decision highlighted the need for effective legal remedies to address unfair dismissals and prevent abuse of power by employers.
- **Employer Accountability:** Employers were reminded of their obligation to respect constitutional principles, particularly in cases involving union activities.

This decision underscores the critical importance of protecting workers' rights to unionize and participate in collective activities. It serves as a guiding precedent for ensuring equality, justice, and adherence to constitutional principles in labor relations. The ruling also reinforces the role of the judiciary in upholding democratic values and labor protections.