

TLC Secures Noteworthy Judgement In Favour Of First Bank

The Law Crest LLP as counsel to First Bank of Nigeria Limited (First Bank) has secured judgement for First Bank in an employment dispute brought before the National Industrial Court of Nigeria (NICN) by an ex-employee bordering on alleged wrongful dismissal. The matter was listed as SUIT NO. NICN/LA/451/2018: MR. OLUMIDE OYAWALE V FIRST BANK OF NIGERIA LTD.

In a remarkable judgement delivered on the 29th of June, 2021, Honourable Justice I.E Essien, PHD, held that the summary dismissal of the Claimant for gross-misconduct was not wrongful and dismissed all the reliefs sought by the Claimant but awarded over N28m in the Counter-Claim brought by First Bank against the dismissed employee. First Bank through it's counsel, The Law Crest LLP, was able to establish that the Claimant contravened his contract of employment, particularly the provisions of the Employees' Handbook pertaining to unethical conduct, conflict of interest and irregular dealings with money. The Court was of the view that apart from the documents tendered, the Claimant made far-reaching admissions under cross examination to establish that his summary dismissal was in line with his contract of employment and that he was given fair hearing prior to that dismissal.

Summary dismissal from employment for gross misconduct is a procedure that Banks often have to carefully navigate as such an action usually will disqualify a dismissed employee from seeking employment in the banking sector because of the high ethical standards required of employees in that regulated sector. Resultantly, the National Industrial Court has often critically scrutinized such summary dismissals to be sure that they conform to the rules of natural justice and the employment contract. In some cases, the NICN has imposed heavy damages for wrongful dismissal or termination of employment on employers who fail to play by the rules. In other instances, the Court has converted summary dismissal to termination to obviate the hardship that dismissal entails. This case stands out because not only did the NICN affirm the summary dismissal of the Claimant and awarded over N28m against him and in favour of First Bank, but the Court went ahead to hold that the Claimant would forfeit all his entitlements on the basis of his summary dismissal.

This case also brings to the fore that where an employer complies with the contract of employment and the rules of natural justice in disciplinary measures against employees, the NICN will respect the contract between parties. Thus, the NICN, though perceived by many practitioners as a pro-employee Court, has in several cases, like the instant one, shown that it is a Court of justice for both the employer and the employee.

The Law Crest LLP Team was led by our Partner and Head, Dispute Resolution, Okechukwu Umemuo, FCI Arb, who was assisted by Omobayode Okelola, a Senior Associate and Onyinye Nnoli, an Associate.