



## Swearing in the workplace part one: is it grounds for dismissal?

### **IR Update 14/14**

There have been a number of unfair dismissal cases before the Fair Work Commission that have considered the issue of swearing in the workplace and whether such conduct justifies termination of employment.

So when is it not okay to swear in the workplace? The best practice would be never but the following case may shed some light on the subject, even though it has yet to be clearly defined.

### **Can you swear at a customer?**

In a recent case, a car salesman who had shown a car to a customer was informed by the customer that he would place an order 'next month'. Two months later, the salesman saw the customer in the service area getting a car. The customer informed the salesman that he had purchased it from a rival dealer. The salesman became aggressive and responded to the customer using abusive language.

The customer was employed by a fleet management company and the dealership was an accredited preferred supplier – which was a very lucrative deal for the dealership. A formal complaint was made by the fleet company and after an investigation the employee was instantly dismissed.

The Fair Work Commission upheld the dismissal as a key part of the employee's job was to maintain good customer relations and his behavior did not meet this goal. The dealership was also at risk of losing significant business as a result and the altercation took place in a public area in front of other customers. This also had the potential to further damage their reputation.

*(Source: Linked In, 'Are bad words bad deeds? by Abraham Ash, 19 February 19 2014)*