

Mediation in Civil Case. Labour law: Honey and Milk

A company “Honey and Milk” is a successful enterprise based in Estonia, which works in dairy (milk) and honey product industry. A competition is very tough in the dairy industry – there are new companies from other countries coming in the business, the clients demand new products, the government increases standards, so the business is indeed tough.

10 years ago Melissa started to work in the company “Honey and Milk” as a secretary. She was professionally developing fast and in 5 years she was already a head of the Project Department. She speaks Estonian, Russian, English and French. She has excellent communication skills and doctoral degree in business administration. She works long hours and the Board of Directors entrusts her more and more complicated tasks.

To participate in a financially significant public procurement project (a winner of which would get rights to supply dairy and honey products to all canteens and restaurants in the European Union central administration institutions in Brussels and Luxembourg), the company “Honey and Milk” needs to get additional licence from the Licencing Ministry. Melissa is personally responsible for submission of documents for the licence and for participation in a business interview related to the project. She prepares and submits documents timely, but on the day when the interview is appointed, Melissa does not show up in the Licencing Ministry and does not participate in the interview. Only 3 hours later she calls her boss – Ms Anna Kool – and explains that Melissa’s family dog was deadly injured in a street accident, and that Melissa was the only one at home who could urgently transport the dog to the veterinary clinic. The dog survived after the operation, but the mandatory licencing interview is irrevocably missed.

Now the company “Honey and Milk” has no chance to continue its participation in the public procurement project, because the company has not received the necessary licence. The closest competitor – Lithuanian based company “Pienas” – will probably win the public procurement project in these circumstances.

The director of the company – Ms Anna Kool – is extremely angry, disappointed and frustrated about such failure of Melissa. Ms Kool demands written explanations from Melissa and wants to fire her immediately. Moreover the director has suspicions that Melissa intentionally harmed interests of the company, because Melissa’s brother lives in Lithuania and works in the company “Pienas”. The director believes that Melissa has disclosed to her brother all information about ongoing public procurement project and that she secretly wants to destroy the company from inside.

On July 16 Melissa receives a written termination notice and she is officially fired from work. Melissa is not only sad, but also frustrated, because she had dedicated 10 very intense years from her professional career so the company “Honey and Milk” could develop. Melissa feels underestimated, because many advices which she had given to the Director, was bringing a lot of income and development of the company. Now she is excluded from the company just because she could not leave her family dog bleeding on the street after unexpected and serious car accident. She could not

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call the company, because all she cared about at the particular moment was to save the life of the family dog.

Melissa finds ridiculous accusations expressed by the director on the fact that she discloses information to the brother. First of all, a person working in Lithuanian company “Pienas”, is Melissa’s half brother, whom she had met in her childhood, and with whom she communicates once per year, giving courtesy phone calls on Christmas. Melissa feels completely loyal to the company and would never harm the business interests of the company.

Now when Melissa is fired, she want to submit a claim to the court and ask to annul the termination notice. Melissa wants with the help of court judgment to return back to her job position.

The director of the company – Ms Anna Kool – does not want to litigate, but neither wants to accept Melissa back to the work. All these circumstances – a dog case, licencing interview, half-brother in the competing company – seems too suspicious to be true. At the same time the director of the company – Ms Anna Kool – has no idea where to find another professional like Melissa, who would so perfectly know the business of the company and other project details.

Organize mediation session in which the following persons participate:

1. Mediator;
2. A director of company “Honey and Milk” – Ms Anna Kool;
3. An employee – Melissa

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