

An Unjustified Dismissal?

Dr Hans Wagner was a lecturer in Marketing at Noname University. He was 29 years old, and had one year's experience as a lecturer. Hans had only been in New Zealand for one year, having emigrated from Germany where he had been a student at the University of Berlin.

Professor Alan Wilson was Hans' head of department. As head of department, Alan was in charge of all human resource decisions affecting his staff. Part of his job included monitoring the staff's research and teaching performance. Unfortunately for Hans, his teaching performance had been relatively poor, with student ratings of generally between 2.5 to 3.0 (on a scale of 1 to 5, with 5 being the lowest score). This was worse than three quarters of the staff in the School of Business. However, in a recent 4th year course which he had not taught before, his ratings were even worse than usual. Most students rated him as either 3 or 4 on the criteria in the student evaluations.

Alan was very concerned about this development. He had already told Hans that he 'needed to improve' during a discussion about his teaching performance in the previous semester. He called Hans to his office, explained to him that this performance was 'not acceptable' and said that he would have to 'let Hans go'. Hans felt humiliated. When Alan asked him to explain his poor performance, Hans, not wanting to drag out the interview longer than absolutely necessary, said that he could not. Two months later, Hans lodged a personal grievance and returned to Germany.

(Developed by: A/Prof. Mark Harcourt, the University of Waikato)

1. Did Alan have substantive grounds to dismiss Hans? Explain
2. Did Alan follow the procedural fairness requirements in dismissing Hans, and if not, what procedures would have been fair in this case?
3. How could Hans and/or Alan have used the Employment Relations Service to help with this problem?