

▼ *Discriminatory nature of dismissal after a burn-out*

Cass, Soc, 5 february 2020, n°18-22.399

A dismissal procedure for underperformance was launched only 8 days after receipt of a letter from the employee informing his employer of his health difficulties in relation to his working conditions (and potentially of a burn-out).

In line with very strict case law on this subject, this element is, according to the High Court, sufficient to suggest the existence of discrimination on the grounds of the employee's state of health, if the employer is unable to justify his decision on the basis of objective factors unrelated to any discrimination.

▼ *Admissibility of the report following an internal investigation led among half the staff related moral harassment issues*

Cass, Soc, 8 january 2020, n°18-20.151

The High Court ruled, for the first time that the results of an internal investigation conducted among some of the employees concerning acts of harassment constitute valid evidence.

The Court thus considered that the report resulting from an internal investigation during which only half of the employees in contact with the employee were questioned should not be excluded from the discussions and that it was admissible evidence.

The drafting of the investigation report in this type of situation is essential, its drafting and content may be decisive in the resolution of the litigation.

▼ **Covid-19 – Last news**

We regularly publish on social networks specific news about Covid-19.

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More news will be available given the urgency of the situation. We invite you to contact us if you need any help or if you have any questions on this matter.