

# LÈBEQ SECURES €153K COMPENSATION FOR DISABLED WORKER UNLAWFUL TERMINATION

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**LÈBEQ Abogados has helped a worker prove that the company, a Seville-based car repair shop,**

## had the intention of firing him and has secured him a €153,000 compensation



A car repair shop of the Andalusian capital must compensate an employee with the payment of €153,000 for the unlawful termination of his contract while he was on total permanent disability leave for his usual profession.

According to the newspaper ABC, based on a judgement to which it had access, the external reinforcement judge of the Seville Social Court number three fully upholds the dismissal claim of E.M.C. against a Sevillian workshop, where he worked as a sales representative and declares the unfairness of the dismissal in April 2021.

As a result, it ordered the company to compensate its former employee with €153,316 plus interest. Far from the €9,107 that the company recognised as severance in the dismissal letter.

The plaintiff employee had been working for the company specialising in vehicle tyres since 1983. Since July 2017 he had been on sick leave due to a temporary disability. The National Social Security Institute (INSS) granted him total permanent disability effective 30 March 2021, with the review for aggravation or improvement to take place one year later.

However, the company, after receiving the notification from the managing body, sent the worker a letter on 15 April informing him that after receiving the notification from the INSS recognising his total permanent incapacity, "they were obliged to proceed to discharge him" from the company on 29 March 2021. In addition, they indicated to the worker that his severance was €9,170 as a consequence of "the termination of the employment contract due to absolute permanent disability, thereby terminating the legal labour relationship existing between both parties."

With the help of his lawyer Francisco de Borja Ortas, of LÈBEQ Abogados, the worker presented a conciliation act at the Centre for Mediation, Arbitration and Conciliation of the local government, which ended without a settlement. Faced with this situation, the worker sued his company for considering the dismissal unjustified, requesting the compensation to which he was legally entitled. The company argued that the letter was not a letter of dismissal but a notification of the worker's discharge from the Social Security system and that they had mistakenly sent a model letter that had been used before for another worker.

After analysing all the evidence, the judge concludes that the company not only dismissed the worker from the Social Security system but also notified him together with the notice of dismissal a settlement in which it indicated that he had received the sum of €9,107.62 as a final settlement, as a consequence of the termination of the employment contract due to Absolute Permanent Disability, thus ending the legal employment relationship between the two parties. For all of the above reasons, the judge concludes that there was a will to terminate the employment relationship.

Seville-based LÈBEQ Abogados' Labour team representing this worker was formed by partner and

head of area Francisco de Borja Ortas (pictured left) and lawyer Enrique Mellado (pictured right).