



Court orders reinstatement of sacked employee who pledged to join ISIS

By **Caroline Baker** - 28 March 2018

A court in Germany has ordered Volkswagen to reinstate an employee who it sacked fearing he might launch a terrorist attack against the car giant.

Samir B, 30, had been employed in Volkswagen's Wolfsburg plant in Germany. In 2014, he was arrested before boarding a flight to Istanbul carrying 9350 euros and a drone. German government agencies were sufficiently convinced that he was planning to travel to Syria to fight for ISIS that his passport was confiscated.

Later, in 2016, Samir B apparently made threatening remarks to his colleagues that they "would all die". Volkswagen subsequently sacked Samir B, arguing that the threats he had made needed to be taken seriously and there were genuine concerns that a meeting of thousands of workers and shareholders may be targeted.

However, a court in Germany has found that the dismissal was unfair. The judge stated that Volkswagen had not been able to state that the "operational peace" had been "specifically disturbed" at the plant. Under the judgment, Volkswagen is now obliged to reinstate Samir B., unless an appeal against the decision is successful.

Reinstatement is obviously a particularly problematic remedy for employers. Whilst it may be theoretically possible, often a court case will result in a complete breakdown in the relationship. Although it is also a possible remedy in the UK, it is rarely ordered and where it is, it is possible for employers to refuse reinstatement and pay a year's salary as compensation instead.