

Some pragmatic employment law advice for the BBC on the Jeremy Clarkson problem

Submitted by: SOPR

Tuesday, 17 March 2015

Alan Jones, partner at Averta Employment Lawyers (<http://www.averta.com>), takes a commercial view on the Jeremy Clarkson problem

A top employment lawyer says if he was advising the BBC on how to deal with Jeremy Clarkson, he would advise a pragmatic and commercial approach.

Alan Jones, partner at Averta Employment Law, says

“Firstly, of course, I would advise the BBC to follow through with its investigation to find out exactly what happened. If, on discovering all the facts, the case is not proved, then that should be the end of the matter.”

“Let us assume however that Mr Clarkson used or threatened physical violence on a colleague. That may of course be a criminal matter but that will be for others to advise upon. It may also justify dismissal from the perspective of pure employment law. However what would be the outcome if they decided not to dismiss?”

“Firstly, the colleague may well resign and complain that the BBC should have dismissed Mr Clarkson and have therefore failed in their duties toward the colleague as a fellow employee. They would also have to deal with an accusation that they were condoning physical violence. Compensation could be reasonably significant, but depending on losses, may not exceed the statutory cap of £76574, 00 for compensation at an employment tribunal.”

“Secondly they would undoubtedly have to deal with the inevitable disapproval of many people, who may find Mr Clarkson to be arrogant and irritating.”

“Thirdly the BBC may well be delighted to find that the audience for Top Gear, said to be excess of 350million worldwide, actually increases as a result of the extra publicity, along with the contribution to the BBC’s coffers, thereby producing a significant financial windfall for all concerned”

“With those factors in mind, I think I know what the BBC should do.”

Ends

Contacts:

Suzanne Orsler, SOPR, t 07813 131350, e Suzanne@sopr.co

Alan Jones, Averta Employment Lawyers, t 07970 495733, jonesa@averta.com

Note to editors:

Averta Employment Lawyers is a leading employment law firm. Averta’s solicitors are specialists in

matters affecting directors, senior executives, senior employees, managers, consultants and professionals.