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## AN UNSUITABLE “LIKE” THAT MAKES THE SUSPENSION FROM WORK SPRING INTO ACTION

*A police officer was suspended from his duties because of a “Like” to a post on Facebook, containing the announcement of the suicide of a prisoner detainee inside the jail in which he worked.*

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The Lombardy regional administrative court (TAR), with the ordinance of the 19th May 2016 n° 246, established that “**This may damage the image of the administration**”.

The administrative court has rejected the application for precautionary injunction of the policeman who asked for the annulment of the decree adopted by the Head of Department of Penitential Administration which subjected him to sanctions, suspending him from work for a month in accordance to the law 5 of the administrative order 449/1992.

**Sanction.** The sanction consists in a dismissal for a period of time that may go from one month to six “with the deprivation of the monthly wage except for the concession of an allowance for food that amounts to half of the salary” and it entails “a deduction on the calculation of seniority of a period of time equal to the length of the time of the suspension spent by the punished off from work, moreover it implicates a two-year delay in the promotion or in the periodic increase of the wage or the awarding of a higher class of salary”.

In which cases does the sanction springs into action? The law taken into account, article 5 of the administrative order n° 449 of 1992, “Determination of the disciplinary sanctions for the staff of the Police and for the regulation of the related legal actions, in accordance to article 21, comma 1, of the law of the 15th December 1990, n°395, letter 'g' ” provides the suspension in case of “denigration of the Administration or of the supervisors”.

Lombardy regional administrative court believes that the complaint of the policeman was not well-founded because the “Like” comment to a new, posted on Facebook, that could blemish the image of the administration assumes disciplinary relevance.

Although the post on Facebook was articulated and it regarded more than a topic related to the event, the TAR was not “benevolent”, in fact the ordinance goes on stating that “although the post had a complex content because along with the information of the suicide it also gave news about the immediate intervention of the penitential policemen, the lack of a prompt retirement from the expressed opinion, after it had been followed by others unequivocally immoral judgements, excludes the behaviour could be considered as irrelevant ”.