

Employment Newsletter

YOUR WEEKLY BULLETIN OF WIT AND WONDER



WHEY TO GO

Dairy instead of diesel?



UP CLOSE AND PERSONAL

Why a prying colleague cost an NHS Trust dearly in tribunal.



SOAPY BUBBLES

How our daily drama stars are crossing storylines.

DRIVING ON DAIRY

Well, last week we were all going to be late in to work thanks to the fuel tanker driver shortage.

This week, it's because we shoved handfuls of grated Cheddar and half a bottle of Chablis into the tank instead.

What do you mean, that's ridiculous?

Prince Charles has been running his Aston Martin on cheese and wine - he told us this week, during a three minute interview on BBC online.

Well, OK, I know... the Prince of Wales's bio fuel is actually made from cheese *whey* and wine alcohol.

But it was tempting to try for a while there.

Actually, what was the most tempting thing was just to sit in the car and *eat* the Cheddar on crackers, finish the wine and then go back indoors again.



But here at WG Towers we applaud HRH and agree that fuel sources *should* be tastier. We think that within five years all cars should be adapted to run on all kinds of delicious biofuels. Here are our top five drink and food fuel combos:

- Pepsi Max and Nice N Spicy NikNaks
- Cider and a Cornish pasty
- G&T and a nice quiche
- Appletiser and spaghetti bolognese
- A bottle of Peroni and some lemon meringue pie

Another upside of storing this kind of fuel in the boot is that it'll do for the car occupants as well as the engine.

Not so much an E-car as an Eeeeh, that went down a treat car.

What would your car ideally run on? Tell us over on our Facebook page!

PREGNANCY AND PRIVACY

And speaking of fueling issues brings me to the case of *Mrs J Walker v South Tees Hospital NHS Foundation Trust 2021* and whether a privacy violation by a colleague is the responsibility of the employer, even when that employer was not involved in the offence.

Mrs Walker worked for the Trust as a Patient Flow Coordinator. In 2019, she told her colleagues that she was pregnant with twins. On the same day she made this

EVENTS SEASON

2021

OCT 20

announcement one of her colleagues later accessed her personal data on the Trust's patient database. The colleague said she did this to look up Mrs Walker's address so that she could send her flowers congratulating her on the pregnancy. However, Mrs Walker was "extremely upset" on learning that someone had accessed her information and believed the colleague accessed the information because she was sceptical that Mrs Walker was pregnant.

The colleague was consequently taken through a disciplinary procedure and Mrs Walker no longer wished to work with her. Mrs Walker then went off sick for a little while before returning to work with amended duties. After returning to work she filed a claim in the Employment Tribunal (ET) alleging the Trust committed several instances of pregnancy discrimination.

The ET dismissed all of Mrs Walker's claims, except for the claim that she was discriminated against by her colleague accessing her information. The ET said that "Accessing somebody's confidential data in that way was unfavourable, on any assessment." The ET expressed doubt that the colleague was just looking up the address to send flowers but said "It makes no difference if the [colleague's] motivation was to do something nice for the claimant, we find, because the database was and remained confidential... We find that, whatever motivated her to do so, the [colleague] accessing the records was unfavourable to [Mrs Walker]." Mrs Walker's claim for pregnancy discrimination was therefore well founded.

Mrs Walker was awarded approximately £10,100 in compensation by the ET, £8 800 of which was for injury to feelings.

This case reminds employers that they may be held vicariously liable for discriminatory actions of their employees. They should therefore do all that they reasonably can to ensure that employees do not commit acts of discrimination. Steps employers could take include providing training on the sort of behaviour that could constitute discrimination and having a robust anti-discrimination policy and procedure in place.

HR Hangout – Creating a Diversity and Inclusion agenda

NOV 9
HR Hangout - How to include Diversity and Inclusion – A Practical Session

NOV 24
Employment Law Masterclass – Practice Makes Perfect



CROSS MY PART



Soap fans might get a bit confused in November.

As part of a plan to raise climate change issues in our regular dramas, the makers of Casualty, Coronation Street, Doctors, Eastenders, Emmerdale, Holby City and Hollyoaks are going to spread their fictional characters right into their rival soaps' storylines. A week-long campaign begins on Monday 1 November, to coincide with the COP26 conference in Glasgow, and addicts of all of these series will be having a high old time spotting the cross-overs.

It made me wonder whether there should be more cross-over with friendly rivals in real life. Maybe we should all spend five days in the office of another firm a bit like ours...

Except, as everyone knows, lawyers are so fiercely territorial, the witty put downs in reception would escalate to *fist fights over the photocopier before the end of day one. We're a wild, wild, untameable breed... **

Maybe we'll just put a pro-planet poster up instead...

*We wouldn't.

**We're not.

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