

YOUR WEEKLY BULLETIN OF WIT AND WONDER



### A FUNNY FIN HAPPENED...

Killer fish surging through our most famous river!



### A WEEK POINT

Why pushing your staff beyond their weekly hours is a bad idea.



### ZZZZZZZZZZZZZZZZZZZZ

The best bedtime for your heart.

## VENOMOUS SHARKS IN THE THAMES!

This is my favourite scream-y headline of the week. Found on Yahoo! it's the Evening Standard's take on a State of the Thames Report by the Zoological Society of London, which has uncovered a surprising amount of shark action in our capital's estuary.

Top sharks, which can grow up to two metres in length, starry smooth hound sharks (I am not making this up) and the venomous spurdog shark, (honestly!) are all thriving in Thames water, along with seahorses, eels and seals. This is apparently down to some excellent conservation work.

It's a serious study.

But that didn't stop the Standard headlining it:

### VENOMOUS SHARKS DISCOVERED IN THE RIVER THAMES.

Because it's just too good to resist.

Of course, it's *true!* It's genuine information from a highly respected organisation. The article could have been headlined:

### SEAHORSES VERY HAPPY IN THE THAMES...

but I'm guessing that wouldn't have



Here in Warner Goodman Towers we've been thinking about our daily headlines and how we can make them a bit more impactful. So, we came up with the following:

#### RAWSON SECONDS FROM DEATH

Associate Solicitor Natalie Rawson today revealed she had been moments away from oblivion. She was standing beside a busy main road when a bus hurtled past at a potentially devastating 30mph.

'I just thought... if I trip over right now, I'll be under that bus and it'll be curtains for me!' said cat-lover Rawson. 'But I didn't and it's all fine.'

#### KILLER BEES STRIKE LOCAL LAW FIRM

Deadly stinging insects were found inside the kitchen area of a Southampton-based law firm this week.

'It was terrifying,' said Employment Law Partner Sarah Whitmore. 'There were two bees on the window sill and one of our clients is allergic to them. If he had been there and they had stung him, it could have been fatal. Happily, he wasn't in the building and I let the bees out and we're all fine.'

#### ROBSON IN AEROPLANE PLUNGE SHOCKER

Employment Law Partner Howard Robson fell out of a plane... and lived to tell the tale.

'The earth was hurtling towards me at breath-taking speed,' said Robson, a discrimination expert and keen runner in his spare time. 'If I had hit the ground at that speed, I would be a goner. I was seconds away from death... but then I deployed my parachute, as I always do when I go skydiving - and I was fine.'



but I'm guessing that wouldn't have had quite the same impact.

You see? Anyone can do it! Send us YOUR headline of the day over on our Facebook page.

## MANAGEABLE MOANING

And speaking of inflated situations brings me to the case of *Mrs McMahon v Heron Financial Limited* 2020 and the dismissal of an employee who 'was always moaning' due to working more than 48 hours per week.

Mrs McMahon began working for her employer in June 2017 as a mortgage protection adviser. She was frequently required to work more than 48 hours in a week, despite the fact that her contract required her to only work 40 hours a week and she had not signed an agreement opting out of the average 48-hour working week permitted by the Working Time Regulations.

Mrs McMahon informed her managers about commission payments she believed she was owed in May 2019. Following this, she took two weeks off due to illness. On her return to work she held a meeting with her manager where she raised several concerns including the stress caused by working over 48 hours a week, and that she hadn't been paid the commission or sick pay owed to her.

Two days later Mrs McMahon was dismissed without an explanation. She raised a grievance as a result of her dismissal which was dealt with by letter and not upheld.

Subsequently she made a number of claims to the Employment Tribunal (ET), including that she had been automatically unfairly dismissed for asserting her statutory right to work less than an average of 48 hours per week and asserting her right not to have unlawful deductions made from her wages.

The company argued that she had been dismissed for poor performance. However, there was no evidence of this and previously she had been recognised for having one of the highest conversion rates in the company and rewarded with a bottle of champagne.

The ET held that Mrs McMahon had been dismissed unfairly. In the judgment Judge King said: "[Heron Financial] is not going to admit it dismissed her for inadmissible reasons but... in the absence of any other credible reason... her dismissal was because she was 'moaning'... I am satisfied [Mrs McMahon] was dismissed for the assertion of a statutory right, that dismissal was unfair as no process was followed and there was no fair reason to dismiss." The ET also noted that Mrs McMahon did not have sufficient service to claim ordinary unfair dismissal as she had under two years' continuity of service. However, there is no minimum service requirement for claims of automatic unfair dismissal (dismissing an employee for a prohibited reason). Mrs McMahon's claim for unlawful deduction from wages also succeeded.

Mrs McMahon was awarded £19,552 for unfair dismissal, and £2,736 for unlawful deduction from wages. She was also awarded £587 for unpaid commission and sick pay, and £252 for wrongful dismissal.

The case highlights the importance of following the correct steps in dismissing an employee, regardless of the employee's length of service. The case also reminds employers to be aware of the statutory limits on working time and employees' rights to rest and breaks.

EVENTS SEASON

2021

NOV 24  
Employment  
Law Masterclass  
- Practice Makes  
Perfect



## OFF TO BED NOW



There comes a time when you realise the truth - it's only 9.45pm

Those young things chortling as they read this, mark my words, it'll happen to you. Like slippers and actually *watching* The Antiques Roadshow, it creeps up on you.

But HA! Those of us who start shuffling bedwards between 10pm and 11pm are going to have the last laugh because a study has just revealed, according to the BBC website, that going to bed in the 23rd hour of the day means you significantly lower your risk of heart attack.

The study was carried out by the UK Biobank and followed 88,000 volunteers. Just over 3,000 of them developed heart disease and many of these people went to bed later. There's more work to be done to create a causal link but it all looks pretty suspect

...and the train is only 10 minutes

...more want to be doing to create a casual mix but it can be pretty suspect.

And you want to go to bed.

So. Turn down that party invite and get the cocoa on around 9pm tonight. You'll probably live longer. (Or it might just seem like it...)

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