

YOUR WEEKLY BULLETIN OF WIT AND WONDER



### FLIP THAT FESTIVE SHIP!

Admit it - you love a good disaster movie at Christmas.



### THE MOTHER OF ALL CLAIMS

The blatant harassment and unfair dismissal of a new mum costs £30K in tribunal.



### PROCESSED AND IN THE PINK

Spam is riding high!

## IT'S A DISAAASTER, DAHLING

Radio 2, this week, has listed the top ten Christmas films. They are:

1. It's A Wonderful Life (*embarrassingly heart-warming*)
2. Die Hard (*makes your feet cringe*)
3. The Muppet Christmas Carol (70s *throwback fun*)
4. Home Alone (*social services should have been informed*)
5. Elf (*oversized pixie fun*)
6. Love Actually (*more middle class than a Waitrose vegan yule log*)
7. National Lampoon's Christmas Vacation (*Chevy Chase's best outing*)
8. Miracle on 34th Street (*Aaaaaaaw. Where's that treacle dripping from...?*)
9. White Christmas (*But you always worry about Bing, don't you...?*)
10. The Polar Express (*No. I'm sorry. It's just creepy.*)

I know what you're thinking. I'm thinking it, too. WHERE IS THE POSEIDON ADVENTURE?!



As a child, Christmas wasn't complete without a disaster movie! And although the Tearing Inferno and Earthquake, Krakatoa, East of Java were all agreeably grim, they didn't have a Christmas tree in them, so don't *technically* qualify. Always seemed to be screened at Christmas nonetheless.

Nope. It's *got* to be the upside down ocean liner with its cast of plucky escapees, climbing up through the inverted floors in their spangly seventies outfits. The scene where the 20ft high Christmas tree tumbles over, dooming hundreds of partygoers to a watery grave, is so festive!

To this day when I hear a countdown to midnight on New Year's Eve I still brace myself for a tidal wave...

**What is your top Christmas film? Do tell us over on our Facebook page.**

## BADLY DIRECTED

And speaking of obvious disasters brings me to the case of *Mrs Shipp v City Sprint UK Ltd* 2021 and a textbook case of discrimination.

Mrs Shipp worked for the company from September 2010 until September 2020. When she went on maternity leave in June 2019 she held the position of Marketing Director and was paid

an annual salary of £100,000.

After telling colleagues she was pregnant, Mrs Shipp was subjected to inappropriate comments from male colleagues including questions about when she stopped taking contraception, whether her baby was planned, and how she thought the pregnancy would affect her long-term career prospects.



While she was on maternity leave, there was a restructure of the company. A new CEO was appointed and he began to implement changes in the company's senior leadership structure. Mrs Shipp was not informed or consulted on any of these changes, and in September 2019 she was informed via letter that her role was at risk of redundancy.

Mrs Shipp was then offered an alternative role as Director of Marketing. The job description Mrs Shipp received from Ms Kilcoyne, Head of HR, was just a combination of various generic marketing director job descriptions and was not specific to the business. Mrs Shipp was also informed that the role of Director of Marketing was lower in seniority and status to her old role of Marketing Director, and had a lower annual salary of £80,000. Ms Kilcoyne could not explain how the duties of this new role differed from the Marketing Director role Mrs Shipp had previously held. That, combined with the fact that the Director of Marketing role did not appear on any of the company's organisational charts, made Mrs Shipp suspicious that the role did not really exist.

The Employment Tribunal (ET) noted that other senior executives who had found new roles within the company following the restructure were not required to take a pay cut.

Mrs Shipp raised a grievance about the lack of consultation, the decision to demote her, and the comments made by her colleagues before she went on maternity leave. In her grievance she said *"It seems very 'convenient' that the only person who has been demoted from the operating board level, is the person who was on Maternity Leave at the time the decisions were made"*.

Neither her grievance nor her appeal were upheld by the company and she subsequently filed a claim with the ET for discrimination and harassment related to sex, discrimination related to pregnancy and maternity, breach of contract, and unfair dismissal.

The ET upheld her claim of harassment, finding that the comments made by her colleagues were unwanted and *"had the effect of creating a humiliating and degrading environment"*.

Mrs Shipp also succeeded in her claims of unfair dismissal and discrimination related to sex and pregnancy and maternity. The ET found that the new CEO had decided that there was no role for Mrs Shipp in the business because she was on maternity leave. Judge Grewal noted there was *"stark difference"* in the way Mrs Shipp was treated to that of her colleagues and the *"only explanation"* for this difference in treatment was that she was on maternity leave. The evidence indicated that the role of Director of Marketing did not really exist, and was offered to Mrs Shipp with considerably less favourable terms so that she would refuse it. The redundancy consultation process was therefore a *"sham"* and there was no fair reason for dismissal.

The ET awarded Mrs Shipp £30,000 for injury to feelings.

The outcome of this case is unsurprising as it appears to be a pretty clear case of discrimination based on maternity or pregnancy. Employers should remember that employees who are pregnant or on maternity leave have enhanced protections against redundancy and in most cases will have the right to return to their previously held position, on the same terms of employment. In cases where it is impossible for the employee to return to their previously held role, they should be offered another suitable role, on terms and conditions that are not less favourable to the role they previously held.

## SPAMMING IT UP



How you react to this news will very much depend on when you were born. If, like me, you were in school in the 70s and 80s, you'll probably remember the delight of Spam fritters. Slices of pulped and reconstituted vibrantly pink meat product dunked in batter and deep fried. Slammed on a plate with a scoop of greyish mash and some runaway peas. Yum!

Look - there was no Jamie Oliver to save us back then. Curious, though, that the Spam spree has happened over the past seven years, when things have been a bit tough\*\*. I suspect that we're *not* seeing a renaissance of Spam-based cuisine - just a rise in comfort buying.

Forget anti-bacterial spray - we should all have been investing in SPAM across the pandemic. Sales of the processed pork and ham delicacy\* have rocketed with record

Because if we've learned anything recently, it's the reassurance value of a bit of post-war style hoarding. And as a predominantly American brand, those US preppers will have been filling their bunkers with SPAM in an unconscious effort to return to their childhoods.

Also, if you run out of ammo, a tin of SPAM in a slingshot is a viable option for keeping domestic but contaminated neighbours away from your boundary. How many tins do you

generally have rocketed with record sales of £2.65b in just the last three months of October 2021.

desperate but contaminated neighbours away from your boundary. How many uns do you want, everyone?

\*It IS considered a delicacy. In South Korea.

\*\*I'm in the running for the Understatement of the Year Award.

**Did/ do you love or hate SPAM? Do you have SPAM recipes? Do share over on our Facebook page.**

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