

Employment Newsletter

YOUR WEEKLY BULLETIN OF WIT AND WONDER



STAR-STRUCK

Oxfordshire scientists make us all feel inadequate.



UNCAPPED POTENTIAL

Limitless settlement in the offering for a firm who harassed and demeaned a Covid-concerned employee.



ROMANTIC RITUALS

We're giving you the advice you need ahead of Valentine's.

A STELLAR DAY AT WORK

How's your day going today? Have you caught up with all those emails? Chasing up some accounts? Finally land that big client? Have you done a really good PowerPoint for an upcoming presentation?

Well, well done *you!*

Only, *ahem*, it's not a *massive* achievement is it? Not really. Not when compared to employees of JET in Oxfordshire.

Because they've MADE A STAR.

Yep. An actual STAR.

JET CEO Professor Ian Chapman must love getting home at teatime.

'How was it today, love?' asks Mrs Chapman, putting the kettle on*.

'Ah, you know,' sighs Prof C, hanging up his coat and picking up a bit of post. 'Made another star...'

'Jolly good,' says Mrs C. 'Curry tonight? Or cottage pie?'



It IS an epic achievement. According to the BBC news website, scientists working at the JET reactor have made a major breakthrough in nuclear fusion by breaking the world record for the amount of energy that can be extracted by squashing two forms of hydrogen together.

Fusion is the nicer cousin of fission. It promises to supply power in the way nuclear fission does, but without the million year deadly radiation half-life and the threat of catastrophic meltdown.

To create fusion you have to, more or less, make a small star. And they've made one. And held it in place for five seconds.

Check out all the detail, including some nice charts and graphics on the [BBC news website](#). It really is breathtaking stuff.

But it does rather put your neatly printed-out profit projection report in the shade, doesn't it..?

* Yeah, yeah, I know - sexual stereotyping, but cut me some slack. It's a flippin' *STAR!!!*

HEALTH AND SAFETY GONE UNHEEDED

In the case of *Ms Leigh Best v Embark on Raw Ltd 2021* the Employment Tribunal (ET) found that an employee had been unfairly dismissed for raising concerns about COVID-19 safety measures.

EVENTS SEASON

2021

Ms Best was employed by the company from January 2019 until her dismissal in May 2020. In March 2020, her employer implemented COVID-19 safety measures such as social distancing and limiting the amount of customers allowed in the shop at any one time. However, the ET heard that these measures were not enforced in practice and Ms Best became seriously concerned about the health and safety of herself and others. She raised her concerns with the business owners, Mr and Mrs Fletcher, including that her colleagues were not wearing masks or socially distancing. She also

requested hot water be supplied to the shop to wash her hands. This was not just because of COVID-19 but also because her job involved handling raw meat.

The ET found that in response the employer downplayed Ms Best's concerns and called her "paranoid". There was no investigation to determine if her concerns were justified, and even though neither owners were at the business full time, they trusted the other employees and had told Ms Best "you just need to relax and stop digging the youngsters".

Shortly after this, another worker made a complaint about Ms Best, claiming she "treated me and the other employees as kids and wanted to boss us around" and that some of the other employees were considering leaving the business. Mrs Fletcher then had a call with Ms Best, alleging that she had created a "divide in the business." Ms Best explained that she was "petrified" for her health and safety and reiterated that her colleagues frequently failed to socially distance. At the conclusion of this call, Ms Best was issued with a verbal warning, but no record of this warning was made.

Ms Best then went off sick. Before her return in May 2020, a meeting was arranged between her and the owners, which concluded with her dismissal. Ms Best was not told the meeting would be a disciplinary hearing, she was not given a copy of the allegations against her, nor was she given an opportunity to prepare. At the meeting Mr Fletcher said that he was fearful other staff would leave if he did not dismiss her. The ET found that this clearly showed a nexus between the making of the disclosures and dismissal, since the other employees' complaints were a direct result of Ms Best's disclosures.

Ms Best appealed her dismissal which was unsuccessful. She then brought claims against her employer for unfair dismissal, harassment, and victimisation.

As Ms Best did not have two years' service she could not bring an ordinary claim for unfair dismissal. Instead, she claimed she had been unfairly dismissed for the automatically unfair reason that she made protected disclosures. The ET found that the employer had failed to produce any evidence that there were valid conduct reasons for dismissing Ms Best, with Judge Elgot concluding "that the principal reason for the dismissal was the making of protected disclosures."

The ET then turned to Ms Best's claim that Mr Fletcher harassed her due to her sex and age. Mr Fletcher had directly asked Ms Best whether she was menopausal, despite her stating that she did not wish to discuss the topic. On another occasion, Mr Fletcher read aloud a newspaper article about how doctors may need to prioritise younger and fitter people for receiving ventilators as they are more likely to survive. By making this comment, Mr Fletcher was playing on Ms Best's anxiety by implying she was not one of the "younger and fitter" people. The ET found that both of these incidences had the purpose or effect of violating Ms Best's dignity and creating a humiliating environment at work. Her claim of harassment therefore also succeeded.

A remedy hearing was scheduled for a later date. The ET was satisfied that because the employer failed to follow the ACAS Code on Disciplinary and Grievance procedures, a 20% uplift would be appropriate at the remedy stage.

This case reminds employers of the risk in failing to take health and safety concerns seriously. Even where an employer feels they have taken all necessary precautions, they should still meet with the employee and investigate their concerns. Deciding to discipline or dismiss an employee who raises issues of health and safety can be costly, as compensation for successful whistleblowing claims are uncapped.

MAR 8
Peace of Mind
Members
Seminar

MAR 22
Mental Health
Masterclass

JUL 19
Practice Makes
Perfect
Masterclass

OCT 6
Settlement
Agreement
Masterclass



TACKY TOKENS AND GENUINE GESTURES



If I smashed up a heart in front of you on February 14, would you feel a bit unsettled? This thought occurred to me as I noticed a heart-shaped

To me that said less 'Love Story' and more 'Scream'.

But Valentine's Day marketing is a strange thing. After all, would Colin the Caterpillar and his edible beau, Connie, decorated with pink hearts, really set your passion ablaze? M&S seems to think so.

It *is* a minefield, though, for anyone, but probably more for men. A quick check of the female staff here at Warner Goodman Towers turned up this list of warnings...

Flowers are predictable.

Chocolates, ditto.

Champagne... see above.

Big teddies clutching hearts... just... no.

Sexy undies. Guaranteed to be either uncomfortable, the wrong size or just... wrong.

chocolate offering on sale, designed to be smashed apart to reveal red chocolates inside.

Jewellery... maybe... if you really know their style.
Perfume... see above.

That said, a surprise romantic weekend away featuring ALL the above means you're sure to get SOMETHING right. And you'll definitely get points for effort.

I do this thinking for you, so you don't have to... Happy Valentine's Day.

What's the worst Valentine's gift you ever got? PLEASE tell us over on our Facebook page.

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