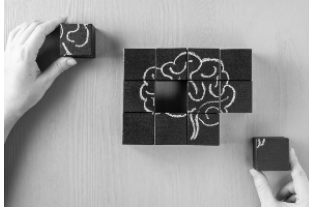


YOUR WEEKLY BULLETIN OF WIT AND WONDER



## ALL IN ALL YOU'RE NOT ANOTHER BRICK IN THE LEGO WALL

Unless you're a superhero, Harry Potter, a Jedi or one of the Friends. This doesn't seem right...



## CONFUSION CONUNDRUM

The subtle art of elderly staff support.



## NO - YOU CAN'T EAT YOUR EGGS BEFORE THE SPRING EQUINOX!

Easter and why we can never pin it down.

## BUILD ME UP

Exciting news from LEGO. Its brand new set - THOR: LOVE AND THUNDER - is out. For 45 quid you can build a scene from the upcoming Marvel movie with just 564 pieces and quite a lot of patience.

When I was a kid there weren't any sets like this.

There were just dented biscuit tins of slightly sticky bricks and roof tiles and windows and - if you were very posh - those grey or green squares you were meant to build stuff on. Well... maybe there were a few flags and conical turrets for castles and forts, but that was about it.

Now you can recreate sets from popular TV and film - like Friends and Seinfeld and Harry Potter and Star Wars.

But something is missing.

Where is the law firm set?

Where's the desk brick - with its add-on piles of paper brick? Where's the photocopier brick? Where's the LEGO Lawyer tiny action figure in a smart suit with interchangeable clip-on shiny hair and optional spectacles?



Where's the bonus Tribunal Day Out diorama with three snoozy looking LEGO professionals on the bench and a tiny but big-sleeved LEGO Barrister action figure to click into place next to the weary-looking LEGO Defendant action figure?

And where's the LEGO Award Winning Lawyer action figure, complete with arms that lift up a glittering *No. 1 Law Firm* brick.

Because every occupation deserves a chance to inspire the young. Not just superheroes and wizards and the sexy New York elite.

Fair enough, lawyers aren't often depicted by Marvel or HBO... but would it *hurt* to have some more achievable aspirational options for our children? Dinner ladies\*, NHS staff, tree surgeons, chemists... all buildable in their places of work.

Oh, and truck drivers and soft fruit pickers, because if ever we needed to make these jobs appeal to five-year-olds, it's now!

Just sayin'.

\*I know it's sexist but they nearly always *are* ladies.

\*\* At a push, Pepper Potts from the Iron Man set of mini action figures could pass for a lawyer, should you wish to build your own version of the Warner Goodman Employment Team office. It'll set you back £29.99, though, and you'll have to bin Iron Man and all the other less important figures...

The case of *Hutchinson v Asda Stores Ltd* 2021 is one that will give many managers and HR professionals a long sigh. The Employment Tribunal (ET) considered the genuinely delicate

question of whether an employee suffering with dementia was unfairly dismissed and subject to age and disability discrimination.

Mrs Hutchinson, 75, had been an employee of the company since 2000. In 2017, her son noticed that she began to show signs of dementia. In late 2019, she was then admitted to hospital for an unrelated condition. Upon her return to work, her colleagues noticed she would often lose and forget things. On one occasion she had to walk to work after forgetting where the bus stop was.

She was given the opportunity to speak to the company's Occupational Health department or have her manager speak to her family. Mrs Hutchinson refused both options.

During lockdown, Mrs Hutchinson was forced to isolate, owing to her clinically vulnerable age. Her manager delivered shopping to her while she was shielding and contacted her to check on her wellbeing.

The ET found that during conversations with her manager, Mrs Hutchinson was asked if she wanted to retire, something which upset her and made her feel unwanted.

When Mrs Hutchinson returned to work in July 2020, her manager became concerned about her performance and had to remind her about social distancing. Mrs Hutchinson was also confused about whether she would take the bus home or whether her daughter would pick her up. Before leaving, Mrs Hutchinson could not find her keys or her bus pass. Another employee rummaged through her bag to find them for her. The ET concluded that, despite this being done with the best intentions and despite Mrs Hutchinson being initially grateful, her dignity had been violated - which constituted disability-related harassment.

Her manager and another colleague held a meeting to determine if there was anything the store could do to support Mrs Hutchinson. This caused her to become upset and aggressive saying she did not need help and if she did she would ask for it. Her manager asked if she would speak to Occupational Health which caused Mrs Hutchinson to say "I can't do my job, I will leave". She then left the meeting and did not return to work, having been signed off sick.

The ET was sympathetic to the position the company found itself in as Mrs Hutchinson did not want any fuss and refused a referral to Occupational Health. However, it found that the company ought reasonably to have known that Mrs Hutchinson was disabled.

The judgment read: "had the [company] referred [Mrs Hutchinson] to Occupational Health prior to her return to work there would not have been a need for her line managers to talk to her directly about her symptoms, even though this was out of genuine concern."

The company had carried out a risk assessment on Mrs Hutchinson's return to work after lockdown, however, this was largely a tick box exercise and was based on self-reporting and risks related to Covid-19, meaning Mrs Hutchinson's conditions would have likely been missed.

Although Mrs Hutchinson had not directly divulged she was suffering from dementia, the ET held that the company had 'constructive knowledge of her disability given it was aware of her symptoms of forgetfulness, inability to concentrate and confusion'. The ET held that raising questions around retirement amounted to disability and age discrimination.

The case reminds employers to act cautiously in relation to older employees who are showing signs of ill-health.

A preferable way to understand an employee's plans around retirement is to ask what their future work plans and aspirations are. Employers can also implement a retirement policy to set out a framework for employees to feel comfortable in raising discussions about their retirement plans.

## EVENTS SEASON

# 2021

**MAR 8**  
Peace of Mind  
Members  
Seminar

**MAR 22**  
Mental Health  
Masterclass

**JUL 19**  
Practice Makes  
Perfect  
Masterclass

**OCT 6**  
Settlement  
Agreement  
Masterclass



## A MOVEABLE FEAST



BBC Bitesize explains that it'll be even *later* - on April 21st! - if you wait until 2038. That's a lot of lead-in time for Cadbury's to flog Creme Eggs...

The reason, apparently, is that Easter is tied to the ecclesiastical full moon (try saying *that* after three G&Ts) - the one that's the first after the spring equinox (*which always sounds, to me, like the freakish progeny of a bull and a pony*).

But the date of Easter has been the subject of fierce argument for literally centuries, with Julian and Gregorian calendar clashes and an assortment of monks, popes, kings and emperors

Easter's a bit slide-y, isn't it? I noticed this, not for the first time, as I checked ahead on the calendar and noted that this year's is way over in the second half of April. Other times it's been at the end of March. It is the definition of a moveable feast.

around the world having their say.

So, over Easter Sunday dinner, should you want to impress your guests (*or just encourage them to go home*) you can get up on the historical details of the arguments raging since 325 AD on the [BBC website](#).

**And feel free to join in and tell us what fixed date *you* would choose, if only anyone would listen, over on our Facebook page.**

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