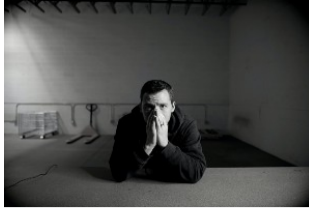


YOUR WEEKLY BULLETIN OF WIT AND WONDER



## SHOP 'TIL YOU DROP THE LAMINATE FLOORING

'Oak effect' is so last year, says the ONS.



## FRIVOLOUS & JOBLESS

How an employee's serial grievances cost him dear...



## THE KIDS ON THE BUS GO IN WITH THE BAGS

In with the bags... in with the bags. OK, not so catchy as Wheels On The Bus, but true...

## A COMPLETE BASKET CASE

Spring is a time when a lot of people seek out pastures new and the HR office is busy with applications. Turns out the statistically best time

Doughnuts, dictionaries and dandy men... they're all a thing of the past. (Even though I had to look up 'dandy' while eating a Krispy Kreme.)

According to the Office of National Statistics this week, the last two years have radically changed our buying habits. The famous shopping basket of commonly bought items shared by the ONS every year has had quite the overhaul.

Fifteen items have been chucked out - including dictionaries, doughnuts and men's suits.

Oh come *on!* I can understand why men wouldn't bother to buy a suit after two years of slouching through Zoom meetings in a blazer and some comfy pyjama bottoms.

And maybe dictionaries are all too easily available online and after months of lessons on your laptop, why even bother to buy your child a nice shiny OED?



But DOUGHNUTS?! No more DOUGHNUTS?! That I cannot believe. With every successive year piling more and more stress and worry on the average Brit, how on earth can we manage with fewer doughnuts?

Other allegedly common items now found IN the basket include sports bras, veggie sausages and craft kits. These all make sense. We're appreciating exercise a bit more. We're trying to eat less meat. We're making things at home because it's so much less SCARY than going OUT.

Antibacterial wipes are now as ubiquitous as anorak pockets as a pack of tissues, a supermarket trolley token and a single fluffy Rolo, so no surprises to find these in the basket, along with pet collars for all those lockdown dogs and cats, bought at an extortionate price in 2020 and 2021.

Also, bizarrely, in the basket is a climbing session. Yep. A climbing session. Of what? Your own walls? Because that's something most of us have been doing at no cost and with no expert advice since April 2020...

But OUT of the basket is laminate flooring. Perhaps because there's only so much laminate anyone can appreciate after lying on it, snivelling, because all the doughnuts have been eaten... by the extortionately priced dog/cat.

I'm going now. To wipe the bacteria off the craft kit...

**What SHOULD be in the ONS's basket this year? Do tell us over on our Facebook page.**

# TOO MUCH GRIEF

And speaking of surprising ins and outs brings me to the slightly bizarre case of *Mr M Hope v British Medical Association 2021* - where the grievances got positively galloping.

Mr Hope raised several grievances with his employer, in particular complaining that he was excluded from certain management meetings. After informal discussion with his line manager, Mr Hope was asked if he wanted to move the grievances onto the formal stage. He refused, but he also refused to withdraw his grievances. Mr Hope made it clear that he preferred to discuss his grievances informally with his line manager even after it was made clear to him that his line manager had no authority to resolve his issues. The employer informed Mr Hope that raising vexatious grievances could result in disciplinary action. In response Mr Hope raised another grievance about the threat of disciplinary action which he considered to be "an inappropriate interference in the grievance process".

In March 2019 Mr Hope was invited to attend a grievance hearing. He refused to attend, despite being informed that attending the meeting was considered to be a reasonable management instruction and that the hearing would proceed in his absence. At the meeting it was determined that Mr Hope's repeated grievances were vexatious and an abuse of process. The grievances were dismissed and the disciplinary procedure invoked. The employer alleged that Mr Hope:

- Submitted numerous frivolous grievances;
- Failed to follow reasonable management instructions by refusing to attend the grievance meeting; and
- Caused a fundamental breakdown in the working relationship between himself and senior management.

Mr Hope was invited to a disciplinary hearing to respond to these allegations. After the hearing he was dismissed for gross misconduct and subsequently brought a claim against his employer for unfair dismissal.

The Employment Tribunal found that it was reasonable for the employer to conclude that the grievances were vexatious and within the range of reasonable responses for the employer to dismiss Mr Hope for gross misconduct. The ET dismissed Mr Hope's claim and he appealed to the Employment Appeal Tribunal, arguing that the ET had erred in law by failing to consider whether his conduct was gross misconduct in the contractual sense. Mr Hope's argued his actions could not amount to gross misconduct because they were not a deliberate breach of his contractual terms or gross misconduct.

The EAT rejected this argument. Justice Choudhury noted that "conduct" is one of the potentially fair reasons for dismissal and that the conduct need not be "reprehensible" or "culpable" to justify dismissal. The question for tribunals, the judgement read, is not whether the conduct amounts to gross misconduct but whether, in all the circumstances, the employer acted reasonably in treating the conduct as a sufficient reason for dismissal. In deciding whether the employer acted reasonably, a tribunal will consider whether the employer had a genuine belief in the misconduct, whether that belief was reasonably held, whether there was a reasonable investigation, and whether the dismissal fell within the range of reasonable responses in light of the misconduct. The EAT concluded that the ET had followed the correct test and Mr Hope's appeal was dismissed.

This case confirms that employers may be able to fairly dismiss an employee where that employee persists in raising frivolous and vexatious grievances. However, each case will be decided on its facts and the tribunal will examine all the relevant circumstances when deciding whether dismissal fell within the "range of reasonable responses" available.

## EVENTS SEASON

# 2021

**MAR 22**  
Mental Health  
Masterclass

**JUL 19**  
Practice Makes  
Perfect  
Masterclass

**OCT 6**  
Settlement  
Agreement  
Masterclass

**NOV 23**  
Litigation  
Lessons  
Masterclass



# BOOTING UP FOR SCHOOL



I'm sure you, like me, were deeply shocked to read about a bunch of Irish school kids who were directed into the luggage compartment of the bus

Because of a door opening issue, the teenagers were asked to board at a different end of the vehicle, which led them into the boot - where they were trapped for the journey, texting their quandary to those lucky pupils up top, who got to sit down and look out of the windows...

Nobody was hurt... or even late for school... but there has been much kerfuffle and apology from Translink, the bus operator.

But really? They were probably having as much fun in the boot of that bus as we used to have in the boot of assorted cars back in the 70s. In that pre-seatbelt, pre-safety, pre-worry era, you could jam seven or eight under tens into the back of a Morris Minor Traveller or a Ford Cortina Estate and take the corners at high speed or brake suddenly, just for the shrieks of delight. And nobody had a bad word to say about you...

the luggage compartment of the bus  
taking them to their Londonderry  
school.

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