ISSUE 802 / MAY 2022

Employment Newsletter

YOUR WEEKLY BULLETIN OF WIT AND WONDER



IT'S BEEN A WUFF RIDE

But that's why we triumphed at Eurovision



WHO'S LAUGHING NOW?

Not the tyre company that failed to address racism and ageism



MEGA!

A fossil find to get your teeth into...

A BIT WOOF

Flabbergasted at the UK's amazing ride to the top the Eurovision charts? Sam Ryder and *Spaceman* getting to Number 2 behind Ukraine left us all staggered, thrilled and baffled on Saturday night.

It was a cracking performance but is that why we all but won? Nah. It's because we've become that cherished thing... an underdog.

Of course, with the horrendous events going on in Ukraine, there couldn't have been a more literal underdog at Eurovision. The fact that Ukraine's entrants, Kalush Orchestra, even got to Italy was impressive.



But here in the UK we've been quietly working towards our eventual return to glory by becoming the official Underdog of Eurovision. Our Nul Points scores are now legendary. Every UK Eurovision hopeful is trained to do the 'face of defeat' - sweetly sad yet unsurprised. In fact 'hopeful' is quite a misnomer. Over the past few years the only reason the British entrant has schlepped off to a foreign country is for the goody bags and a bit of a party. Or perhaps because they've grown weary and want to end their career with a bang.

We've been a sort of mascot for miserable failure, taking it on the chin. And anyone who's been rubbish at sports and had to smile through being picked last for the teams knows exactly what that feels like

But sometimes a miracle occurs - as it did on Saturday (despite my dire predictions last week).

It happened to ME when I was in the Brownies. Despite having no ability at all, I won All Round Sportswoman at a sports day event. How I scored the highest is beyond me. Maybe the others had a touch of dysentry from the undercooked campfire sausages...

Scoring as an underdog is particularly sweet, though. And we do good underdogs in the UK. Such as:

- 1. Susan Boyle the frumpy but fabulous Scottish singer who won Britain's Got Talent
- Eddie 'The Eagle' Edwards the ski jumper who had to fund his own path to the 1988
 Winter Olympics because nobody in the snow resorts of Europe took him seriously.
- 3. Leicester City FC winning the Premier League in 2016. Who knew?
- Del Boy Trotter the dodgy trader who eventually became a millionaire (OK, he's fictional but hey.)
- 5. J K Rowling, a single mum, scribbling Harry Potter in an Edinburgh Cafe before her fantastic success
- 6. Sarah Whitemore, a plucky no-hoper Brownie scooping the All Round Sportswoman gong in 1976

BAD BANTER

And speaking of trials and triumphs brings me to the case of Moore v Sean Pong Tyres Limited 2022, Mr Moore, an employee at Sean Pong Tyres Ltd who was called an 'old white man' and told that he was 'too old to do his job'.

Mr Moore was repeatedly told he was too old for his job by his younger co-worker, Mr Owusu. He was also called a 'gay white man' by Mr Owusu who is of Ghanaian decent.

At the start of 2021, Mr Moore sent a written complaint to his manager highlighting the abuse he had received from his co-worker. He explained that 'since [his co-worker (Mr Owusu)] started at the company he has done nothing but single me out and slurring abuse at me causing a lot of stress and sleepless nights. This letter is a last resort for me in hopes you are able to resolve this matter.'

Mr Moore's manager dismissed much of Mr Owusu's behaviour as "banter" and claimed that Mr Owusu had never used racist language towards Moore.

A few weeks later Mr Moore was signed off work with depression. Mr Moore informed his manager of his health problems and received a blunt response with no real concern for his health. Following this Mr Moore resigned stating 'the situation has gotten so bad causing me many days of stress, upset, and sleepless nights and loss of appetite. This situation has also affected my mental health and gave me no choice but to seek medical help.'

Mr Moore brought complaints of constructive dismissal, direct discrimination, harassment, and unlawful deduction of wages in relation to sick pay.

The Employment Tribunal found that Mr Owusu's behaviour was hostile and that Sean Pong Tyres Ltd was liable for the behaviour. The ET reasoned that Mr Owusu's behaviour created 'a hostile and intimidating working environment and amounted to bullying and harassment'. The ET was 'also satisfied that the harassment was related to race and age since this was expressly stated'.

The ET found that Mr Moore had been entitled to resign and make a claim of unfair dismissal since he suffered discrimination. The ET ordered Sean Pong Tyres to pay Mr Moore a total of £22,027.21 in compensation, including awards for unfair dismissal, discrimination and interest.

The case highlights that jokes and banter, even if innocent in intent, can constitute discrimination. The case shows that this can be costly for employers who fail to prevent and address discriminative behaviour in the workplace.

EVENTS SEASON 2022

MAY 27 HR Hangout -Managing our own CPD as HR Professionals

JUN 30 HR Hangout -Practical Management of the Mental Health process: from concern to reasonable adjustments

JUL 19 Practice Makes Perfect Masterclass

oct 6 Settlement Agreement Masterclass



A TOOTHSOME TALE



Sammy has been awarded his Explorer's Badge.

In all these years of staring at the pebbles and sand I have never found anything so impressive. I have, though, been on the look-out for ambergris - the weird lumpy, waxy stuff which occasionally washes up on beaches and is thought to be whale vomit.

It's not prehistoric but it's worth a fortune. People sell it to the cosmetics industry for \$40,000 a kilo.

I once got extremely excited on Weston Shore over a bit of cavity wall filling...

Once again my favourite story of the week comes from Newsround. (I know - I'm stuck in my childhood.)

A six-year-old from Suffolk has found a giant tooth. Sammy found it on Bawdsey Beach and took it to show his Beaver Cubs group. It's 10cm

land and has been confirmed by

юну ана наз веен сонинней ву dinosaur expert Professor Ben Garrod as a 20 million-year-old megalodon tooth.

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