

YOUR WEEKLY BULLETIN OF WIT AND WONDER



SNUBBING SEBASTIEN

With paper currency... for another nine days



MILK MONITORING FAIL

How a new mum at work had nowhere to express herself



LISTEN AND WEEP

Or better still, party on to my favourite send-off songs

TENDER FEELINGS

I mourn the loss of paper to the currency world.

From the end of September, any old paper notes you have will no longer be legal tender. The Bank of England has warned of long queues at its Threadneedle Street HQ as people ditch the old foldables of yesterday for the spring-back plastic of today.

Now, I know that the polymer notes are more durable. They're quite pretty, with their holographic whatnots and little see-through panels. They easily survive a washer-dryer journey and according to the Bank of England's website, once they're too old to use they get recycled into pellets which are made into plant pots.

And yet.

There's something that the polymer notes lack. Maybe it's the drama queen in me, but I can't help but think that we've lost something more than just the pleasant texture and smell of a crisp new twenty or fifty, still warm from the ATM.

It's this. Picture the scene. I am at a restaurant. I don't know which one but it's somewhere glamorous and I'm across the table from someone equally glamorous... maybe a bit dark and brooding. He has just made me a cash offer for some kind of dodgy dealing. I don't know... smuggling



I throw back my head (glamorously) and laugh, then lean forward and pour another glass of improbably expensive wine.

'Sebastien,' I say (because *obviously* he's called Sebastien), 'I cannot possibly do that. I am a representative of the UK legal system and my duty to uphold its values is sacrosanct.'

Sebastien smirks and then slides a brown envelope across the table. 'This,' he says, 'is just a downpayment... there'll be another ten thousand when the bears reach the Cotswolds...'

I tease the envelope open and stare at a thick wedge of £50 notes. I take one out and, shaking my head sadly, rip it in half to display my contempt.

At which point I realise it's made of bloody polymer and all I can do is pucker it a bit. I try again and again, little grunts of frustration attracting the attention of other diners.

Then I say 'Ha!' and dash the note into the candle flame, the righteous smile back on my face.

Instead of flaring up dramatically, the fifty shrinks, drips molten plastic on my fingers and funnels fumes into the air. I squeak. Sebastien snorts. The sprinkler systems goes off.

You see what I mean?

Polymer just takes away all the flare. Literally. From October I'll have to find other ways to show Sebastien my glamorous contempt and right now I just can't think of them...

counterfeit Steiff Bears into the UK or something (before you get *too* carried away).

FREEDOM OF EXPRESSION

And speaking of sprinklers brings me to the case of *T Mellor v. The MFG Academies Trust 2022*, and an employer's failure to provide facilities for employees to express breastmilk.

Ms Mellor was employed as a teacher at the Mirfield Free Grammar School (MFG) by the MFG Academies Trust. While still on maternity leave she indicated to the school that she would need a room to express breast milk on her return. Upon her return, she again requested again a room in which she could express milk. However, this was not provided, even after being assured that it would be addressed in the return to work meeting.

Therefore, Ms Mellor started using the toilets or her car at lunch time to express. Her lunch break was 25 minutes and it took her 20 minutes to express, so she had to eat her lunch at the same time as expressing, as she wasn't allocated any other specific time to express. She used the toilet more often than the car, either because she did not have the car in school or because it was too cold, and because she was worried about being seen in the car. The toilets were often dirty, and she had to sit on the floor in the toilet to express and eat her lunch. Ms Mellor found this unhygienic and disgusting. As a result, she claimed, she developed mastitis and went off sick, very often.

Ms Mellor filed a claim with the Employment Tribunal alleging direct & indirect sex discrimination and harassment based on sex.

Ms Mellor's claims of harassment based on sex succeeded. The tribunal reasoned that MFG conducted itself in a way that forced Ms Mellor to use the toilets or her car to express as she genuinely and reasonably had no choice. This amounted to unwanted conduct according to the tribunal. While MFG had not intended to violate her dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment for Ms Mellor, the tribunal found that the school's conduct did have this effect.

Further, according to the tribunal, the need for privacy arose from the nature of the activity being related to a woman, and as such the conduct was related to sex. Thus, the claims of harassment related to sex succeeded.

However, her claims of indirect sex discrimination failed, as the practice of expressing breastmilk was a sex specific practice, and did not place women at a comparative disadvantage as compared to men. The tribunal found that failure to provide a room to express milk was because of administrative incompetence and not specifically because Ms Mellor was a woman. Since it could not be shown that the conduct was because of her sex, the claims of direct discrimination also failed.

The case highlights the risks to employers of not taking appropriate measures to provide suitable facilities to returning mothers. While the law does not expressly require provision of breastfeeding or expressing facilities in workplace, there are discrimination/harassment risks if an employer fails to do so. The HSE guidance also recommends that employers provide facilities such as a private, clean environment (other than toilets) for expressing milk, and a fridge for storing it. Therefore, employers may have to provide suitable facilities, and if this is not possible, the employer should discuss alternative arrangements with the employee.

EVENTS SEASON

2022

SEP 28
Peace of Mind
Members
Seminar

OCT 6
Settlement
Agreement
Masterclass

OCT 13
HR Hangout -
Holiday Pay
Calculations: The
Harpur vs Brazel
Case

NOV 23
Litigation
Lessons
Masterclass



PARTING PLAYLIST



This last week has featured a lot of sad music, which has no doubt affected many of us. Music at funerals is very much serving a purpose, tipping us all

But a good parting playlist will also lighten the mood and according to a recent SunLife report *My Way* is the No 1 favourite.

Apparently, if we actually *had* our own way, most of us would choose Eric Idle's *Always Look on the Bright Side of Life* but often family overrule this and are more likely to choose *We'll Meet Again* or *Time To Say Goodbye*.

For me, it has to be *Zoom* by Fat Larry's Band - no argument. And while we're at it, I want a proper hearse with horses wearing black feather plumes... (a la Eastenders). My daughters can follow in a car but the rest of my friends will be on an open-topped party bus with *Fix You* by Coldplay on repeat through the PA.

Chris Martin is invited and he can bring the rest of Coldplay if it's practical.

much serving a purpose - tipping us all over so we can have a good weep. The loud and stirring stuff also masks the unlovely trumpeting of heavy-duty nose blowing.

And Zoom will play just as my coffin trundles off behind the curtain.

There. It's sorted. Sharing this newsletter with my family. I'm *not* risking *Time To Say Goodbye*...

What would **your** send off song be? Tell us on the [Facebook page](#).

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