

YOUR WEEKLY BULLETIN OF WIT AND WONDER



NOT VERY MELLOW YELLOW

Smart teenagers terrorise toddlers



TRIBUNAL: THIS TIME IT'S TRICHOLOGICAL

Bungs bosses battle bald banter bullying claim



MAKING A RACQUET

Verbal bullying, sledging, foul language... how can this be tennis?

GRUSOME BEHAVIOUR

I'm seriously tempted to take everyone in WG Towers down to the cinema, all dressed in our standard workwear of neat shirts, blouses and jackets.

And then see if they let us in.

Of course they will, because we're not 14, but one or two of our very youthful-looking 20somethings might struggle to get past the popcorn dispenser.

In a story you couldn't make up, cinemas this week have been forced to bar groups of smartly dressed teenage boys from attending screenings of *Minions: The Rise of Gru*, thanks to a TikTok trend which has encouraged the youth to show up in neatly-turned-out mobs, steeping their fingers - criminal mastermind style - as they march past anyone filming them.

Universal Pictures encouraged this with the tweet: *To everyone showing to @Minions in suits: we see you and we love you!*



This is a bit like encouraging a whole class of nine-year-olds to eat Smarties and tickle each other - and the teacher - until the screaming gets real.

Except the Universal Pictures comms team don't have to manage the result - mobs of overexcited teens play-acting and shouting, standing up, throwing stuff, blocking the view and scaring the little ones. Parents have been leading their traumatised tots, weeping, out of cinemas across the land.

Other parents have been forced to panic-buy jumpers and T-shirts after their offspring have inadvertently shown up too smart to be allowed in. All in all, it's been despicable.

I would go and watch for myself... in ripped jeans and a Coldplay T-shirt, obvs. But sooner or later, I *will* be forced to tut. And who wants that?

And speaking of rude behaviour brings me to the case of *Finn v. The British Bung Manufacturing Company Ltd 2022*, in which the tribunal considered whether referring to a colleague as 'bald' in a verbal exchange constituted harassment on the basis of sex.

Mr A Finn was an electrician with the British Bung Manufacturing Company from September 1997 to May 2021, when he was dismissed. Upon dismissal, he brought a series of claims, among which were harassment on the grounds of age and sex. Mr Finn made these claims against one Mr King, who Mr Finn claimed had referred to him as being 'old' and 'bald', on two occasions, first in July 2019 and, again, in March 2021.

Having found that Mr King did refer to Mr Finn as being 'bald', the issue before the tribunal was to determine if these insults would constitute harassment under the Equality Act 2010. Under the Act, harassment is unwanted conduct related to a relevant protected characteristic (including sex), which has the purpose or effect of violating another person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

While the tribunal noted that 'industrial language' was commonplace, it went on to conclude that referring to Mr Finn as 'bald' was unwanted, as these were remarks personal to Mr Finn about his appearance - unwelcome and uninvited, and as a result unwanted.

With respect to the effect of the comment, the tribunal relied on Mr King's evidence, where he had stated that he had intended to threaten and insult Mr Finn. The statements had the purpose of violating Mr Finn's dignity and creating an intimidating and hostile environment for him. It was not necessary to consider whether Mr Finn considered the statement to have actually created an intimidating and hostile environment.

On whether the word 'bald' was linked to the protected characteristic of sex, the tribunal noted that while both men and women may be bald, baldness is much more prevalent in men than women. Due to this the word 'bald' seems to be inherently related to sex. The judge therefore concluded that Mr King's remark did amount to harassment based on the protected characteristic of sex.

A remedy hearing would be scheduled for a later date.

This case reiterates that unwanted conduct which could be linked to a protected characteristic can readily constitute unlawful harassment, which is broadly defined under the 2010 Act - the object of which is to proscribe harassment of any kind within a workplace. Employers must therefore ensure that they have proper training and policies in place to prevent workplace harassment, and to protect themselves from being vicariously liable for such harassment committed by their employees.

EVENTS SEASON

2022

JUL 19
Masterclass - Practice
Makes Perfect

SEP 28
Peace of Mind
Members Seminar

OCT 6
Settlement Agreement
Masterclass

NOV 23
Litigation Lessons
Masterclass



BEAT THE BULLIES... OR JOIN THEM?



You're all a bunch of softies.
Pathetic. Just deal with it, you
losers.*

I'm sorry if that's startled you. I
don't really mean it. But the
marketing department is
wondering whether the recent

Anyone who's been following Wimbledon this week will know that a great deal of media attention has been focused on Australia's Nick Kyrgios and his foul-mouthed antics on No 1 court, which have lead opponent Stefanos Tsitsipas to accuse him of bullying and call for tougher action against him. Kyrgios, in turn, said Tsitsipas was 'soft'.

While we are always staunchly against workplace bullying, we might also want a bit of that media attention. Who doesn't want their brand being talked about around the world?

So maybe I can orchestrate a slanging match across the tables at our next seminar. Perhaps I can do an Alan Sugar style put-down at one of our masterclasses if someone is underperforming. Sure - it'll upset some people, but will our stock suddenly soar? It's worked for Gordon Ramsay for years.

We could be overrun with impressed new clients, beating down our doors for brutal legal assistance.

But as it takes everything I have to go 'tut' at noisy cinema-goers (see above)... maybe it's not for me.

wondering whether the recent trend for public misbehaviour is worth investigating.

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