

YOUR WEEKLY BULLETIN OF WIT AND WONDER



## A HIGHER PLANE

The road-to-air fantasy is REAL!



## GOOD GIRL HITS BACK

A patronised and harassed employee wins in tribunal



## A PENNY FOR YOUR THOUGHTS

21st Century pocket money woes that I'm unmoved by

## FLIGHT OF FANCY

Well, it's only taken ALL OF MY LIFE but at last the transport of my dreams is reality.

You must have had this dream too. You know - the one where you're in a car, trundling down the road and then without warning you're soaring up into the air and your car has sprouted wings like Chitty-Chitty-Bang-Bang, only without the nauseating kids squealing on the back seat.

Yes! It's a proper little plane and now you're flying! Flying! Over all the traffic jams and roundabouts and tailgaters and out across the city... oddly still at low enough level that the power lines and telegraph poles are a bit menacing... and then aaaargh - you're diving - diving - DIVING for the ground and Mr Phillips from school is in the passenger seat, asking for your maths homework and you're wearing nothing at all except pink a vest with FRANKIE SAY RELAX on it and...

...or is that just me?



Ahem. Anyway. The Samson Switchblade has arrived, launched this month. A fast, street-legal three-wheeled vehicle which converts from a 1.6 litre engine trike to a plane at the touch of a button. Its wings swing out like the switchblade it's named after and its tail does something similar. Apparently it all takes less than three minutes to convert and then you can take off!

If you can find \$150,000.

And an airstrip.

Hmmm.

As you were. And Mr Phillips - the dog ate it.

## EVERYTHING AND THE GIRL

And speaking of sudden take-offs brings me to the case of *Fricker v Gartner* 2021 and why a sales executive felt compelled to quit and head to the tribunal with a wide range of sexism and harassment complaints, and some good old-fashioned condescension thrown in.

Ms Fricker, was employed by Gartner UK Ltd as a sales executive from September 2017 to October

EVENTS SEASON

2022

2019.

At work, her line manager, Mr. Ajroldi, made repeated comments on her appearance and weight including suggestions to change her LinkedIn profile picture to a more 'beautiful' one. He also repeatedly referred to her as a 'good girl', despite her objection to the term as being condescending.

The tribunal heard that in August 2018 Mr Ajroldi insisted on joining Ms Fricker on an overnight business trip, only to make unwanted sexual advances towards her including an attempt to kiss and touch her.

Ms Fricker's objection to Mr Ajroldi's sexual advances led to him being aggressive towards her and subjecting her to a performance improvement plan. Ms Fricker raised a grievance with the senior manager and HR, but this was in vain. The tribunal noted the "condemnatory attitude" of the senior manager and HR representative and found that both were "overtly sceptical" of Ms Fricker's claims or believed she was a participant.

Ms Fricker resigned in October 2019. She filed a claim with the Employment Tribunal alleging victimisation, discrimination based on sex, sexual harassment, and unfair constructive dismissal.

Ms Fricker succeeded in her claims for sexual harassment. The ET reasoned that Mr Ajroldi's comments related to Ms Fricker's appearance and Mr Ajroldi's perception of her attractiveness. The ET noted that referring to a woman in her late-30s with a school-age child as a 'girl' was also demeaning. Judge Tobin wrote that "language evolves over time. Words and phrases that might once have seemed harmless are now regarded as racial, homophobic and sexist slurs" and others are regarded as "inappropriate in the workplace." The ET was satisfied that no one at the company referred to men as "boys", and so this treatment was related to Ms Fricker's sex. The ET also believed Ms Fricker's account of Mr Ajroldi's sexual advances on the overnight trip which amounted to serious sexual harassment.

The ET reasoned that the initiation of a performance improvement plan by Mr Ajroldi was an act to assert his power, and was an example of hostile and intimidating behaviour resulting from the claimant rejecting his sexual advances. A hypothetical male wouldn't have been treated in a similar manner, according to the judge. Therefore, Ms Fricker's claim of less favourable treatment for her refusal to submit to the sexual harassment succeeded.

However her claims for discrimination based on sex and victimisation failed.

Ms Fricker succeeded in her claim for constructive unfair dismissal. The ET held that Ms Fricker was treated unfairly, which included Mr Ajroldi's senior colleagues' attempt to cover up her grievance complaints. The fact that these grievance complaints were still outstanding at the time of her resignation indicated that the company did not try to ensure a proper outcome of these complaints.

Further, it failed to address Mr Ajroldi's behaviour, and Ms Fricker was not permitted to move to a different team, which was also intolerable to her. These amounted to fundamental breaches of her contract by the employer. The fact that Ms Fricker sought to secure alternative work before resigning, did not automatically mean that her resignation was voluntary and free and not due to company's poor behaviour towards her. Thus, it was held that Ms Fricker was constructively unfairly dismissed.

The case reiterates the importance of employers taking reasonable steps to prevent discrimination and harassment at their workplace. While these will be different in every business, the judgement stated that at a minimum employers should ensure that they have updated equality and diversity policies in place which are implemented promptly; that they take steps to ensure all employees and workers are aware of that policy; that equal opportunities training is provided and regularly updated; and there is an effective policy to deal with appropriate complaints from employees or workers.

SEP 28  
Peace of Mind  
Members  
Seminar

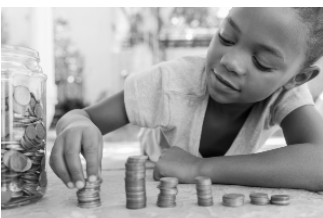
OCT 6

Settlement  
Agreement  
Masterclass

NOV 23  
Litigation  
Lessons  
Masterclass



## POCKET DOCKED



The cost of living crisis has truly hit now. Children's pocket money has slumped by nearly a quarter.

Terrible, isn't it?

Well, it all depends on your viewpoint. When I was six my weekly pocket money was... 6p. My granddad used to say 'And don't fritter it all away!'

Yes, in a curious arrangement, each week I was given a penny for every year of my existence. Allowing for inflation 6p would be 88p today.

Yes. 88p. Barely enough for a Mars Bar. I spent my 6p on two-for-a-penny chews, like Mojos, Blackjacks and Fruit Salads. When I turned seven it was an extra two chews *bonanza*.

So stop your whining, 21st century kids. You're getting well over four quid more than I ever did.

How much pocket money did you get? And what did you spend it on? Tell us over on the [Facebook page](#).

According to research by the Halifax, the average amount under 16s are getting each week has dropped by 23

per cent from £6.48 in 2021 to just £4.99 in 2022.

## Peace of Mind

**Do you want to save your business time and money, and reduce stress?**



“A true class act; every company should have them on their speed dial!”

Contact us today on

023 8071 7717 or email [peaceofmind@warnergoodman.co.uk](mailto:peaceofmind@warnergoodman.co.uk) to find out how **Peace of Mind** can help you.

Are you looking for us on Facebook?

If you haven't liked us already, follow the link below...



... And after liking us on Facebook, why not follow us on Twitter?



Sarah Whitmore  
Partner  
023 8071 7462



Howard Robson  
Partner  
023 8071 7718



Emma Kemp  
Associate Solicitor  
023 8071 7486



Natalie Rawson  
Associate Solicitor  
023 8071 7403



Louise Bodeker  
Solicitor  
023 8071 7448

### DISCLAIMER

While every effort is made to ensure that the contents of these newsletters are up-to-date and accurate, no warranty is given to that effect and Warner Goodman does not assume responsibility for their accuracy and correctness. The newsletters are provided free of charge and for information purposes only. Readers are warned that the newsletters are no substitute for legal advice given after consideration of all material facts and circumstances by an experienced employment lawyer. Therefore, reliance should not be placed upon the legal points explained in these diaries or the commentary upon them.

### UNSUBSCRIBE

If you do not wish to receive future editions of this newsletter, please simply reply to the e-mail and include the word "Unsubscribe". Click [here](#) to view our Privacy Policy on how we hold and process your data.

### COPYING THESE DIARIES ON TO OTHERS

While the author retains all rights in the copyright to these newsletters, we are happy for you to copy them on to others who might be interested in receiving them on a regular basis. You are also welcome to copy extracts from the newsletters and send these on to others who may be interested in the content, provided we are referenced as the author when doing so.