

YOUR WEEKLY BULLETIN OF WIT AND WONDER



## LIGHTS - ACTION - A NICE BIT O' PUDDING, ANYONE..?

Indiana Jones finds it's grim up north...



## MEAN MANAGEMENT MAKES A CLAIMANT MILLIONS

An expensive lesson in how not to engineer a convenience redundancy.



## THAT'S GREAT, GRAN

Naming for the matriarchs... could this catch on?

## BY 'ECK, IT'S INDY!

I was feeling a bit of Hollywood envy this week on learning that a new Indiana Jones movie is currently being shot in North Yorkshire!

Harrison Ford is reportedly taking it easy in his massive Winnebago trailer parked up on set near the village of Grosworth.

It's forty years after The Raiders of the Lost Ark hit the big screen - and Ford will be co-starring with Phoebe Waller-Bridge of Fleabag fame for the fifth in the franchise.

Word among Grosworth locals is that there's a sequence featuring a daring escape from a Nazi prison camp.

*Is there, 'eck as like?!*\*

North Yorkshire's been getting all the action recently, with Tom Cruise dropping in to film the latest Mission Impossible on the North Yorkshire Moors Railway back in April.

But, Hampshire hasn't done badly by Hollywood either.



I had a quick check online and have come back pretty smug with the following list of movies or major TV series filmed right on OUR doorstep:

- Tommy** - South Parade Pier, HIlsea Lido and Kings Theatre
- Les Miserables** - Portsmouth Historic Dockyard
- Doctor Who: The Witchfinders** episode - with Jodie Whittaker - Gosport's Little Woodham 17th century museum
- Transformers** - Gosport
- Downton Abbey** - Highclere Castle in North Hampshire
- Pride & Prejudice & Zombies** - Basing House in Old Basing near Basingstoke
- Wolf Hall** - Winchester's Great Hall
- The Crown** - Winchester Cathedral
- War Horse** - Stratfield Saye, north-east Hampshire
- World War Z** - Aldershot military barracks
- Inception** - Farnborough Airport

Seriously - INCEPTION at *Farnborough Airport*?! That's more mind-bending than the movie itself. So, ha! Take *that*, North Yorkshire. We'll raise a Hampshire Hog pie to your flimsy little Yorkshire Puddings! HEY! HOLLYWOOD! Over HERE! Over HERE!

*\*Sincere apologies to any readers from North Yorkshire.*

## BAD MANAGEMENT ON STEROIDS

And speaking of sincere apologies, they don't come much larger than £2.5million - the pay out in the case of *Mr D Barrow v Kellog Brown & Root (UK) Limited 2020*.

Mr Barrow was a member of his employer's senior leadership team and, at the time of his dismissal in May 2018, had been employed by Kellog Brown & Root (UK) Limited (KBR) for just over 36 years.

In November 2017, Mr Barrow went to see a specialist about persistent, irritating redness on his skin. He was prescribed a strong oral steroid which began to effect his behaviour, including



making him “hyperactive and energetic” and making it hard for him to concentrate.



The following week, Mr Barrow asked HR what had been processed on KBR’s systems regarding a recent promotion. He was angry to read that it looked like he had been given the promotion just to make him appear senior to another employee. He said he felt “abused” to be promoted without a corresponding pay increase, and that it reinforced his feelings of being “treated unfairly and undervalued” by Mr Barrie, his line manager. The steroid continued to affect his state of mind, amplifying his agitation. He sent a lengthy email to Mr Barrie complaining of a number of issues including being under compensated and denied meaningful promotion. In a follow up email, Mr Barrow informed HR and Mr Barrie of his medication and its effects on his disposition. He was referred to Occupational Health who recommended time off while the effects of the steroids reduced.

Mr Barrow then had a performance review with Mr Barrie in early December but discussion of his performance and objectives was rushed. He was disappointed at the lack of discussion and emailed Mr Barrie to express this. Mr Barrie responded that he did not want to get into a lengthy email discussion about this and suggested a follow up meeting.

A couple of days later, Mr Barrow was invited to meet with an HR Director, who told him: “I’m afraid KBR can no longer employ you.” The meeting lasted 30 minutes and Mr Barrow was then given 20 minutes to pack up his things. At this stage, he was unsure whether he had been dismissed or suspended.

In January 2018, solicitors for Mr Barrow informed KBR that Mr Barrow had been diagnosed with a form of lymphoma and would be undergoing treatment.

In March 2018, KBR invited Mr Barrow to a meeting to discuss his ability to work with others at the company. The invitation stated that Mr Barrow’s employment may be terminated if he could not comply with management instructions and that in such a case, termination would be on the basis of a breakdown in trust and confidence. Mr Barrow was unable to attend this meeting because he was beginning cancer treatment.

He did eventually meet with a representative of the company at the end of April 2018. KBR subsequently emailed many other employees in what the Employment Tribunal (ET) concluded was “a trawl for information supporting its case” against Mr Barrow. He was not given information about the case against him and was not told what other employees had said about him.

At the end of May 2018, Mr Barrow was dismissed with immediate effect. The dismissal letter said he was being dismissed for a “breakdown in trust and confidence” citing his emails to Mr Barrie, and his public criticisms of the company’s leadership team.

Mr Barrow subsequently brought claims for unfair dismissal and disability discrimination against KBR.

The ET ruled that KBR had failed to prove that there had been a breakdown in trust and confidence, finding that “Mr Barrie had decided that he wanted [Mr Barrow] to go, and the only way this could be done quickly was to dress it up as a breakdown in trust and confidence.” Further, the ET found that there was no genuine investigation into complaints against Mr Barrow, and that the process adopted by the company was a “sham” put on to create the impression that the dismissal was fair. His claim of unfair dismissal was therefore well founded.

The ET found that the emails written by Mr Barrow when he was experiencing side effects of his medication were material factors in the decision to dismiss. While KBR did not know Mr Barrow had cancer when they initially decided to dismiss him in December, they did have knowledge by the second dismissal in May. This second dismissal “was an opportunity to take a different approach knowing that [Mr Barrow] was disabled and that his manner in writing the above emails was affected by the medication he was taking.” KBR failed to properly take into account Mr Barrow’s disability and therefore his claims of discrimination arising from disability and harassment succeeded.

The ET awarded Mr Barrow £2.5 million including £7,500 for aggravated damages.

This case serves as a warning to employers of the cost of failing to follow proper procedures and of failing to properly consider an employee’s disability. The ET was very critical of KBR’s actions to try and “dress up” the dismissal as a breakdown in trust and confidence with a “sham” procedure, and this is reflected in the large sum of compensation awarded.

## A GRAN GESTURE



Obviously there would be some benefits if her gran was, say, Queen of England, but even so? And how about his mum’s name for her middle name..?

My first born daughter’s middle name is her paternal great grandmother’s name, Mahala...does that count as adopting a royal perspective on names?!

Of course, many older generation names are now very fashionable, but you’ve got to hit the right era. While Lilibet, for example, is cute... Diana is... very 80s. If this specific fashion follows hot on the heels of Prince Harry and Meghan’s example, we might be meeting a lot of Maureen Tracys and Eunice Donnas... which don’t have quite the same ring to them.

Would you call your first born daughter after her dad's gran?

But that's how fashion works. I would never have imagined, growing up in the 70s and 80s, that little girls of the 21st century would be called Elsie and Ruby and little boys would get to be an Alf or a Wif.

**What would YOUR name be if your Dad had been honouring his gran and his mother, in that order..? Tell us over on the Facebook page.**

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