

YOUR WEEKLY BULLETIN OF WIT AND WONDER



SHOUT! SHOUT! LET IT ALL OUT!

Should we all make more noise about it?



NO BUMPS, PLEASE, WE'RE CAUTIOUS

How caring about Covid landed a company in tribunal.



VIVA LA LIVE AT OUR LOCAL

Small gigs are the big thing for our star bands...

DEUCED NOISY!

As I write this I'm - **WUH!** - hitting the heights of my - **WUH!** - craft, and I hope you appreciate all the - **WUH!** - effort I put in to smacking every point home with style, wit and - **WUH!** - aplomb.

And if my opening sentence seems a little odd this week, don't worry. I've just added a bit of judicious grunting to be sure it's as good as it can be. Trust me. I am right up there with Maria Sharapova, who has grunted her way to major grand slam success.

It turns out grunting is good for your game. According to tennis experts, it helps with timing and rhythm, focuses the body and mind. A bonus is how much it also freaks out your opponent. I can concur on the freaking out bit. I've been audibly grunting at the end of every sentence I've typed and Howard is even now gathering his papers and backing out of WG Towers, smiling nervously.

HA! No queueing for the photocopier NOW!

WUH!



Of course, not everybody approves of grunting, and as Wimbledon's centre court resounds with **OOFs** and **WUHs** and **UGHs**, you might be among them. Sharapova is the record holder with a legendary 100 decibel grunt, but many of this year's star players seem to be getting into it. Some of them are even *trained* to do it, according to recent news reports.

Clearly I'm not going to get away with grunting in tribunal, although it's very tempting to try it out. When we eventually run our next seminar I *could* get the whole audience into a group grunt - a bit like the New Zealand Black's rugby team and its haka. It might be very rousing... or moving... or perhaps just a bit spray-y, which, in the post-Covid world, might be frowned upon.

It might also create a combative atmosphere and bring on shouts of OUT whenever one of the speakers wanders a bit off topic.

So perhaps not. It's working for me in the office today, though. As I sit here in a rapidly emptying building. **WUH!**

Do you have a tried and tested way to improve your game? Let us know over on our Facebook page.

PREGNANT PAUSE

And speaking of colleagues suddenly leaving the building brings me to the case of *Miss A Prosser v Community Gateway Association 2021* in which the tribunal

considered whether an employer discriminated against a pregnant worker by sending her home due to health and safety concerns in the early days of the Covid-19 pandemic.

In June 2019, Miss Prosser began her engagement with the company as a casual worker and in March 2020 she informed her line manager that she was pregnant. A couple of days later, her line manager sent her home from work as she considered Miss Prosser clinically vulnerable to the Covid-19 infection. It was not clear at this point how long Miss Prosser would be required to stay away from work, but she was unable to work her scheduled shift for the rest of March and April.

In May 2020, Miss Prosser informed the company that she had not been paid for her scheduled shifts in April, and also requested that she be allowed to return to work. After a risk assessment, it was determined that Miss Prosser could be allowed to return to work as a day shift worker once Perspex screens were fitted between desks at the office.

By the end of June 2020, Miss Prosser raised a grievance alleging pregnancy discrimination because she had still not been paid for her scheduled shifts in April and because she had still not been allowed to return to work. Her grievance was not upheld, but a subsequent second risk assessment determined that Miss Prosser could now return to work during the day because, even though the company was still working to get the Perspex screens installed, the office desks had since been moved further apart.

Miss Prosser returned to work in August. She was also paid for the average four shifts a month she would normally have worked during the months of April, May, June, and July had she been allowed.

Miss Prosser subsequently filed a claim against the company for direct discrimination related to pregnancy and maternity for being sent home in March 2020 and not allowed to return.

The Employment Tribunal (ET) found the company did not subject Miss Prosser to unfavourable treatment by sending her home, and that this decision was “appropriately informed through the requirements placed upon the [company] as a result of the Government’s public health advice and regulations leading from the onset of the first Covid-19 lockdown”. Further, delaying her return to work until appropriate social distancing measures could be put in place also did not amount to unfavourable treatment, “but a positive step being taken to protect her in complying with legislation designed to provide her with protection”.

Miss Prosser’s claims for discrimination based on pregnancy and maternity were therefore ill-founded and consequently dismissed.

Though this case is not binding on future tribunals, it should reassure employers who prevented pregnant employees from attending the workplace during the pandemic that their actions were justified. Employers are reminded of their duty to conduct a risk assessment when a worker or employee informs them that they are pregnant, and of their duty to take reasonable steps to remove any health and safety risks to allow the pregnant worker to continue working. If health and safety risks cannot be removed and no alternative work is available, it may be necessary to suspend the employee on full pay.



WARM WELCOME HERE, COLDPLAY!



Rather heartwarming news on the BBC online site this week is that major acts will be playing small grass-roots venues as live gigs slowly begin to take off again across the UK.

Sir Tom Jones is playing the 800-seater Cambridge Junction, while Rag ‘n’ Bone Man, having already played three low key shows in London’s Jazz Cafe this month, will gig for just 250 fans in the Tunbridge Wells Forum.

Well, we all know where this is leading. I’ve already been in touch with some local venues and I’ve put the call in to Chris Martin’s people. Because we can DO THIS! We can host poor, lonely, under-rehearsed Coldplay and gently bring them back up to speed so they can play the O2 next year. I think The Hobbit or The 1865 or The Joiners could sort out a friendly warm up and I *think* there would be enough takers... It would be a kindness, wouldn’t it?

I’ll even make sandwiches for the band and the road crew.

Leave this with me. I’m on it.

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