

YOUR WEEKLY BULLETIN OF WIT AND WONDER



GLORY DAYS

What we did to impress before we reached 14.



NOT REMOTELY FAIR

How a Covid-grounded employee was dumped by stealth.



SHUT UP AND LET ME SPEAK!

No need to wait your turn on Zoom with new butting-in options.

SMACK ME BADGE UP

So what had YOU achieved at 13? I don't want to make you feel inadequate but by age 13 *this lady had every badge going* from the Brownies. Oh yes. My uniform was weighed down with so much embroidered proof of greatness it needed a reinforced steel hanger. I remember I had to make a cup of tea and do some ironing to get the Homemaker badge. That tea was award-winning and the pillow case garnered rave reviews for its unparalleled creaselessness.

Of course, Sky Brown, 13, has somewhat eclipsed my shining achievements by becoming the youngest ever Briton to win an Olympic medal after picking up a bronze for skateboarding in Tokyo this week.

And while we don't, of course, want to put Sky's efforts in the shade, I thought I should share some of the things the WG Employment team told me *they* had pulled off by that age...

LOUISE: At 13 I was the youngest person to win the school talent show. I wrote and performed my own song and accompanied myself on the piano – I was pretty chuffed with that. Got me into the school's history books and gave me my 15 minutes of fame!



HOWARD: I can't compete with singing and dancing - but my greatest achievement was not getting myself and school chums killed on a French high-speed rail line during a long summer school trip, aged 13. I can still see the driver gesticulating in the way the French do so well, as I suggested to my fellow lizard hunters that maybe we *should* get off the track now...

TASH: I was into drama and dancing and when I was nine or ten I appeared in *Emu's All Live Pink Windmill Show* with Rod Hull. I got to be part of the gang who said 'There's somebody at the door' and met Grotbags and Croc. This will mean nothing to most of my team. I also met Noel Edmonds, who was opening a new garage, and got his autograph. Jealous yet?

CAT: When I was twelve I competed at the Irish National Championships in Diving and came home with two bronze medals for 3m springboard and platform. There was a press release that even had a little pic of me diving.

And there still IS a press release - with a fab photo of little Cat in action! **LOOK!** We found it and it's now the pride of WG Towers. We might have to frame it and put it in reception.

I do hope we haven't made you feel inadequate for your 13-year-old self. Or maybe you can blow us all out of the water with your own pre-adolescent achievement. Do tell us over on our Facebook page.

THE ITALIAN JOB

And speaking of inadequacies brings me to the case of *Mr C Montanaro v Lansafe Limited 2021*, in which an employee who refused to return to the UK from Italy in the

EVENTS SEASON
2021

early days of the Covid-19 pandemic was dismissed only by letter... sent to his UK address.

Mr Montanaro was employed by Lansafe Limited in February 2020. In early March 2020, he took two days off to attend his sister's wedding in Italy, having genuinely believed he had been granted leave.

While Mr Montanaro was in Italy, the country went into lockdown and the UK Government published guidance instructing travellers entering the UK from Italy to self-isolate for 14 days. Mr Montanaro contacted his director, Mr Roby, asking if he should return to the UK. He was told to keep his mobile and laptop on and to await further instructions, which never came. Mr Montanaro consequently did not return to the UK and instead continued to perform work for the company's clients remotely from his home in Italy.

Meanwhile, the company prepared a letter to Mr Montanaro informing him that he was being dismissed for gross misconduct. However, Mr Montanaro did not see this letter, as it was sent to his London address, where the company knew he would not be.

Mr Montanaro continued to work remotely and to send the company and Mr Roby updates but he received no response. On 1 April, he received an email with his P45 and final payment, which alerted him to the fact that he had been dismissed. His final payment only included pay for dates up until 6 March, despite the fact that he had been working remotely past this date.

Mr Montanaro claimed he was automatically unfairly dismissed for taking appropriate steps to protect himself from danger which he reasonably believed to be serious or imminent.

The company argued before the Employment Tribunal (ET) that Mr Montanaro had been dismissed for gross misconduct because he took unauthorised absence. The ET rejected this argument, finding the company's evidence "not credible".

The ET was satisfied that Mr Montanaro reasonably considered the danger posed by Covid-19 to be serious and imminent and that Mr Montanaro took appropriate steps by seeking advice from the company, complying with the instruction to keep his mobile and laptop on, and by continuing to work remotely. The ET concluded that Mr Montanaro was dismissed because he "communicated the difficulties with Covid" to the company and "proposed to work remotely in Italy until the circumstances changed". Mr Montanaro therefore succeeded in his claim for automatic unfair dismissal and was awarded £3,346.98.

This case adds to the growing case law involving health and safety concerns related to Covid-19. It is not binding on future tribunal decisions, but does indicate that decisions will be fact sensitive.

This case also reminds employers that they should still exercise caution when dismissing employees with less than two years' service, especially if the employee has raised concerns regarding health and safety. It was relevant to the tribunal's decision that the company was unable to produce any credible evidence of the reason for dismissal; employers should therefore ensure that the reason for a dismissal is well documented and justified.

SEP 22
Peace of Mind Members
Seminar - Solent Hotel

SEP 28
Peace of Mind Members
Seminar - Virtual Event

OCT 12
Employment Law
Masterclass - Settlement
Agreements

OCT 20
HR Hangout - Creating a
Diversity and Inclusion
agenda



THE BUTT-IN IS BACK!



Research has shown that Zoom's most annoying feature is that it will only allow one person to speak and be heard at any given time.

We're a species that likes to overlap our conversations so this feels weird and stilted - but maybe not for much longer.

According to a (very interesting) article on the BBC Online tech pages this week, a new app - High Fidelity - will allow us all to pitch in as if we were in the same room, even positioning the voices from left to right.

Yes - *cut* that boring windbag off just like you would in person!

Another system, in development, aims to read participants' moods with facial recognition. Which may not be *such* a good idea. Given that we may be stuck with some degree of Zoom and Teams forever now, I really don't want my every mood on display... or yours.

If you're doing a good job of feigning interest in what I say, frankly, I'm happy to keep the illusion. A little polite fakery is what makes the business world go round...

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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

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