

Employment Newsletter

YOUR WEEKLY BULLETIN OF WIT AND WONDER



CLING-FILM WRAPPED ROYAL TREASURE

Save it for later... forty years and a big auction later.



VICTIMISE THE VULNERABLE AT YOUR PERIL

Another Covid-related case hits the tribunal.



NOW YOU SEE ME...

...now you don't. Beware the camouflaging robots...

THE SWEET, AGED ICING OF DOOM

Now, as regular readers will know, I like a bit of cake.

Coffee and walnut, lemon drizzle, carrot cake... any of these will improve my afternoon.

I've been known to shell out as much as six quid for a nice slice at a cafe or restaurant.

I was quite partial to the hedgehog birthday cake I made for my daughter's 19th birthday recently, too (photo evidence to the right). In fact - I've still got some left, wrapped up in cling-film. It's getting a bit old but that only adds to its value, by all accounts.

I'll take fifty quid for it. Sixty? Ninety? Oh alright, then - three hundred.

What do you *mean*, that's a bit pricey?! A bit of *forty-year-old* wedding cake has just been auctioned for £1,850!



Well, OK, fair enough, it *was* a slice of Prince Charles and Princess Diana's wedding cake, decorated with the royal coat of arms and steeped in history and regal collectability. The BBC Online report this week says the auction of the slice, saved by Moyra Smith, a member of the Queen Mother's royal household back in 1981, was expected to go for around £500 but more than tripled in value as online bids got competitive.

There's no doubt it's a bit of history. But mine will definitely taste better. Mine will taste of chocolate and sponge. The Charles and Di cake will have the flavour of bitter disappointment, with a texture of grim foreshadowing. And grim foreshadowing is a devil for sticking in your teeth.

What cake would YOU pay over the odds for? Have you still got a bit from your own wedding? Do tell us over on our Facebook page.

SHUT UP AND MAKE THAT CLAIM...

And speaking of grim foreshadowing brings me to yet another Covid-related case (*strap in, everyone - there will be many!*).

In the case of *Mr B Gibson v Lothian Leisure* 2021 the Employment Tribunal (ET) considered whether an employer unfairly dismissed an employee who was reluctant to return to the workplace because he feared he might pass the coronavirus on to his vulnerable father.

EVENTS SEASON
2021

SEP 22
Peace of Mind Members
Seminar - Solent Hotel

Mr Gibson began working for his employer as a chef in February 2019. In March 2020, as a result of the national lockdown, his employer was forced to close and Mr Gibson was placed on furlough.

Mr Gibson's father is clinically extremely vulnerable and has a number of health issues, including a brain tumour, colitis and Addison's disease. He was therefore shielding during the lockdown.

In April 2020, the employer anticipated reopening and asked Mr Gibson to come in and help out with preparations. Mr Gibson was reluctant to return to work and told his employer that he was concerned about the possibility of contracting Covid-19 and passing it on to his father. The ET heard that the employer provided "no personal protective equipment for staff" and "had no intention of requiring staff to take precautions and create a Covid secure working environment". In response, Mr Gibson was apparently told to "shut up and get on with it".

On 30 May 2020, Mr Gibson's employment was terminated without any process, via a text from a director. The text said that they were making changes to the running of the business and would be moving forward with a smaller team.

Mr Gibson filed a claim against his employer for unfair dismissal, notice pay, holiday pay, and unlawful deductions from wages.

Under section 100(1)(e) of the Employment Rights Act, a dismissal will be automatically unfair where the reason or principal reason for the dismissal was that the employee took appropriate steps to protect themselves from a danger which they reasonably believed to be serious and imminent. In these circumstances, an employee is protected from unfair dismissal even where they have less than two years' service.

The ET was satisfied that Mr Gibson reasonably believed that the spread of the Covid-19 virus and the potential harm it could do to his father was a serious and imminent danger. Judge Brewer noted that until Mr Gibson raised his concerns, he had been a valued employee and had enjoyed a good relationship with his employer. The ET was satisfied that Mr Gibson had either been dismissed or made redundant because he took steps to protect his father from the serious and imminent threat of the coronavirus, and his claim for automatic unfair dismissal was successful.

The ET awarded Mr Gibson just over £21,000 for unfair dismissal. He also received amounts for notice pay and accrued holiday pay.

This case is another example of an employee successfully claiming that he was dismissed for raising health and safety concerns related to Covid-19. As employees continue to move back into the workplace, employers should listen to any health and safety concerns raised by employees and do what they can to address them. Employers are also reminded to exercise caution when taking any action against an employee who has raised a health and safety issue, even where that employee has less than two years' service.

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



COME ON, COME ON, COME ON, COME ON, COME ON - CHAMELEON..?



Do robots scare you?

Well, how about INVISIBLE ROBOTS?

Yeah. Like there isn't enough to worry about in the 21st century.

Apparently this is now a thing. According to Professor Seung Hwan Ko of Seoul National University, and research published in Nature Communications, camouflaging robots are HERE. A soft-bodied robot has been built that can change colour to match its background, like a chameleon.

You thought robot supermarket checkouts were bad enough, didn't you? Now there'll be one that suddenly emerges from a stack of bean tins to check you're weighing out your veg honestly.

Be afraid...

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