

YOUR WEEKLY BULLETIN OF WIT AND WONDER



I'M NOT DEAD YE-

Parting comments to remember



FAIR'S FAIR

Yes - an employer gets it RIGHT!



GOLD!

Always believe it's in your phone...

FAMOUS LAST WORDS

It was 216 years ago today that Lord Admiral Horatio Nelson died during the Battle of Trafalgar - fought and won on October 21, 1805. What he said as he perished has long been the subject of conjecture... was it 'Kiss me, Hardy...' or 'Kismet, Hardy...'? Either way, his good friend, Captain Hardy, did, reportedly, kiss Nelson's forehead and Nelson responded 'God bless you, Hardy...'

So, technically, *these* were his last words.

Apple legend Steve Jobs apparently said: 'Oh wow - oh wow - oh wow!' as he went, which gives us all hope of something highly entertaining in the great hereafter.

Although I still prefer Oscar Wilde's final comment: 'Either that wallpaper goes, or I do.'

I'm guessing the wallpaper outlasted him.

Here in Warner Goodman Towers we've had a deep and thoughtful discussion about what we'd quite like our last words to be.



I kicked off with: 'Thank god that's over. Somebody pour me a gin...'

Natasha: A bit of intrigue I reckon, 'Before I go I must tell you the secret that I have kept all these years...'. Followed by dramatic death scene.

Emma: 'Well... that was nice.'

Howard: 'The four number code is... 3... 7... bleurgh.'

Martin: 'Sssshhhh. I need a bit of shut-eye!'

Natalie: 'I've left everything to the cats...'

What would *your* best final words be? Tell us over on our Facebook page!

WITHIN REASON

And speaking of the final word brings me to the case of *Mrs S Aleem v E-Act Academy Trust Limited 2021* and a notable landmark decision over reasonable adjustments.

EVENTS SEASON

2021

Mrs Aleem worked as a teacher, but suffered from poor mental health which amounted to a disability and caused her to be off sick for several periods from 2014 to 2016. In March 2016, she agreed to return to work three days a week as a cover supervisor, initially for a trial period of three months. Though the cover supervisor role offered a lower rate of pay, Mrs Aleem continued to be paid her higher teacher's salary for the trial period.

Her teacher's salary was maintained into November 2016 while the employer dealt with a grievance and appeal raised by Mrs Aleem and while future options were considered. The employer then conveyed to Mrs Aleem that if she continued in the cover supervisor role after 21 November 2016, her pay would be reduced to that of the normal cover supervisor rate.

After an Occupational Health report found that Mrs Aleem was not fit to return to her teaching role, she decided to remain in the cover supervising role and consequently her pay was reduced.

Mrs Aleem filed a claim in the Employment Tribunal (ET) alleging that by reducing her rate of pay the employer had failed to make reasonable adjustments to accommodate her disability. The ET rejected her claim. It found that continuing to pay Mrs Aleem the higher teacher's rate while she trialed the cover supervisor role was a reasonable adjustment, but that it would not have been reasonable to expect the arrangement to continue indefinitely. In reaching this decision, the ET took account of the fact that paying the higher salary indefinitely would be very costly to the employer.

Mrs Aleem appealed to the Employment Appeal Tribunal (EAT). She argued that the ET had erred in its decision as the employer had not provided any evidence that it could not afford to keep paying the higher rate indefinitely.

The EAT rejected Mrs Aleem's appeal. It reasoned that in the circumstances of this case, there is no rule that an employer must continue to pay the higher rate of pay unless it can show serious financial difficulty. The ET was entitled to take into account the financial cost to the employer of continuing to pay the higher rate. While it had been a reasonable adjustment to pay Mrs Aleem the teacher's rate temporarily while she trialed the role and her grievance was dealt with, it would not be a reasonable adjustment to continue to do so once the role became permanent.

This decision should bring some comfort to employers, as it establishes that it is not necessarily reasonable to expect an employer to continue to pay an employee their previous, higher rate of pay when they move to a lower paid role due to a disability. As this is an EAT decision it will be followed by lower tribunals in future decisions. However, employers should take note of the fact that it was considered a reasonable adjustment to maintain the higher rate of pay during the trial period and while handling a grievance, and that each case will depend on its facts. Employers should take care to explain their position, and be clear where they intend to reduce pay.

NOV 9
HR Hangout - How to include Diversity and Inclusion - A Practical Session

NOV 24
Employment Law Masterclass - Practice Makes Perfect



THERE'S GOLD IN THEM THAR PHONES...



It may be time to dig out that early Apple or Samsung from the back of the bottom drawer in your desk.

Because there's GOLD IN IT!

Before you start to get excited about a tempting offer from www.kash4fones.com, hold your horses. This is a new recycling plan put forward by the Royal Mint. According to a report on BBC Online the circuit boards in our smartphones contain enough gold to make it worthwhile.

So the Royal Mint, partnering with Canadian firm Excir, now aims to extract 99 per cent of gold from circuit boards at its plant in Llantrisant, Wales. It's set to be a whole new generation of Welsh gold which is predicted to have a purity of 999.9.

So... every smartphone user is holding almost complete purity in their hands!

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