

YOUR WEEKLY BULLETIN OF WIT AND WONDER



HERE'S LOOKIN' AT YOU!

The mirror that checks your fitness



JUST PICK UP THE PHONE!

A cautionary tale for managers hooked on Teams



SOUTHAMPTON TSUNAMI ALERT!

From 3,800 years ago... on the other side of the world.

WHO'S THE FITTEST OF THEM ALL?

In a shock move, straight out of Snow White and the Seven Dwarves, the fitness industry now has a new AI mirror which can haunt you during your workouts.

While watching yourself mid-squat-thrust, you can also watch a virtual trainer demonstrating the moves. According to the BBC this week, these 6ft touch-screen mirrors have numerous sensors, so the virtual trainer can also judge you while you work (whistle it!) and offer guidance.

Because who *doesn't* want a bit more judgement in their lives?



They're not cheap, retailing at upwards of £1,000 *and* requiring a subscription - but I can see how they could be useful - cutting out the need for an *actual* trainer and enhancing your home gym experience.

Although the virtual trainer wouldn't be able to help you crawl away for help if one of your discs pops out after too vigorous a crunch. Or sit down for a bit and ask why you're crying.

What I *really* want is a smart mirror with a mate in it who wants to demonstrate eating cake, drinking wine and having a bit of a chat. I'm sure these smart mirrors are hackable. You could programme in some of your favourite friends, or maybe a celebrity you fancy. I could set up a table and sit opposite Chris Martin from Coldplay for a romantic candle-lit dinner. The real Chris need never know...

And the beauty of virtual mates and dates is that you'd no longer actually feel the need to look good for them, so you'd never even have bother with the fitness trainer setting. Win-win!

OK - I'm off to patent The Dinner Mirror now...

NOT A TEAMS PLAYER

And speaking of virtual encounters brings me seamlessly to the case of *Hayes v Rendall & Rittner 2020*, and how needless tech barriers can badly affect an employee with a mental health impairment.

In April 2019, Mr Hayes was appointed as a concierge at Rendall & Rittner (R&R), an independent managing agent. When applying for the position, he disclosed that he suffered from anxiety and was on medication to treat this.

EVENTS SEASON

2021

APR 28
HR Hangout -
Managing

Having been employed by R&R just shy of a year, contractors who worked on the same site as Mr Hayes alleged that he had thrown a package on to their vehicle. Mr Hayes's manager looked through CCTV footage from the premises and saw Mr Hayes walking around the site with an item in his hand and then throwing an item from above where the van was parked.

Mr Hayes was invited to a disciplinary hearing to discuss the incident. The invite was sent via email and confirmed that the meeting was to be held on Microsoft Teams due to the onset of the COVID-19 pandemic and England being in its first lockdown at the time. Although the invite contained the hyperlink necessary for joining the hearing, there were no instructions on how to join the call. At the time, Mr Hayes did not know what Microsoft Teams was, did not have a camera on his desktop and could not connect to the call.

Twenty minutes after the hearing was due to start, a member of human resources rescheduled the call as Mr Hayes had not joined nor explained the difficulties he had experienced relating to joining the call. He was sent another Microsoft Teams link and was told that if he was not present at the rescheduled hearing the company might have to make a decision in his absence. Mr Hayes did not attend the rescheduled hearing and did not contact R&R on the day despite having the phone number for the relevant member of human resources.

Following both non-attended hearings, R&R dismissed Mr Hayes for gross misconduct for throwing the item from the premises. Mr Hayes unsuccessfully appealed his dismissal and then commenced a claim against R&R in the ET for a failure to make reasonable adjustments in relation to the disciplinary hearing.

The ET found that while R&R recognised that Mr Hayes did have a disability under EA 2010, they also had constructive knowledge of the disability at the relevant time so ought to have known that his anxiety was a factor in him not getting in contact about the connection issues.

The ET was of the view that there was no requirement to make reasonable adjustments in relation to the manner in which the hearing was initially arranged. They explained that although the requirement to attend the disciplinary hearing on Microsoft Teams constituted a provision, criterion or practice, it did not put Mr Hayes at a substantial disadvantage to other non-disabled employees because anyone who struggled with technology would have come across the same issues.

However, the ET stated that someone who did not have his disability would have coped with the connection difficulties better because they would not have had the "additional mental obstacle" brought on by anxiety that Mr Hayes faced. Mr Hayes was therefore placed at substantial disadvantage which could have been reasonably avoided by the disciplinary hearing being rescheduled a further time and changing the mode to a telephone call rather than it being on Microsoft Teams.

This case demonstrates the need for employers to consider the impact of disabilities on every aspect of employment including the method of conducting formal meetings. It outlines the risk to employers of failing to make reasonable adjustments during disciplinary procedures specifically but could be extended to cover other types of meeting such as capability, redundancy or performance review meetings.

The ET stated that this case could have been avoided if R&R had made a "simple, inexpensive and timely" adjustment of carrying out the hearing by telephone. Mr Hayes' success in his claim for his employer's failure to make reasonable adjustments means he is entitled to compensation of an amount that will be decided at a future hearing.

Alcohol and Drug
Misuse

JUL 19
Practice Makes
Perfect
Masterclass

OCT 6
Settlement
Agreement
Masterclass

NOV 23
Litigation
Lessons
Masterclass



SERIOUS SCARES FROM SOUTHAMPTON



Remember the click-bait headlines fun we had a couple of weeks ago? Well, I was so proud to stumble upon *this* headline on *Yahoo!* this week:

Why proud? Because it's our very own University of Southampton which has put that out there! Of course, by the time you've noted the past tense you should have worked out that NZ probably hasn't just been wiped out. Along with no mention of millions of drowned Kiwis on social media. The 'study finds' bit on the end is further reassurance.

But if you only catch the top line, you've clicked, haven't you? Bosh!

Of course, Southampton Uni's archaeologists have nothing to do with the headline - they're just thrilled to have discovered car-sized boulders filled with ancient marine sediments 'very high up and a long way inland' on New Zealand's Chatham Island.

It would have taken a 9.5 magnitude earthquake to get them there, according to Southampton Uni's Professor James Goff. (*Prof Goff! What a perfect name for a man expressing excited surprise!*)

It's genuinely fascinating - take a look [HERE](https://uk.yahoo.com/news/biggest-earthquake-). <https://uk.yahoo.com/news/biggest-earthquake->

'Biggest earthquake in human history' caused a 5000-mile-long megatsunami that sent massive

waves crashing from Chile to New Zealand, study finds

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