

YOUR WEEKLY BULLETIN OF WIT AND WONDER



A CHORUS OF APPROVAL

The WG Towers West End smash hit is on its way!



THE OLD PROBLEM

How shameless ageism cost a firm £25K



HAVE A LITTLE LIE DOWN

Reasons to lose consciousness at work

LET'S DO THE SHOW RIGHT HERE!

Bake Off has been turned into a musical. Yes. You read that right. The BBC-turned-Channel 4 cake-bothering phenomenon has reached such heady heights of renown that someone has seen fit to put it on stage and tell a story with song and dance routines.

The Great British Bake Off: The Musical is premiering at The Everyman Theatre in Cheltenham this week, according to the BBC website, and there are hopes it'll make it into the West End. With the passion we all have for a bit of tart, I'd say it has a good chance.

We're all so inspired here that we're wondering if it could work for us. Could WG TOWERS - THE MUSICAL be a success? We think so. The musicians among us are already working out the numbers. There's a whiff of Lloyd Webber about some of them... such as



1. I DON'T KNOW HOW TO GUIDE HIM
2. CLOSE EVERY LOOPHOLE
3. ANY EMPLOYMENT TEAM WILL DO
4. A CLAIM CHANGES EVERYTHING
5. ANOTHER BRIEFCASE ON ANOTHER DESK
6. TELL ME ON A WORK DAY
7. DON'T TRY TO LAY OFF THAT CLEANER

Louise and Laura are choreographing the big tribunal number (there's tap dancing on the bench) and Howard and I are perfecting our emotional duet, I KNOW TUPE SO WELL. It'll have you in tears. Everyone around here has been weeping, anyway...

DEAD MEAN

And speaking of what could make you weep brings me to the unlovely case of *Robson v Clarke's Mechanical Limited 2021*, and some quite breath-taking age discrimination.

Mr Robson had been employed since 2012 and was qualified to work with gas, heating and plumbing. He was a qualified pipe fitter, gas-safe registered, City and Guilds qualified and a CSCS card holder. He had worked in the field since 1965. He described himself as dual qualified, in that he was qualified both as a plumber and a gas fitter.

EVENTS SEASON

2022

SEP 28
Peace of Mind
Members
Seminar

In 2015, Mr Robson was referred to as “Half-dead” or “Half-dead Dave” on site by a managers when giving instructions to a trainee to take plumbing fittings to ‘Dave’ (Mr Robson). When the trainee questioned “Who’s Dave?” the manager answered “Half-dead Dave” stating ‘I thought that was what they all called him on site’. He stated he did not have malicious intentions and perceived it as ‘banter’.

The trainee approached Mr Robson with the necessary fittings saying “Here you are, Half-dead”, when questioned by Mr Robson who had called him that, the trainee stated it was the manager and later apologised for using the term and felt uncomfortable with having used it.

Mr Robson was invited to a meeting on 24 January 2020 and informed that he was being made redundant. He’d had no prior notice that he was at risk of redundancy and no consultation on this matter. He was given eight weeks notice of dismissal on the grounds of redundancy with effect from 27 January and awarded £6,300 redundancy pay. At this time he was the oldest skilled worker in the business, at the age of 69.

On 31 January 2020, there were job advertisements on the employer’s website, and various other websites and a magazine, for a fully qualified plumber/pipefitter, offering short-term employment and sub-contract positions for immediate start.

Mr Robson had not been offered these roles during his redundancy meeting. It was later agreed that the job responsibilities laid out in the advertisements were applicable to Mr Robson and that he was qualified for those roles. It was also later agreed that the roles were agreed upon and advertised after Mr Robson’s redundancy was announced as there was a need for a gas engineer.

In February 2020, Mr Robson received details of the scoring criteria used to determine the redundancy procedure from the company director. These scores related to length of service, qualifications, domestic experience, commercial experience, performance, skills, flexibility and attendance. Mr Robson was not made aware that there was a scoring criteria despite asking on two previous occasions and on further inspection noticed that his scores relating to performance and domestic experience were the lowest and equated to those of a trainee. Mr Robson was a skilled and versatile employee, with no history of performance or conduct issues.

Mr Robson then filed a claim for discrimination and unfair dismissal in the Employment Tribunal.

The ET found the employer to have directly discriminated against Mr Robson under section 13(1) of the Equality Act 2010 and treated him less favourably due to his age. This was underlined by the use of the “Half-dead” nickname, which Mr Robson was subjected to continuously, even after the incident in 2015. The ET also found the although Mr Robson’s redundancy failed every test of fairness in section 98(4) of the Employment Rights Act (1998). The employer did not act reasonably; the process of dismissing Mr Robson and then advertising for a job role that fit Mr Robson’s own job description confirmed this.

Mr Robson was awarded £10,000 for compensation for unfair dismissal and financial loss. This was just part of his full compensation with a further £14,926.14 to cover injury to feeling in respect of both dismissal and detriment on the grounds of age as well as interest on the discrimination award. This set the final amount of compensation awarded to Mr Robson at almost £25,000.

This case is an example of the amount that can be awarded to claimants in the event of severe cases of discrimination. However, there is no limit on the amount that can be awarded for case of discrimination, as long as the award covers all harm that arises directly from the act or acts of unlawful discrimination. This includes damages to be considered (like the injury to feeling mentioned in the case).

In light of this, employers should always take precaution when drafting job advertisements or conversing with employees and be aware of their employees’ conduct. Most employers ensure they have a zero tolerance policy on discrimination in the workplace implemented to confirm the company’s view on this behaviour.

There are a few legitimate reasons for an age-related discrimination statement, such as an occupational requirement. Eg: Employees must be aged 18 or over to serve alcohol or aged 18 to 60 due to the physical demands of working for the police/fire department.

If employers are unsure whether a statement like this would be an exception to age-related discrimination, legal advice should always be sought.

OCT 6
Settlement
Agreement
Masterclass

NOV 23
Litigation
Lessons
Masterclass



SWOON!



On the other hand, it probably pulled in thousands more viewers for the post-broadcast soundbites. And everyone got to go home early. Win-win, I call that.

Honestly - I’ve never fainted in my life. And it’s not for lack of wishful thinking. Girls swooned all the time when I was growing up. It wasn’t like we were laced in to lung-squeezing corsets or



There have been times in my life when fainting would have been quite good.

Kate McCann on Talk TV would probably say that passing out during a live TV debate with the two candidates for our next Prime Minister was not ideal for her.

anything (I'm not *that* old) but maybe it was all the Harmony. You needed a lot of spray to keep that 1980s big hair in place.

Only, it was never me, swooning prettily to the floor and getting all the attention. And to be honest, I only ever really wanted to faint to avoid a grilling about why my homework hadn't been handed in.

Tried to lose consciousness. Quite hard. But no.

So, hats off (and fanned) to Kate McCann. She'd clearly been wanting out. So she just did a mic drop on her own consciousness.

I live in hope that in a particularly dull tribunal one day, I might yet pull this off...

Have you ever fainted in the workplace? Or anywhere? Do tell us over on our [Facebook](#) page.

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