

YOUR WEEKLY BULLETIN OF WIT AND WONDER



## A PUNCHY SHOW

Would you sign up for a thump from a film star..?



## WRITTEN WARNINGS

How a judge's issues with dyslexia were left unheeded



## CHIRPY NEWS

About a bird that doesn't really chirp...

## SLAP HAPPY

Q: When is it OK to slap someone in the workplace?

A: When you're Will Smith.

Well, I guess 'workplace' is stretching it a bit for the Oscars - but it's fair to say that the *I Am Legend* and *Men In Black* actor was there for work reasons when he publicly slapped comedian Chris Rock in the face this week for a disrespectful gag at Mrs Smith's expense.

The reaction is mixed, with Smith getting a lot of flack from some, and plenty of sympathy from others.

Remind you of anything? Yup.

Jeremy Clarkson. 2015.

According to a Mumsnet post around the time of the Top Gear presenter's sacking - following Clarkson's punching of a producer who failed to secure a decent supper after a day's filming - 350,000 people thought it was OK. That was the number who signed a petition to get him reinstated.



The producer didn't press charges. Neither, apparently, will the comedian. But the producer just went back to work and got on with his life, while Chris Rock's tickets for upcoming shows have skyrocketed in price and sold out.

So...

Q: When is it OK to slap someone in the workplace?

A: When you're Will Smith and the guy you're slapping is going to make a mint out of it.

PLEASE NOTE, as your advisors in all things employment, we cannot condone any slapping of any parts of the body during work hours and on work property. Unless both parties have signed watertight legal contracts agreeing they're both entirely happy with the arrangement...

I reckon Chris Rock would have signed. Maybe not the BBC producer, though...

Oh... and would I agree to a single slap from Will Smith in order to grow my business tenfold? *HOWARD!* Get in here and help me out... I need a contract, pronto!

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In the case of *Clarkson-Palomares v The Secretary of State for Justice 2021*, an Employment Tribunal (ET) considered whether an employer had failed to provide reasonable adjustments as required by the Equality Act 2010 (EA 2010), for a Judge with dyslexia.

In July 2011, Ms Clarkson-Palomares, the Claimant, was appointed as a social security and child support Judge. Judgements in the Chamber Ms Clarkson-Palomares worked in were given orally, but parties could request written statements. As the Claimant had dyslexia this meant she required additional time to produce the written statements. During numerous appraisals, issues were raised regarding late and outstanding written statements that were due, resulting in her suffering unreasonable criticism and the threat of disciplinary sanctions against her.

Ms Clarkson-Palomares claimed that her employer failed and delayed to make the reasonable adjustments she had requested which adversely affected her ability to carry out her role. From September 2016 to December 2018 the Claimant claimed her employer had failed to provide her with voice recognition software, and from September 2016 to May 2019 had failed to provide training for use of the software. If Ms Clarkson-Palomares had been able to effectively use the software, this would have enabled her to produce the written statements and the substantial disadvantages she faced as a result of her disability would have been avoided.

Until Ms Clarkson-Palomares had been provided with the voice recognition software in December 2018, she also claimed her employer was in breach of its duty to make reasonable adjustments by failing to provide her with someone to proofread her draft written statements.

While Ms Clarkson-Palomares' claims relating to the voice recognition software and training for the use of the software were brought one month too late, the ET decided it was fair to extend the time limit allowing the Claimant to pursue those claims. The Claimant's claim for the failure of being provided with a proof-reader had been presented five to seven months out of time and the ET concluded that it was not just and equitable to extend time so that part of the claim was dismissed.

Ms Clarkson-Palomares' reasonable adjustments claim was successful as the ET ruled that she had been indirectly discriminated against in relation to the requirement of producing written statements without use of voice recognition software.

Other claims of harassment and discrimination arising from a disability were also dismissed, the latter being because the ET did not find Ms Clarkson-Palomares' appraisal amounted to unfavourable treatment arising from her disability as the criticisms in the appraisal did not solely relate to the Claimant's dyslexia and the complaints regarding the late submission of written statements were found to be a proportionate means of achieving a legitimate aim of upholding judicial standards.

The duty on employers to provide reasonable adjustments covers job applicants, current employees and former employees. This case outlines the risk for employers in not providing adjustments for disabled employees with the ET's decision stating that because the Claimant's employer did not have an appropriate policy or procedure on this subject it caused a "lengthy and problematic chronology of events". Ms Clarkson-Palomares is entitled to receive compensation of an amount that will be decided at a future hearing.

EVENTS SEASON

2021

JUL 19

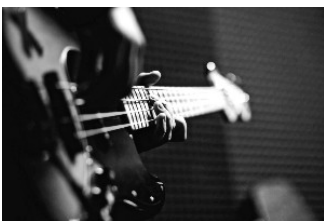
Practice Makes Perfect  
Masterclass

OCT 6  
Settlement Agreement  
Masterclass

NOV 23  
Litigation Lessons  
Masterclass



## BOOM! BOOM!



I find myself checking out BBC Newsround quite a lot. Of course, it's not the Newsround I remember, in which John Craven delivered the headlines against an urgent tattoo of drums and morse code, as we all watched, gripped, over our post-school Cheesy Wotsits.

Now it's online, of course... where all the children are... and in my search for quirky and informative stuff to bring to your attention each week, I often find myself landing on Newsround. It's the 70s throwback calling me...

And this week it's a blast from that same past - almost literally. Because Britain's loudest bird is making a comeback. The bittern was thought virtually extinct when I was a kid. The shy marsh-dweller, which looks a bit like a thrush mated with a heron, has been pictured on the sign of The Bittern pub for some years in Thornhill, Southampton. That image, still viewable on Thornhill Park Road, might nearly have been another Dodo!

BUT - good news - it has slowly boomed\* its way back into our wetlands and reed beds. In 1997, Newsround tells us, there were only 11 male bitterns counted in the whole country. Then the RSPB counted 209 bitterns in 2019.

And the tally for 2021 was 228.

Booming marvellous!

\* The male bittorn plays a noise like someone blowing over the top of an empty milk bottle. Its love song can travel for miles...

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