



The monthly round up of weird and wonderful employment law news

By **Dónall Breen** - 28 February 2019

It has been over two months since I've sat down to write about the bizarre news stories of employment law. Last year there were stories of pole dancing teachers, moustaches like walruses and the legality of Trump firing staff by tweet. Maybe this year will be different, the tabloids are right and we've created a sterile, snowflake generation where (dare I say) banter no longer reigns supreme in the workplace.

Fear not my friends, the stories coming out of workplaces around the world are still as weird and wonderful as ever - I have retained my brief to write 700 words a month on what is effectively the red-top newspaper for the HR professional. Buckle up, it is going to be one hell of a 2019.

We start this month with something truly disgusting. A supermarket employee in Japan has been fired after he was caught licking the food. In what is potentially the grossest misconduct I've read about, CCTV caught the olfactory inquisitive worker licking several items of food and placing them back on the shelves. Even weirder, this is not an isolated incident. Two other Japanese stores have reportedly been forced to deal with similar incidents. I miss the days when planking was the most daring stunt people got up to at work.

On a food related matter, a nameless Reddit user recently found internet fame when he casually asked the 'legal advice' subreddit if he was "in trouble, if any" for poisoning a co-worker. In what appeared to be an escalating feud between two colleagues over stealing lunches, the Reddit user laced his sandwich with an almost lethal dose of laxatives and then casually wrote on the sandwich bag 'POISON, DO NOT EAT'. The GQ|Littler associates were divided in opinion on whether this constituted a criminal act and we are open to hearing views on the matter.

Certainly not open to different views is the lecturer with 'non-PC' opinions who claimed he was protected by UK employment equality legislation for his beliefs. The university educator was a chairman of a local UKIP branch and ridiculed on Twitter as a 'Tory bigot'. He

claims he was hounded out of his job by left wing colleagues who, in response to his Twitter posts, would say outrageous things like “[please don’t] discount the whole team off the back of the work of one member of staff”. The embattled academic also claimed his line manger ‘sneered at him’ and questioned if his work was worthy of funding. After bringing a claim of unfair dismissal, the tribunal found that non-PC beliefs was not a protected characteristic in this case and therefore no discrimination occurred. Before you check, I have already done so and his Twitter account has been deleted.

However, my favourite social media dismissal this month goes to the American zookeeper who tweeted that he wanted to push a pro-gun advocate (whose graduation picture featured an AR-15) into a ‘pit full of alligators’. hilariously, the man’s employment was terminated as his job was to be in charge of (yes, you guessed it) the alligator pit. Very ‘pigs from Snatch’ of him.

Also going viral on Twitter is the fast food worker in St. Petersburg (the Florida incarnation) who was filmed throwing a McFlurry of punches at a customer who tried to grab her over an egregious crime – the non-provision of a straw. In the video, what looks to be a normal middle-aged man lunges himself over the counter and grabs the young woman by the neck because she explained that straws were provided by request only. However, the man’s happy meal quickly turned sour when the female worker, a former boxer, turned him into 100% prime minced beef. After a display even Conor McGregor would have applauded, the fate of the worker is unknown; we hope she is taking some time off, running up the Rocky Steps and listening to Eye of the Tiger.

Having a rocky time in the last few months are the LGBT+ community who have been on the receiving end of some abhorrent behaviour. First there was the prison officer who was subject to a campaign of homophobic abuse that included physical violence, his property being vandalised and verbal harassment that isn’t fit to be repeated. Then there was the carpenter that was fired for saying to a customer that gay people were his ‘pet hate’. Finally, in what was so overtly homophobic it borders on strange, a waiter was fired after labelling two male diners as ‘gay’ to identify them on the receipt. The excuse was that one of the men was being loud and didn’t listen to him when he was speaking. The man in question was deaf. It’s strange to think such behaviour still takes place and we rarely see such overt homophobia in the workplace these days. Yet it is important to highlight these cases to avoid falling into the trap that just because you don’t see it, it doesn’t mean it doesn’t exist there.

Also missing the target in terms of professional conduct are the 11 members of a Maryland SWAT team who have been suspended pending the outcome of an investigation when their Christmas party went astray. In a presumably alcohol fuelled burst of festive cheer, a handgun was discharged with one officer shot in the hand and another hurt by the ricochet of the same bullet. Time after time, we advise employers that if you are playing charades at work events the most risk adverse approach is to ensure no one is given the task of demonstrating ‘Bullitt’ to the crowd.

Sorry, that one is awful.

There we have it, from food licking supermarket employees to gun toting SWAT teams, skimming the surface of labour law news makes me wonder what else goes on in workplaces that we don’t see or simply never makes it to the English language press. But as winter finally gives way to warm spring weather, all I know is that my ever-brightening Friday evenings will continue to be spent scouring the internet for all the strange and startling news that keeps this column full. From all of us here at GQ|Littler, wishing you all the best as you now go and wash all your recently purchased food.