



The monthly round up of weird and wonderful employment law news

By Dónall Breen - 30 November 2018

Ah, the end of November. We are on the cusp of aggressively winding down towards Christmas, the party season looming large on the horizon. Deadlines get pushed back to 2019, co-workers conspire to drink their annual salary at the open bar and clients set 27th of December deadlines to keep you on your toes. And amongst this chaos and carnage, the Belfast Employment Tribunal mulls over the size, shape and utility of a beard.

As a bearded man myself, I appreciate there is room in this world for all types of facial hair. From Dali's delicate spikes to Karl Marx's fantastic face warmer, we all have something to offer. Unless you are an armed response officer in Belfast it seems. In a hairy case of style versus safety, an expert witness has said that a police officer would need a "moustache like a walrus" (no seriously, that's the actual quote) to stop a breathing mask working properly. In the second day of the trial, evidence centred on whether a "well-trimmed moustache" was safe to use with the breathing masks. In an epic tale of David versus Gillette, when the policy came into effect the constable defied his superiors by keeping the moustache. He was told his non-compliance meant he would be temporarily redeployed to road policing, with three days' notice.

When the constable said he had identified another suitable role closer to home, he was told this couldn't happen. The reason? Other officers might grow moustaches in order to get shorter journeys to work. Can we all pause for a little LOL here. After this shocking rebuke, the constable went on sick leave for a month before returning clean shaven. He then promptly sued his employer on gender and religious grounds.

Also having a close shave with employees is a regional British airline, who were found to have unfairly dismissed a pilot. The poor pilot suffered from air sickness, which would seem to be an unfortunate illness in light of his role requiring him to, I suspect, fly planes. After a turbulent few months the airline took the decision to ground the pilot permanently in light of several anxiety attacks prior to flights taking off. When the pilot refused a ground-based job, he was dismissed. However, a tribunal found that the procedure followed by his employer was deficient and found the dismissal unfair.



Also grounded this month was a high-flying salesman in Ireland who was sacked after 18 years at a US company based in the Emerald Isle. In a bizarre attempt to achieve something which remains unclear, the man went to great lengths impersonating a pension trustee online. Using a fake email address, he sent a host of anti-British material to the CEO of the company (who was American by the way). Anyway, in a twist so ironic that Alanis Morissette would need to rerelease her smash hit single, the company engaged a British expert IT firm to track down the culprit. After an extensive IT investigation, the man was identified and duly sacked. Some of the funnier results of the IT forensic investigation was a list of his Google searches which included “send anonymous email”, “send anonymous email with attachment” and, I presume, “how do I get myself fired and leave a breadcrumb trail back to me”.

Not leaving any breadcrumbs around is a Chinese home renovation company who have come up with a novel way to motivate staff. Live cockroach eating. In a video widely shared on social media, the abusive managers forced underperforming staff to eat the critters in front of colleagues, and there were even reports of some employees being forced to drink urine. The most unusual part of this whole case was the diligent reporter who included the following line in the news story:

Previous reports have alleged cases of employees ... forced to crawl on a public road or kiss rubbish bins as a punishment or for team building.

I don't know what team building goes on in other companies, but the cringe away day activities I'm used to are like a walk in the park compared to these guys. Next year, I'll suggest public flogging at our summer party to boost team spirit.

Finally, not getting the team spirit quite right are the teachers from Idaho who were all suspended after deciding to dress up, en masse, as Trump's border wall and stereotypical Mexicans complete with maracas, ponchos, sombreros and fake moustaches (presumably trimmed sufficiently to be suitable for the Belfast police). Shockingly, however, they are not even the worst teachers I have come across this month. That dubious award goes to Chinese headmaster and deputy who were fired over secret cryptocurrency mining at their school. After realising how much electricity it took to 'mine' the currency with their computers at home, the two racked up a 10,000 yuan electricity bill for the school by connecting almost a dozen specialist computers to the school's power supply. That's a far cry from my school's computer lab, which was mostly obsolete, outdated and rarely worked – and that was just the teacher.

So there you have it, employment law continues to thrive in this brave new world where suddenly moustached men are being discriminated against and the school teachers are more tech savvy than the kids. But we shall continue the good fight to bring justice and fairness for employers around the world. And now I must go, my computer is over-heating again. It must be all the Bitcoin I'm mining through the firm's servers.

From all of us here at GQ|Littler.