

Employment

April 2010

Hello and welcome to the D&W Vox, our monthly podcast looking at some of the more interesting recent developments in the world of employment law.

In this D&W Vox, prepared by our employment team, we take a look at:

- **Carlsberg beer - a right to drink at work?!**
- **Serial Litigant Loses Discrimination Cases and Pays Costs**
- **Acas predicts post-recession workplace war**
- **And finally, Climate Change case settled out of court**

But First, Probably the Best Strike in the World

Over one thousand Carlsberg workers went on strike last month after their access to complementary beer was cut off at the Danish brewery.

Warehouse workers at the famous Copenhagen headquarters walked out in protest when the brewery's drinking policy was changed. The company removed the extra bottled beers from the refrigerators throughout the worksite and only permitted the workers to drink beer in the canteen at lunchtimes. While the workers used to be able to help themselves to a cold bottle of Carlsberg throughout the working day, they now have to live with just an unlimited free beer tap during their lunch breaks.

The company's vehicle drivers have also joined the strike, but only as a show of solidarity, as they are still allowed to take three beers with them to drink on the road. The company warned that Denmark would face beer delivery delays due to the disruptions.

Spokesman for the firm Jens Bekke was reported in the press as saying that they had been considering the new drinking policy for some time. He added that Carlsberg's delivery vehicles had special ignition locks which stop employees from driving when over the limit. Not surprisingly their policy does not apply to workplaces in the UK, since we would imagine that the HSE would not be very sympathetic to the workers plight.

Serial Litigant Loses Discrimination Cases and Pays Costs

Ms Keane was a 51-year-old accountant with years of experience. She applied for at least 20 positions through employment agencies which were advertised as being 'for a recently qualified accountant'. When she didn't get an interview, she served an age discrimination questionnaire followed by employment tribunal proceedings.

The tribunal dismissed her claims and awarded costs against her because Ms Keane had not genuinely wanted any of the positions for which she had applied. The tribunal ruled that she had applied to make a point about age discrimination and wanted to get settlement monies. The tribunal went on to make a finding that the claims were misconceived and an abuse of process. Unusually, the tribunal awarded costs against her, a finding which was upheld on appeal. Employers should always carefully review adverts and be wary of quantifying experience by reference to periods of time unless they can objectively justify why this is necessary.

Acas predicts post-recession workplace war

Acas, the UK's employment relations service, has published a discussion paper entitled: 'Riding out the Storm: Managing Conflict in a Recession and Beyond'.

The paper reviews the impact the recession may have on employment relations and considers how workplace war could be triggered by new and different touch points in the future. So what could be on the horizon for employers? Well, Acas predicts that:

- Employees may increase their use of social networking sites, emails and text messaging to organise wildcat strikes;
- Pensions could become a powder keg issue for employment relations in the private and public sector as companies seek to close schemes to existing, as well as new, members;
- Employers may see increases in bullying and harassment complaints, and
- Employees may become entrenched in negotiations with their employers as they try to recoup the loss of pay and benefits they have endured during the recession.

The paper comes after the private sector has weathered the worst of the storm but just as the public sector is preparing for significant cuts. To avoid these rather gloomy consequences Acas stresses that early communication and engagement are essential to prevent workplace conflict.

And finally, Climate Change Discrimination Case is Settled Out of Court

In what would have been a landmark ruling, an employee who claimed his environmental views amounted to a philosophical belief has settled his unfair dismissal claim out of court.

In our November Vox we reported that Tim Nicholson was successful in claiming that his strong philosophical beliefs about climate change was capable of legal protection under the Religion and Belief Regulations. Following the EAT's decision that his views were sufficient to form a philosophical belief, Mr Nicholson's case received a great deal of media interest as a victory for green activists. The next stage in the tribunal process would have been a full hearing to determine whether his dismissal was unfair because of his environmental beliefs, a point that his employers have always denied. Now that he has settled out of court we will never know whether his claim would have been successful.

And that's all for this month's Vox.

This Podcast Transcript is correct to the best of our knowledge and belief at the time of going to press. It is however written as a general guide, so it is recommended that specific professional advice is sought before any action is taken. We are required by law to protect personal data.

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If you would like any further information on any of these cases or news items, or any other Employment issues, please call the person at D&W with whom you normally liaise, or one of the following specialists:

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