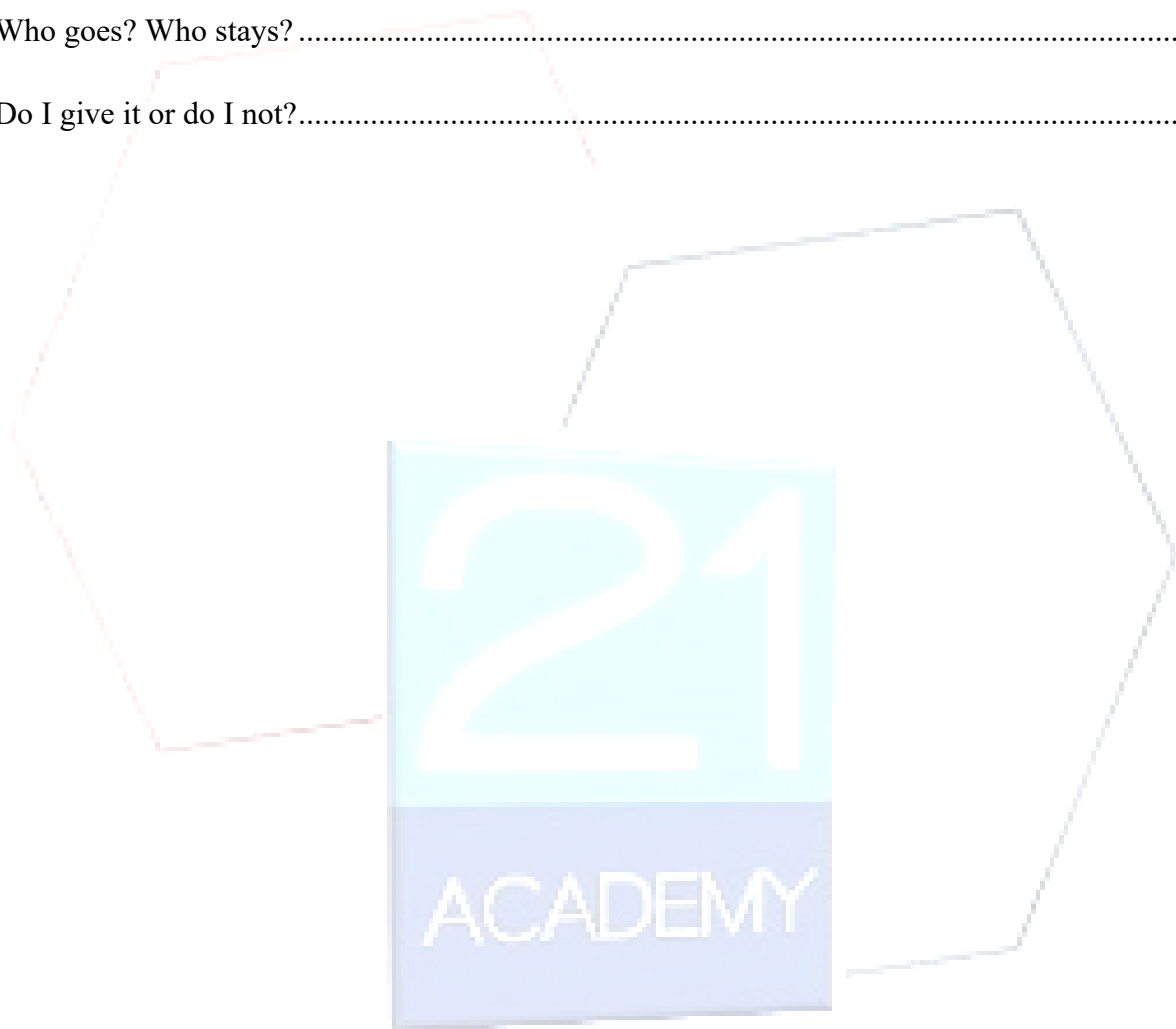




# The Cases

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## Bang on time!

Rachel runs a well-known store in Sliema which stocks a wide range of beauty and skincare products. She employs a team of young ladies to take care of the store, assist with clients, and cover the cash till.

Rachel is adamant on regular stock-taking, to ensure that everything is up to date and that orders are submitted when

necessary, to avoid products being out of stock and disappointing clients. During the past months, Rachel found that she was missing four boxes of her most expensive perfumes as she could not trace them in the storeroom despite their product code coming up on the system. Since these items had not even been put on the shelves, she began to suspect her own staff but had no idea who could have taken the items.

Rachel was rather confused, as she thinks highly of all her team members, so she decided to speak to all of them together and ask them to come forward if they have any information. In fact, one of her team members, Martina, arrived early the following morning to inform Rachel that she suspected her colleague Lara had something to do with this. Martina said that it was not the first time that she saw Lara double back to the storeroom when they would have already brought out all the boxes needed to stock the shelves. This comment further triggered a memory in Rachel's head, who recalled approaching Lara one time in the staff room at the end of her shift and noticing how she seemed startled and began zipping up her bag so quickly that the zip got stuck.

Without any CCTV in the storeroom, Rachel decided to ask Lara to speak to her about the missing bottles at the end of her shift, however Rachel had to leave early that day to pick up her son who had become ill at school. By the time Rachel returned to the shop, Lara had left for home. The following morning, Lara turned up for her shift and just as Rachel was about to bring up the theft issue, Lara blurted out that she had just found out that she was pregnant.

Rachel was flustered and shocked, and congratulated Lara and simply told her to keep an eye out in the storeroom, as she was wary of bringing up her suspicions at this point. Rachel herself had been discriminated against following her first pregnancy when working as a salesgirl and knew the dangers to which employers are exposed in cases like these.



## No more parties?



Carl runs a small catering company that caters for private functions and parties. He has a team of administrators and kitchen staff totalling twelve persons. The company is a long-standing one and most of the employees have been with Carl from the start.

One of Carl's pastry chefs, Vanessa, had an accident when on a kayaking holiday and injured her leg and was bedridden for a number of weeks. Carl had agreed with Vanessa that he would pay her for her sick leave over and above the minimum period for which she was entitled, which was quickly exhausted during her time away from work.

Vanessa was meant to return to work following six weeks of bed rest and regular physiotherapy. However, at the end of the fourth week, she informed Carl that her physiotherapist told her that she would not be able to stand for long hours, which was something very common in her job, and therefore should refrain from going back to work in the meantime.

Carl was concerned about this, as the expense of having to pay for Vanessa's sick leave was adding up, and the company was furthermore burdened with having to hire a temporary worker to cover Vanessa during her absence now that wedding season has begun, and the workload has naturally increased.

Following several weeks, Vanessa once again informed Carl that her physiotherapist was very concerned and was not seeing much improvement as to the state of her leg and that she should avoid long hours of standing at all costs. Carl looked into the possibility of having her work while seated however it was clear that this would not be feasible. He was getting rather concerned as the company could not take on the extra expenses for much longer.

## WhatsApping can get you in trouble

Sylvia was employed with a company focused on organising weddings, parties, conferences, and other functions. The company employed a total of twenty-three employees and also engaged several contractors who provided regular services to this company.

Jason, the owner and director of the company, had created a WhatsApp group including all his employees and also some of their main contractors for the sole purpose of having an informal channel of all of them to get along.



One time, Sylvia sent a few messages on the WhatsApp group describing how an Indian couple had arranged for a consultation with her and asked her to organise an authentic Indian wedding in Malta. Sylvia was used to organising events in a more 'traditional' manner and tried her best to talk the clients out of this idea. She continued by making fun of the customs the clients described to her, sometimes in a rather crude manner.

Jason, who saw the messages later that day, called Sylvia in for an urgent meeting. He was furious that Sylvia had sent those messages on the group chat where not only several employees were present, but also contractors who owed no obligation to the company. The messages were extremely racist and could potentially spell disaster for the company should they be made public. Jason ordered Sylvia to delete the messages there and then, and then directed her to collect her personal belongings and leave the office for good.

Sylvia is distraught. She is 57 years old and has suddenly found herself without a job. When she arrived home, she searched through her files and fished out the handbook which she had been given when she started working with Jason and found the Disciplinary Procedure. Sylvia resolved to speak with a lawyer as soon as she could.



## Them or Her?

Anne worked in a manufacturing company which produced and installed steel and glass structures. Last December, Oliver, one of the managers at the company, had been dismissed for reasons which were not disclosed to the rest of the team. Anne had been offered his job and was transferred from her department.

Oliver used to be rather popular with his all-male team. He was very down to earth and connected well with his workers. Ever since Anne replaced him, the team members developed a sense of resentment, considering her as the replacement after Oliver had been 'taken away' from them. Whilst Anne was effectively a good leader, her team members were intent on making trouble and began harassing her regularly, making dubiously offensive and crude remarks, disobeying her orders and failing to take notice of her requests for assistance.



Anne was brought to a stage where she began to feel anxious at the very thought of having to go to work. She began visiting a psychiatrist, with whom she shared how the constant harassment and abuse was taking a toll on her. She regularly spoke about how she was being treated with the

company director, who simply pushed her to build a stronger shell and take disciplinary action against those who are misbehaving.

One day when Anne was on sick leave, her team took the opportunity to demand a meeting with the company director and vent their frustration about her. The director listened to them and defended Anne as an exemplary manager, and the employees left the office feeling even more frustrated than before.

The behaviour continued to persist and one day, Anne had a severe breakdown at home while getting ready for work. Her husband drove her to the hospital immediately, where she was retained for observation due to unusual fluctuations in blood pressure. That day, she was also visited by her psychiatrist, who encouraged her to resign from her job as he feared her mental trauma could have further consequences on her health.

## Who goes? Who stays?

Melanie and Pamela are employed as content writers with a company which operates and manages a total of twenty websites. They both take care of ten websites each, which are shuffled around and rotated between them every few months by their boss.



Due to the onset of the pandemic, six of the websites which Melanie had been managing, which mostly related to travel, were severely underperforming and were subsequently shut down in January 2021. In March 2021, another one of Melanie's sites were shut down, together with three of Pamela's. Their manager, Nigel, spoke with them about the situation and how problematic it was that they had ended up with management of only ten sites between them, and that he was being faced with having to make a difficult decision of making one of them redundant.

Without letting him continue, Pamela informed Nigel and Melanie that her mother had been taken ill and that she was considering resigning to take on another part-time job to be able to care for her mother. Nigel therefore concluded, to Melanie's delight, that Melanie could eventually take over all the websites once Pamela works her notice and leaves.

In late April 2021, Nigel called Pamela to his office with the intention of discussing final handover arrangements as her two-month notice period was almost up. Pamela was taken aback and informed him that she had never officially resigned and had only floated the idea, but now things had changed since her sister had been made redundant from her job and stayed home with their mother. Nigel realised that he had assumed that Pamela had given her notice during that meeting.

However, having two content writers on ten websites was out of the question. Nigel pulled out Melanie and Pamela's contracts and found that Melanie had been employed after Pamela, and subsequently prepared a letter informing her that she was being made redundant. Melanie was extremely cross with him, telling him that he had promised her that she would take over Pamela's websites within a few days once she leaves.

A month following the redundancy, the company lost another four websites, leaving Pamela with only six websites to manage, so she and Nigel agreed that she would work 25 hours a week. She subsequently resigned, and Nigel is now wondering if he should offer the job to Melanie again.

## Do I give it or do I not?



The HR department at Covit Ltd (the Company) is informed by one of the team leaders that they are suspecting that Ali Bin Hasaan's expenses and sales numbers are being tampered with. The team leader reminds you that the employee is a third country national and a practicing Muslim who at the time was observing Ramadan.

A formal disciplinary investigation is launched and a number of Ali Bin Hasaan's colleagues are called by you to be interviewed and give statements. Quite a good number of them complain about his conduct, Samira goes as far as telling you in confidence that she feels intimidated by him. The team leader who reported him, Winston, tells you that Ali Bin Hasaan was aggressive towards him when he questioned his sales figures. During the disciplinary process you ask for and are presented with sales figures for Ali Bin Hasaan's clients as well as for those of his colleagues for comparison purposes.

When you send an invitation to Ali Bin Hasaan for a formal disciplinary hearing, you intentionally withhold most of the information gathered during the investigation out of concern of disclosing all the information to the employee.

Upon receipt of the invitation, Ali Bin Hasaan calls in sick and sends a letter signed by his doctor indicating that he is suffering from a stress-related condition. 10 days after and a couple of days before the scheduled hearing day, the employee sends you an email complaining that he is being targeted because of his race and religion. In the same email he asks to exercise his right to access under GDPR and requests a copy of:

- unredacted statements made by his colleagues about him as part of the investigation process
- his colleagues' sales data
- client data and a breakdown of sales figures for each client
- all documents in which he is mentioned by name
- any documents that refer specifically to his race and religion
- company documents that refer to race or religion generally
- any complaints received by the company about his team leader's management style
- CCTV footage showing him at his work station
- whatsapp communication between you and his team leader where he is mentioned



**Notes:**

