

 **HAND&HEART**

**3. THE BREWDOG
AFFECTED WORKERS PLATFORM**



a. Background

On 8 February 2022, Hand & Heart (“H&H”) established [The BrewDog Affected Workers’ platform](#)^[1] (“BAWP”), in collaboration with [Punks With Purpose](#)^[2] (“PWP”), a workers advocate group working for positive change. H&H provided the platform for affected BrewDog (“BD”) workers to independently register their employment experiences with BD, in support of PWP’s mission of tackling BD’s alleged cultural issues through positive action, and advocating for affected and/or aggrieved BD (ex)employees around the world. The purpose of the platform was to remove accounts of workplace experiences from social media, to increase safety for those coming forward, to help verify the actual number of claims/allegations against BD, to unify the experiences and decision-making on collective action, and to offer support and legal consideration to cases where possible. The platform was offered for free to all registrants including legal guidance and support, and no cooperation from the company would be required to undertake investigation.

H&H is a workplace consultancy and workplace investigations company, normally providing these services in a commercial context. H&H also provides workplace advocacy services to workers pro-bono. BrewDog has accused H&H of undertaking the platform for financial gain. H&H have not gained financially from the platform, and have spent substantial sums preserving the platform’s integrity and providing support to those affected. H&H has **expended €40,000+ in costs** relating to legal, as well as mental health support and other support for affected individuals, and has spent over **600 working hours on the platform**, case management and investigations.

b. Processes and Work

i) Registration

Registration was open to any former or current employee of BrewDog and registration was completed on a H&H website submission page. To register, people were required to provide the following information:

Name: Email: Telephone Number:

Position/s / Job Title/s (please include rough dates of position shifts but indicate your entire working time with the company in the drop-boxes provided below):

What year did you start working for the company?:

What year did you stop working for the company?:

Location/s:

Please check the categories of workplace misconduct you experienced personally? If none, please leave blank or highlight your claim in the text boxes provided below.:

- Harassment
- Sexual Harassment
- Gender Discrimination
- Wage Theft (unpaid labour)
- Hostile Work Environment
- Coercion
- Threat of Job Loss
- Contract / Legal Issue

Please select the types of workplace misconduct you witnessed first-hand but did not directly experience?:

- Bullying
- Hostile Work Environment
- Gender Discrimination
- Pay Issues / Underpaid / Illegal Wage
- Coercion
- Threat of Job Loss
- Contract / Legal Issues

Did you / were you able to report your experience?: Based on your above answer, please explain further what happened when you reported behaviour / why you could not report behaviour?:

If you would like to - please elaborate/describe your experience working for BrewDog.:

Additional Information / Comments / Questions?:

I consent to the information provided in this form to be stored and retained by Hand & Heart GmbH for the purposing of making contact for the purposes of further organising and/or verification.: Yes

I understand that I may withdraw my consents at any time by contacting ---@handandheart.eu.:

I understand I can withdraw my data at anytime, and request it's deletion, by contacting ---@handandheart.eu.:

I agree and understand H&H are not investigating my claim at this time, and that any such further action requires my express written consent.:

I understand H&H will not provide my data to any person external of their organisation without my express written consent, however, may provide anonymised summary data (that does not include statement information) to the public and/or Punks with Purpose.:

I confirm that the information I provide is true and accurate to the best of my knowledge and that I am not submitting malicious data, and if required, can prove I was an employee of Brewdog for the time period I have indicated above.:

ii) Intake Case Management

The platform received hundreds of submissions. When processing claims, we sorted them into the following categories:

- Verified, recourse available based on time limitations (Category 1)
- Verified, barred by time limitations (Category 2)
- Unverified = no follow up requested / possible (Category 3)
- SPAM / Abuse / False Report (Category 4)

After submission categorisation, registrants from Category 1 and 2 received a Participation and Data Agreement. Once signed and returned, we then verified cases that were suitable for or required investigation by establishing the individual had been a BrewDog employee and that their employment matched the information provided to us and/or the request of documentation related to the claim.

Each category was then grouped by geography and jurisdiction, and where group complaints were considered, by type of grievance. We prioritised cases under Category 1 for the purposes of getting any possible recourse before remedies were time barred. This is because the primary purpose of the platform was to assist cases with legal consideration. For this reason we did not immediately contact all registrants who may have been in categories 2 or 3.

We undertook standard investigations on a case-by-case basis, wholly aware we could not access all parties or evidence. However, in verified cases, it was common to be provided clear documentation supporting the claim. We then began providing suggestions on next steps to Category 1 cases, and eventually any applicable Category 2 cases. Where a recourse path

was road blocked, we would assist with the exploration of other avenues for Participants.

→ Example: if a case was qualified for Acas, we would seek advice from Acas and relay it to the Participant. If their claim was not considered substantial enough, we would try and group it for a potential group complaint. In essence, we tried every avenue to compel investigation of the claim by relevant authoritative bodies, on behalf of the Participant.

This process was the same for other regulatory bodies and police. A majority of these cases will not see any outcome. This is not due to the cases being meritless. We address this below and in Section (5).

Many cases, therefore, came to an inevitable end, with no available recourse. Some cases are yet to be concluded. As of 2023, the timeline may be quite long for some resolutions (8+ months).

On 16.12.2022, Participants were emailed their final case conclusions.

On 21.12.2022 we closed the platform, and began redirecting individuals to other organisations in their jurisdiction who may be able to assist.

In January 2023 we continued receiving enquiries for assistance from four current employees. We continue to provide basic guidance but ultimately direct all enquiries to regulatory bodies or legal services.

Participation & Data Consent Agreement - BrewDog Affected Workers Platform

between

Hand & Heart GmbH
Reuterstrasse 80

12053, Berlin

Represented by Kathleen Bailey

– hereinafter referred to as GmbH –

and

NAME
ADDRESS
POSTCODE, COUNTRY

– hereinafter referred to as the Participant –

Preamble

The GmbH has an existing data agreement with the Participant, with consent provided upon the submission of the initial case details. This **Participation & Data Consent Agreement** is to provide additional data consents to Participants and clarify expectations of all parties as it relates to data collection activities. Further, an overall consent is provided for H&H to begin to analyse in deeper detail the elements of the participant's individual case and to provide feedback from practitioners and professionals in the GmbH's network as to the options of recourse as it relates to the PARTICIPANT's case.

Therefore, the Parties agree as follows to the following:

c. Interactions with BrewDog

The full details on H&H Interactions with BrewDog are described in Section (4) of this report. Below is a brief summary of the interactions.



Initial interaction with a Wisser representative.

On Fri, Feb 25, 2022 at 10:47 AM Kate Bailey <[REDACTED]> wrote:

Hi [REDACTED]

Thanks kindly for making the time yesterday, and for hearing the perspective from the side of the platform. It was invaluable and insightful what you shared about your work, so again, thank you. Please extend my thanks to [REDACTED]

As to moving forward, as I said we are grateful for any meaningful contact we can have with the company as it relates to the platform and the cases. As I said, those who have registered have a core understanding of the goals, and that H&H is advocating for their wishes: which is to be acknowledged and reconciled with, with some degree of safety - in a way that reflects the public values of the company. I'd like to believe the company feels the same way, and I hope that would encapsulate the message you so kindly said you would raise with the company.

As for Wisers involvement, as I said, I think it is best to keep you posted on developments and to be as open as possible regarding the project - and wherein Wiser can or would like to act or become involve, we shall welcome it.

I otherwise wish you a lovely Friday and weekend, and talk soon

Kate

[REDACTED]

Mon, Feb 28, 2022 at 12:35 PM

To: Kate Bailey [REDACTED]

Hi Kate,

Thanks for your time on Thursday and for sharing your intentions for the next steps in your process of advocating for those who share their cases on the platform.

I spoke with [REDACTED] at BrewDog about our conversation and she would like the opportunity to meet with you to discuss this in more detail.

What times would work best for you this week?

Very best
[REDACTED]

Email communications between BrewDog and Wiser
Representatives beginning 24.02.2022 and ending 30.03.2022

(31 emails in total)

A small selection of some of the communications here depict the confusion around BD requesting a "proposal", various attempts by Bailey to rectify the issue of criminal conspiracy and retaliation, and consistently reiterating to BD that all matters raised by former workers must be addressed.



Kate Bailey <[redacted]>

Fri, Mar 4, 2022 at 9:50 AM

To: [redacted]

Hi

I wanted to thank you all for what I felt was both a relieving and constructive conversation, and I feel hopeful there is a positive foundation to figure out a way forward that works for all involved. I hope my sentiments are shared. So you could forward this to [redacted] I have not put it on confidential send, but I just want to note this is a sensitive email, with sensitive information shared - and reiterate my trust that we can keep this among this conversation group, at this time.

One key point of our discussion I found hopeful was our discussion around internal perceptions vs. public perceptions - and as [redacted] said quite well, that they do not "marry up". In the spirit of openness, I would therefore like to share that I came into work to a deluge of messages from platform participants and various other community members - regarding the post made by James yesterday, but [also I guess the presser on your site](#) making the rounds on socials as we speak. It quite encapsulates the nature of our discussion on this topic in a real time way. Obviously, I cannot breach consents of GDPR (though if needed could gain such consents to verify what I share is "real") but I have attached a redacted version of one such email as an example of the sentiment I have been getting via the platform. I have already managed to have a call and begin to provide some security and support to them, and they gave permission for me to share this redacted copy with "people who I think should see it" but no more at this time. I did not provide context on our contact or discussions, or reveal any direct BD engagement. I am sharing with the hope we do have a newfound sense that transparency will only help us to solve and move forward, in the best interest of former and current employees. I hope it clarifies the "realities" I wanted to capture yesterday, as it relates to the impact of actions and communications.

As a last note on that post, I feel an obligation that relates to criminal complaints against individuals. I can't say too much until something more formal between us is established, but it appears there are concurrent elements of police engagements on both sides. I'd appreciate we factor this into our forthcoming discussion topics to consider, as we could all agree, such things are incredibly serious, and we should work towards a peaceful and respectful resolution. No one wins if we have a slew of police complaints to deal with...

Anyway, I was planning to follow up regardless to extend my gratitude and express I was satisfied to wait to hear back from the company as and when you were ready. Just included this last update note as it seems... relevant, and in the spirit of good faith to be open on my end.

Thank you, and wish everyone a productive end to the working week.

Kate



Hi Kate

Thank you very much for the follow up email that I have shared with [REDACTED]

We appreciated the openness and honesty on yesterday's call and we also felt that it was a constructive conversation. We will take the opportunity to reflect on the discussion and read through the reconciliation model that you have additionally sent through then revert once we have had the opportunity to digest the information and discuss internally.

Thank you again for your time yesterday and I hope you have a great weekend

Hi Kate

Thanks for your patience whilst we discussed your proposal internally. I have chatted through with James and [REDACTED] and I'd like to schedule another call with you, me and [REDACTED] further discuss. It would also be super helpful if you could send us a visual on this prior to the call so we are able to review and be ready with any further questions

Agenda

- Overview of the process
- How does the process work from both sides
- What is BrewDog's involvement in the investigations – who would you need access to and estimated time
- Timescales

mail.google.com/mail/u/2/?ik=c746e4db09&view=pt&search=all&permthid=thread-a%3Ar8002366127054982613&simpl=msg-a%3Ar5760670328279...

One attachment - Scanned by Gmail

022, 11:24

Hand and Heart Mail - Follow-Up / Update

Please let me know options over the next couple of weeks where we could schedule a 30-40 minute call and I will sign with [REDACTED] to find a suitable time for all



The conversation continues

Thank you kindly for your response. I would be happy to have another meeting and prepare as you discuss. Few quick things:

1) I didn't really "propose" anything, merely wanted to have a first contact discussion about what the company wants to do with the cases. The result of that was that BrewDog want to resolve and move forward on these things, as expressed in the meeting. In relation to the requested agenda, you basically would like me to propose how BrewDog could do a similar program for the affected workers on the platform?

2) Let's set a date, and press forward in good faith. However, I will have to consult with platform participants about how they would like me to proceed and in turn, come back to BrewDog with terms from these folks. I can have this to you by close of business Monday, and we should have it in writing if those initial terms are agreeable. I think it would only make sense to proceed to the full proposal phase if BD are able to meet those terms, or be willing to negotiate.

- Hope you understand, I represent them, and I do not think it would be anything surprising or derailing to the conversation - just a process I need to honour as there was no discussion with them as to what next steps with BD would look like as opposed to the alternative options.

3) Availability:

Hi Kate

Thank you for this – happy to proceed on a good faith basis.

In terms of how to proceed, this is for us to discuss the process that you would recommend based on what you have done with Mikkeller that we discussed in principal on the initial call

I am going to have to extend my own deadline on this to "as soon as I stabilise everything" which in real terms is responding to folks on the platform and continuing to get their feedback, and following up on their request for legal support.

If either of you can help on any of the following matters, I'd appreciate it:

1. Attribution of quote (see email attached - I [REDACTED] J, will send a separate follow up)
2. I doubt it, but: Could you confirm the two criminal matters are not related to PWP founders [REDACTED] (who is not a founding member or spokesperson)? Counsel has been unable to locate filings, and not one founding/participating member has received notice of legal proceedings - yet it is being framed that they are apart of this.

As to my understanding from leaked information that came to me directly on a personal email address (??? - yep super weird) these criminal matters actually related to a former employee whom has not been involved in PWP as a founder or as a participant since June 2021 and a woman who is not a former employee who James asked to meet with an Internet activist no one is associated with or stands behind in exchange for money. It's all confusing and certainly not in my purview - but my only responsibility is to those I have agreements with - and these are not these two individuals.

The reason I ask is that it relates to issues I've alluded to since our first contact, and specifically the breaches of GDPR/employment law, and ascertaining who would be implicated if there is a need to proceed.

3. My big hurdles working with platform participants, is finalising these items with some form of truthful reality, no we can move forward to negotiate/propose a rec program, is these two items. Does BD have legal counsel who might be interested in private mediation around the two points above? Is it possible to do this with current reps? I am just hoping we can avoid derailing where we have got to behind the scenes, by avoiding full blown litigation being undertaken so any known options of recourse will help me make that assessment.

Just want to say everyone really, really does not want to be in this position and the first response (pre-article) was super, super positive - which I guess made this even more jarring for them. I hope I can get this to a quick, painless resolve in the coming days. I have shifted my schedule to allow for all these calls and meetings, so could be free to discuss via phone call - if preferable.

Thanks
Kate

Apologies for the delay in responding to your email. Answers to your questions are below.

1) We clarified this last week on our Equity Punk forum. This was the post:

<https://mail.google.com/mail/u/2/?ik=c746e4db09&view=pt&search=all&permthid=thread-a%3Ar8002366127054982613&simpl=msg-a%3Ar5760670328279...> 6/11

11/2022, 11:24

There were a few people asking where a certain quote came from. It was an opinion from Wiser to our legal team as this clarifies.

"Wiser provided an opinion to BrewDog's legal team specifically related to its complaint to Ofcom and the BBC. That opinion provided was shared publicly in error. Wisers were appointed by BrewDog to conduct a fully independent review of the business following an open letter signed by around 300 current and former employees. We included in our full report the opinions and voices of over 1500 current and former team members at BrewDog. When we reached out to the signatories of the open letter, 15 people came forward to speak with our researchers. We heard negative feedback from a small group of former employees, rather than the large numbers attached in the letter. From our experience of working with fast-growth companies, there are always former employees that have left the business having been mistreated in some way. BrewDog has committed to significant change in order to become a better employer and we are glad to see our report playing a part in their action plan."

2) We are unfortunately unable to comment on any live criminal matters.

3) Hopefully we have now clarified the 2 points above so there is no need to mediate on these.

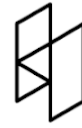


The BrewDog Workplace Reconciliation Program

*Proposal requested March 09.2022
Delivery for meeting 25.03.2022*

Presentation prepared for BrewDog 03.03.22
“(Agenda) BrewDog 03.03.22 (First Contact)”

Hand & Heart GmbH
Reuterstrasse 80 /
12053 Berlin, GERMANY
Amtsgericht Berlin (Charlottenburg) | HRB 228961 B |
BAFA Consultant ID: 185675 |
Geschäftsführer: Kathleen Bailey



CONFIDENTIAL

Dear [REDACTED] & BrewDog Management:

In relation thereto our discussions regarding the request for a recommended process of Reconciliation as it relates to the Affected Worker's Platform I am providing a list of terms, or, contingencies that represents platform participants requirements for proceeding with the exploration and proposal of a potential reconciliation program.

Following BrewDog internal discussions, I ask BrewDog to return the additional appendix of contingencies with the company's response in writing, for the purposes of providing direct and detailed transparency with program participants. It is the hope of myself and the participants that the items listed are agreeable, or at least, negotiable. In good faith, BrewDog and Hand & Heart have set a discussion meeting for 25.03.2022 with the shared hope H&H can proceed to recommend a Reconciliation Process ideally meeting the desired goal of resolution for both platform participants, BrewDog and H&H.

Wherein the company is not agreeable or open to negotiation, H&H could not proceed with this recommendation and therefore will seek other avenues of recourse for resolution, as discussed.

Please find the full list of contingencies and terms in this letter.

I look forward to our meeting and future discussions, and thank you for your good faith efforts to work towards resolving this.

Kate Bailey
Founder & Managing Director
Hand & Heart GmbH

A skeleton proposal was delivered alongside a letter of contingencies, which were a part of the topic for mediation Participants wanted before agreeing to any kind of concept of reconciliation.Reconciliation concept proposal (Requested by BrewDog rep on March 9 2022) And Document "Appendix A_Contingencies" delivered March 23 2022. A copy of the letter is available online.

I want to thank you both for your time, to date. Unfortunately, I will not be able to proceed with discussions around the reconciliation program until a) legal matters are resolved and b) there is an earnest commitment to the integrity of the platform and participants, bearing in mind, in order for BD to be able to stand by any such potential program - this integrity must be ensured.

Here's why:

The action that was taken with me and my company that would invalidate and compromise the platform, if upheld, must be responded to prior to the timeframe you gave me for the company to reply on such matters. You made it very clear there was no recourse you could provide, and I totally understand that position. Of course, in normal circumstances the timeframe you gave is reasonable. That said, I have no choice in the situation I am in but to respond legally and have retained Scottish counsel to proceed on other time-sensitive and security matters as it relates to the contingencies and cross-jurisdictional counsel to respond to others.

As it relates to this point around matters having formally gone to counsel, I am now no longer able to interact with Wiser or Wiser's representatives and cannot comment further. This will be my last email with you, CJ. I am really sorry for this and hope it is resolved soon, but I have been informed it is necessary for now.

Continuing the discussion...

H&H and platform participants still advocate for the most amicable, fair, transparent and just solution for ALL parties. This hope and agenda do not change, even when things develop as they have. It is my hope the opportunity to continue the discussion is back on the table ASAP. If BD ever do want to initiate solution-driven contact as it relates to anything I have discussed today, the door is always open. If I reach I point wherein I could reach out with a view to positive progress, of course, I will.

Lastly...

I may have to release a public statement to service the consistent questions coming my way from media and the public arena, and because the issue is of significant public interest. I suspect there is some story afoot because the interest has been overwhelming. Don't know when as is at the discretion of lawyers, I just wanted to let you know as a courtesy, I really did not want to be in such a position but I am sure you understand.

I am genuinely sad this is the outcome we are at now and to have to deliver this news, but thank you for your work and time to date. I truly hope the future looks and feels different for the sake of where we got to.

All the best
Kate

Letter from Kate Bailey to BrewDog, ending engagement with company 30.03.2022, [public announcement 30.03.2022 ending engagement with the company](#) ^[7]

dramatisation of malicious letter



Letter from Allan Leighton to Kate Bailey
01.04.2022. BrewDog then distributed the
letter to the EFP forum and via all staff.

09.05.2022

Open Letter To: Mr Allan Leighton, BrewDog Board **via email only** [REDACTED]

RE: Request to cease perpetuating false allegations and perceived retaliation against former workers

Dear Mr Leighton and The BrewDog Board

I am writing to you today on behalf of the former and current employees on the Affected Worker's Platform, and other former workers who have expressed concern and distress at BrewDog's perceived campaign of intimidation and retaliation. I have tried to address this with Representatives of your company over the last months, to no avail. I am professionally and amicably trying again. In particular, this letter appeals to the Board to ensure BrewDog and Representatives cease the public assertions that platform participants, Punks With Purpose members, or any former employees supporting either group, are engaged in a criminal conspiracy based on a personal vendetta against the CEO and Company.

We invite the Company to undertake the following actions, which we hope would go some way to alleviating the distress and material harms experienced by former employees now, and in the previous months.

1. Remove the malicious claims about former employees from all BrewDog platforms noted in Annex 1, unless, evidence of the conspiracy referenced is presented to those accused – via direct response to this letter or publicly.
2. Ensure Wisser retract and withdraw their support of this claim, unless, evidence of the conspiracy they speak to is presented to those accused – via direct response to this letter or publicly. We note, the findings of their independent review opposed the statement of support provided.
3. Cease all actions and communications that interfere with the platform participants' and former workers' rights to due process with legal recourse. We have continued our work to analyse these claims to have them placed with suitable legal representatives. The veracity of any claim will and should be assessed by appropriate bodies and be subject to the guidance of the legal system. Certainly, the Company should welcome the rigours of any investigation and professional assessment.

The platform participants and former workers undisputedly have the right to due process with regulatory bodies and legal recourse. I, and Hand & Heart, have the right to support them as they

seek relevant legal avenues available to them. We request that there is no future assertion of a criminal conspiracy driven by former employees in the press, to current staff, as part of any separate legal complaint, on EFP forums, social media, or any other channel – unless, evidence of the referenced conspiracy is presented to those accused – via direct response to this letter or publicly.

To reiterate, as it relates to the allegations of former workers being involved in a criminal conspiracy, we invite the Company to present the clear supportive evidence of this claim, in particular, as it relates to named or identified individuals, or individuals who have been approached by Private Investigators. No participating member of the platform, members of PWP or former employees I have spoken to has been made aware of claims against them. BrewDog has perpetuated the claims for such a substantial amount of time and BrewDog is obliged to provide those they have accused with evidence. Notably, as there are no proceedings against noted individuals that could be prejudiced by the disclosure of evidence, and seemingly no other means by which the allegations' veracity can be determined - we invite this evidence to be presented without delay. Failing this disclosure of evidence regarding those accused, we reiterate our request in (1), (2), and (3).

Attached is Annex 1 (referenced in (2)), which comprises the public documentation of this allegation being perpetuated by the Company or Representatives. This document clearly indicates BrewDog and Representatives have been the sole initiators of any discussion of a criminal conspiracy and as it has been nearly a year of perpetuating the claim, have yet to engage with those accused to present evidence of their alleged wrongdoings. It is our expectation that the claims are removed from BrewDog and BrewDog Representatives' platforms.

In summary, we are asking the Company to stop using its resources and privileges to intimidate and defame individuals seeking justice for their claims and experiences. BrewDog did not want to engage with these individuals on terms that felt safe and fair to participants and therefore, we respectfully request you to allow them the right to due process.

You are welcome to reply to this Letter, and you are welcome to call me directly anytime to discuss the matter further. We would like to reiterate that we are requesting the perceived intimidatory conduct by BrewDog and its Representatives to cease so due process can take place; and for any harmful, malicious falsehoods directed at former employees to be removed. I am open to any diplomatic means of communication to facilitate this resolution.

Regards,

Kate Bailey

Managing Director / Hand & Heart GmbH / Reuterstrasse 80, 12053 / BERLIN, Germany

DocuSigned by:
Kate Bailey
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SUPER PUNK CORPORATE MELTDOWN



**A PODCAST ABOUT WORKER'S RIGHTS,
INSTITUTIONAL BETRAYAL & CORPORATE RETALIATION**

Super Punk Corporate Meltdown – Right of Replies, sent August 01 2022 [available online](#) ⁽⁴³⁾

Request of Amends, sent 24 January 2023.
A copy of the letter is presented in full, in Section (4).

d. Findings and Conclusion

i) Platform Data

Of the hundreds of submissions, 103 cases were verified as suitable to include in our reporting. The case timeline ranges from 2012 to 2022. Reported incidents were categorised by legal definitions, which are largely similar across the jurisdictions in which the incidents occurred. For the sake of simplicity, and as BrewDog is headquartered in Scotland, we used UK legal definitions. For the safety of Participants, we have chosen to:

- a) not provide geographic information about the submissions
- b) not use direct quotes or testimony from registrants (registrants are welcome to publicly comment on their experiences at their own discretion)
- c) not provide differentiation between retail, production or corporate locations

General

Reports about company leadership and cultural factors were consistent across cases. These included a persistent “hustle” mentality (overwork), consistent exploitation of employees’ desire to perform, complicity of management in harassment, requirement of individuals to seek counselling during and post employment, disregard for work/life boundaries, and a position of influence facilitating intimidation tactics against former employees (also in the public domain). Reports of retaliation were explicit: seeking recourse with the company around employment issues (including termination) resulted in the company engaging in evasive and costly legal response, creating discomfort and anxiety in those seeking recourse.

Harassment

Harassment is defined as unwanted conduct related to a protected characteristic (such as race, gender, age, disability, sexual orientation, or religion or belief) which has the purpose or effect of violating a person’s dignity or

creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is prohibited by the Equality Act 2010 and the Employment Rights Act 1996.

83.5% of verified cases reported harassment. Some reports of harassment had successfully been dealt with by the company. In other cases, reporting harassment frequently exacerbated or intensified harassment.

Sexual Harassment

Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of violating another person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Sexual harassment is prohibited by the Equality Act 2010 and the Employment Rights Act 1996.

18.5% of verified cases reported sexual harassment. Reported acts of sexual harassment were alleged from management, colleagues, external organisation/s and patrons.

Gender Discrimination

Gender discrimination is a form of unlawful discrimination. It occurs when an individual is treated less favourably because of their gender. This includes treating someone unfavourably because of their gender identity, gender expression, or because they are intersex, non-binary or are connected to someone of a particular gender. Gender discrimination is prohibited by the Equality Act 2010, Employment Rights Act 1996.

45.6% of verified cases reported gender discrimination, including: comments and gestures, inappropriate text messages, non consensual photography, inappropriate comments from management regarding employment status and contracts, disparity of treatment and opportunities and a generally “macho” and “male-centric” working environment.

Wage Theft (Unpaid Labour)

The Working Time Regulations 1998 provide that workers must not work more than an average of 48 hours per week, unless they have opted out of this requirement. The Regulations also set out the minimum daily and weekly rest periods that must be provided, and require employers to keep records of workers' hours.

11.7% of verified cases reported wage theft (unpaid labour) reporting unpaid overtime, failure to render payments per the employment contract, or incorrect payment during the course of termination.

Several cases reported experiencing issues receiving prompt payment or payment when agreed, but reported eventually receiving payment of outstanding monies.

Threat of Job Loss

The Employment Rights Act 1996 sets out the rights of employees in the event of redundancy or dismissal. Employers must follow a fair procedure when making a dismissal, and must provide written notice or a payment in lieu of notice. The Employment Rights Act 1996 also provides that qualifying employees have the right not to be unfairly dismissed. The law states that employers must have a valid reason for dismissing employees, such as a breach of contract, or if the employee has engaged in gross misconduct.

66% of verified cases reported the threat of job loss. The threat was reported in explicit terms, to paraphrase testimony, "I was told I might not keep my job if..." or indirect terms "My manager made it clear he was going to fire anyone who did not agree with him".

Contract / Legal Issue

The Employment Rights Act 1996 outlines the requirements of employment contracts. 28% of verified cases reported experiencing contractual or legal issues they were unable to resolve with the company.

Health and Safety Regulations

The Health and Safety at Work etc. Act 1974 requires employers to ensure that the health, safety and welfare of workers are

protected. This includes providing a safe working environment and adequate training, and conducting risk assessments to identify potential hazards.

The issue of Health & Safety was raised in multiple cases but in the context of harassment or hostile work environment claims. The issues reported on the platform correlate with issues in the public domain regarding BD and Health and Safety.

Hostile Work Environment

A hostile work environment is a situation in which an employee is subjected to unwelcome and offensive verbal or physical conduct due to their sex, race, religion, or other protected characteristics, which is severe or pervasive enough to create an intimidating, hostile, or offensive working environment, or to interfere with an employee's work performance. Such behaviour may include bullying, abuse, harassment, or other forms of discrimination. 71.8% verified cases reported experiencing a hostile work environment.

Coercion

Coercion is the practice of compelling someone to do something against their will, or to enter into a contract they would not otherwise have done so, by means of threats, intimidation, or undue pressure. 3.9% of verified cases reported coercion.



e. Understanding Harmful Workplace Cultures and Environments Reported on the Platform

Workplace cultures have a significant impact on employee morale, productivity and overall job satisfaction. Unfortunately, some workplaces are characterised by negative cultures that can be detrimental to the health and wellbeing of employees, as well as the success of the organisation as a whole. To ensure that a work environment is conducive to success, it's important to recognize the signs of a harmful workplace culture. Here are some recognisable signs of a harmful workplace culture:

1) Unclear, but very demanding, expectations: One major sign of an unhealthy workplace is when expectations from management remain unclear or change frequently without explanation. Employees need clear direction in order to succeed; without it, confusion will reign and morale will suffer.

2) Poor communication: Communication between managers and employees is key for any successful organisation; unfortunately, many workplaces lack effective communication structures. If there is no way for employees to adequately express their concerns or raise questions about their roles within the company, then this could be indicative of an issue with workplace culture.

3) Lack of recognition: A healthy work environment recognizes good performance when it occurs; however, if employees feel like they aren't being appreciated or rewarded for their efforts then this could lead to low motivation levels and even burnout

over time. It's important that employers take steps towards recognizing those who make positive contributions towards achieving organisational goals in order to create an atmosphere where workers feel valued and respected. Many companies with a harmful workplace culture will often dictate the recognition and perks they provide, which is why workers are often disappointed or let down by outcomes.

4) Excessive workloads: Overworking staff members can lead them feeling exhausted and overwhelmed with tasks which may cause them to become less productive as well as unmotivated at work – both outcomes you want to avoid! Allowing staff reasonable breaks throughout the day along with ensuring each team member has manageable workloads will help create healthier working conditions across all departments within your business.

5) Inadequate resources/support : Another common sign of an unhealthy work environment is inadequate resources or support from supervisors/managers which can leave staff feeling unsupported in their roles leading to frustration among colleagues due to lack of access to necessary tools needed to complete jobs efficiently . This also creates more stress because if something goes wrong, employees don't have anyone to turn to for advice on how to solve issues quickly. Similar to recognition and perks, the resources provided to staff are also dictated by the employer. The forum to address these issues should defer to the workers' expression of needs, and what kind of services and structures are helpful and desired as a collective. Companies who implement third party solutions without consultation often face issues with employee uptake, due to a sense of mistrust or a desire for deeper understanding of an employees needs.

i) The Importance of Appropriate Incident Mitigation and Investigation Procedures

A policy is only as good as its capacity to be enforced, and the supporting policies that aim to mitigate incidents in the workplace. In particular, it is important to investigate the underlying causes of such a culture in order to prevent further harm from occurring and protect employees' rights. When investigating a workplace with known harmful cultures, it is important to determine what factors may be contributing to the problem. Common issues include unfair labour practices such as wage theft or discrimination based on gender or race; poor leadership styles which do not promote collaboration among staff members; inadequate safety measures; and lack of proper training for managers and supervisors. It is also essential to consider whether any policies or procedures are being violated by either management or employees themselves. If so, swift action should be taken in order to rectify the situation before it escalates into something more serious. Once all potential causes have been identified, the next step is determining how best to address them in order to create a positive work environment where everyone feels respected and valued regardless of their background or identity.

In most organisations, human resources (HR) professionals are responsible for managing the people and culture of an organisation: hiring, onboarding, training, performance management, compensation and benefits administration, and employee relations. This is already a broad range of skills and it should not be surprising that many HR professionals are not qualified to conduct serious workplace investigations due to a lack of training and/or legal knowledge, without continued education in the field. Investigation is a difficult job that requires

patience, attention to detail, and an ability to effectively interview witnesses in order to uncover relevant information. Without appropriate training or time, it is difficult for HR professionals to get the facts they need in order to reach accurate conclusions about a case. There may also be a conflict of interest when HR professionals are asked to investigate serious issues within their organisation. As members of management, they have an obligation not only to comply with the law but also to protect their employer's interests. This can lead them to make decisions that are not in the best interests of all parties involved.



ii) Understanding Abrasive Leadership within the workplace

Abrasive leadership is a type of leadership that involves leaders using aggressive and hostile methods to achieve their objectives. This often includes belittling, shaming, and even bullying tactics in order to control subordinates. Abrasive leaders tend to be authoritarian and domineering, believing that their way is always right. While some may argue that this style of leadership can produce results quickly due to its strict nature, it fails to create an environment where employees feel valued or respected; instead creating fear among staff members which can lead to decreased motivation and productivity.

Common traits of abrasive leaders include:

1) Lack of Empathy – An abrasive leader will have little concern for how their actions affect others' feelings or wellbeing; they focus solely on achieving what they want regardless of any cost emotionally or mentally. They do not take into consideration how their words might impact another person's life as long as it gets them closer towards success. It is important to understand that this is "lack of empathy" and not "difficulty to express empathy".

2) Rigidity – Abrasive leaders are set in their ways and rarely entertain different ideas from others even if those suggestions could prove beneficial for everyone involved. Abrasive leaders may be socially aware to react with excitement, but employees may find the topic is dismissed or the leader refuses to revisit it after work has been completed. Abrasive leaders prefer sticking with tried-and-true methods rather than exploring new options which can stifle creativity within the workplace atmosphere over time. Employees can find this exhausting, and often underlies an employees confusion when they think they are delivering or working on things as the leader expect, only to find they are

not and their expertise is overruled.

3) Controlling Nature – Abrasive leaders like having complete control over every aspect related to the task at hand including how people should act around them or carry out specific duties; they enjoy feeling superior by issuing orders without regard for feedback from other team members regarding potential improvements or alternate approaches that could be taken instead.

4) Excessive workloads, poor work life balance: Overworking staff members can lead them feeling exhausted and overwhelmed with tasks which may cause them to become less productive as well as unmotivated at work. Allowing staff reasonable working conditions to allow for the secure management of their own lives along with ensuring each team member has manageable workloads will help create healthier working conditions across all departments within your business and improve the overall productivity, output and economic efficiency of the organisation.

5) Aggressive Communication Style - Abusive language is commonly used by abrasive leaders when communicating with subordinates whether through verbal means (yelling/screaming), written forms (emails/text messages), or body language (stern glares/firm handshakes). This type behaviour only serves to further exacerbate negative emotions felt within office settings thus preventing any meaningful dialogue between parties involved.

Abrasive leaders can be rehabilitated, but it is rare that an abrasive leader who has established hierarchy, would be compelled to change their leadership style due to complaints by subordinates. It is rarer an abrasive leader would seek rehabilitation and coaching of their own volition.

f. Institutional Betrayal: Why Former BrewDog Workers' Experiences Came to the Platform

The overwhelming majority of submissions to the platform reported incidents which could have warranted a claim to the Employment Tribunal... Understanding why former workers came to the platform requires understanding what (former) employees face when trying to assert their rights.

Employment tribunals were originally set up to provide relatively inexpensive, speedy and informal means of settling employment rights disputes between employees and employers. Acas (Advisory, Conciliation and Arbitration Service) is an independent public body, providing free and impartial advice to employers and employees and was also set up to swiftly reconcile disputes so they would not need to proceed to be heard at Tribunal. Claims to the Employment Tribunal must first be submitted to Acas. On the face of it, this looks like redress is pretty accessible for employees.

But let's have a look at the statistics. [Statistics produced by Acas](#) indicated that 77% of Employment Tribunal cases received by them between 2019 and 2020 did not go on to have a hearing. In this period, [103,984 Employment Tribunal](#) applications were made, but the number of compensation awards by Employment Tribunals for the same period was 740. That is 0.71% of cases. The median awards were as follows: unfair dismissal £6,646, racial discrimination £8,040, sex discrimination £14,073, disability discrimination £13,000, age discrimination £11,791, sexual orientation discrimination £9,245. It's also worthy to note that compensation levels are proportional to the income of the claimant.

So, very few cases proceed to Tribunal. It follows that it is likely that the vast majority of Employment Tribunal applications instead are subject to private negotiations resulting in confidential settlements (AKA Non-Disclosure Agreements).

Let's have a look at the barriers to remedy that (former) employees face within the current system in Scotland:

Time limits to bring complaints:

This is generally set at 3 months minus 1 day from the incident occurring depending on the legal basis of the claim.

Average length of ET proceedings:

From filing an Employment Tribunal claim to preliminary hearing, it can take up to 48 weeks. Tribunal hearings can take 1-3 days, and it can take weeks or months to receive the ET decision. In the event that an employee retains counsel, they will also likely require an advocate (lawyer who has right of audience in the court, i.e. court lawyer) to represent them at the hearings. Advocate daily rates are usually in the £1,500 ex VAT range. It can take years if a case is appealed and moves through the higher courts.

Average cost of ET proceedings:

Employment Tribunals are low to no-cost for employees, provided they represent themselves. Legal aid is only available for discrimination claims. For context, for "simple" cases, the average cost for an employer's defence is £5,000-£15,000 ex VAT, and for more complex cases the average is £10,000- £40,000 ex VAT. In Employment Tribunals, unlike in the civil courts, there is no presumption that the losing party will pay the other party's costs. Awards by Tribunals are also generally tied to the income of the employee, so in reality, if an employee has engaged legal counsel, it is more than likely that, if the ET rules in their favour, the majority of the award will contribute towards incurred legal fees. Further, Tribunals can, at their discretion, make deductions to any compensatory award for

"contributory" behaviour by the employee.

Average income & savings in Scotland & legal aid:

The median salary in Scotland in 2021 was roughly £26,000 and average savings were roughly £7000. If an employee's capital worth is more than roughly £1,700 then they are not eligible for legal aid. And legal aid is only available for discrimination claims. Legal aid for civil cases is not available if capital worth is more than £13,000.

What this means is that the onus on the aggrieved (former) employee is enormous if they want to bring about a claim. They need to be educated and aware of their employment rights and time restraints for claims, they need to be aware of Acas and how to fill out legal paperwork, they need to understand the intricacies of legal jargon and argue their case against experienced legal representatives their employer's have on retainer.

Litigants in person (people who represent themselves in court) are always significantly worse off and few people are legally literate enough to be able to understand the intricacies of the legal process. There is a clear inequality of arms between an (former) employee and the employer, who will come armed with effective and experienced representation.

Moreover, if an employee is in the position to get legal representation, it is a common tactic for the opposition to drag out any process for as long as possible to stress resources. Oftentimes, employees just run out of funds to support their claim and therefore will accept a last minute settlement agreement to keep them from going into the red. The employer has won. The case is never heard, the claim is withdrawn, there is no PR to deal with, and the employee is silenced.

Redress for employment related disputes is not looking so accessible anymore. The current system is inadequate and is not supportive of (former) employees. In the current climate, it appears that the resolution of employment related disputes mainly lies in abandoning them or in settlement agreements. This means that a whole host of employment related problems, which are most definitely in the public interest, are actively being silenced by NDAs or retaliatory behaviours by employers designed to keep former employees quiet. As a result, employers are not being held accountable for their transgressions and have no incentive to advance real efforts relating to good employment practices, governance, accountability and business ethics.

Section 5 of this report provides detailed analysis on retaliation, whistleblowers and related matters.