

MINUTES OF MEETING
CITY OF LONDON LAW SOCIETY
EMPLOYMENT LAW COMMITTEE

Video conference
Wednesday 3 March 2021
at 12.45 pm

In attendance:

Helena Derbyshire, Host	Skadden, Arps
Damian Babic, Minutes	Skadden, Arps
Colin Leckey	Lewis Silkin
Rebecca Harding-Hill	BCLP
Paul Griffin	Norton Rose
Chinwe Odimba-Chapman	Clifford Chance
Sian Keall	Travers Smith
Kate Brearley	Stephenson Harwood
Mark Greenburgh	Greenburgh & Co
Michael Leftley	Addleshaw Goddard
Jane Mann	Fox Williams
John Evason	Baker & McKenzie

Apologies:

Elaine Aarons	Withers
Charles Wynn-Evans	Dechert
Helga Breen	DWF
Oliver Brettle	White and Case
Nick Robertson	Keystone
Kevin Hart	CLLS

1. Apologies were received from those noted as absent.
2. The minutes of the last meeting were approved.
3. Matters Arising

The CLLS held a committee chairs meeting last month.

The Chair noted that the other committees had been doing some work on Brexit.

The CLLS repeated its request that all of its committees consider being more inclusive to junior lawyers. For example, other committees are working on training for junior members. When the committee had considered this previously, it

determined that ELA and other organisations were better placed than it to organize training.

The committee agreed that there was scope to include junior lawyers when it worked on responses to consultation papers and similar activities. The Chair noted that the key consideration will be to try to reach out to juniors at firms outside of those represented on the committee – this could include leveraging ELA's existing junior committee.

The committee also discussed involving an in-house lawyer as a new member. The Chair agreed to look into this.

4. Sub-committee response to the consultation on non-competes

KB gave an overview of the work of the sub-committee and its response to the consultation on non-compete reform.

The sub-committee could see the logic in paying for non-competes and had looked at non-compete compensation practices in a number of other jurisdictions. It had also considered issues of transparency, including notice periods and the requirement to take legal advice on restrictions. On balance, the sub-committee considered that if a maximum cap on non-competes was introduced, then this should be set at two years.

The sub-committee's clear view was that non-competes should not be banned outright.

5. Employment Tribunal Update

The Chair noted that she had some experience recently of the London Central Employment Tribunal not issuing claims or papers on time. A number of members of the committee had had similar experiences and had seen significant delays in responses from the Tribunal. PG had a more positive experience at the East London Tribunal, which had been responsive on a particular matter.

6. Uber decision

The committee discussed the Uber decision, in particular Uber's reaction to the Supreme Court decision and whether it has changed its working practices. JE noted that some elements of the Supreme Court's judgement around control would be difficult for many employers to navigate practically.

JM posed the issue of employees being logged on to two apps at once and what that meant for minimum wage issues. There had been some suggestion in commentary of the case that this was more of a technological issue than a legal issue, but the committee thought that "multi-apping" would continue to be a difficult issue.

7. Any other business

None.

The Chair noted that the next meeting was in June 2021.