

MINUTES OF MEETING
CITY OF LONDON LAW SOCIETY
EMPLOYMENT LAW COMMITTEE

Lewis Silkin, London on Wednesday 7 December 2022
at 1.00 pm (meeting from 12.45)

Attendee List

In attendance:

Colin Leckey (Host)	Lewis Silkin
Helena Derbyshire, Chair	Skadden Arps
Damian Babic (secretary)	Skadden Arps
Jane Mann	Fox Williams
Paul Griffin	Norton Rose Fulbright
Vicky Wickremeratne	Allen and Overy LLP

Apologies:

John Evason	Baker & McKenzie
Elaine Aarons (on sabbatical)	Withers
Michael Leftley	Addleshaw Goddard
Rebecca Harding-Hill	BCLP
Mark Greenburgh	Greenburgh & Co
Anne Pritam	Stephenson Harwood
Nicholas Robertson	Keystone Law
Sian Keall	Travers Smith
Chinwe Odimba-Chapman	Clifford Chance
Matthew Rous	CLLS (The City of London Law Society)

1. Apologies were received from those noted as absent.
2. The minutes of the last meeting were approved.
3. New Working Group

The Chair noted that one of the action points from the last meeting was to understand from different CLLS member firms how their clients have been dealing with disciplinary matters in the regulated environment and to put together a questionnaire to facilitate this. The Chair noted that MG had agreed to take this forward and that he would email the Committee in the New Year for volunteers from the Committee (or their colleagues) to set up a working group to put together the questionnaire. The Committee then considered the best way to distribute the questionnaire to CLLS member firms. JM offered assistance from the team at Fox Williams to help with the questionnaire.

The Committee had a general discussion about the key issues that the questionnaire should seek to cover.

4. The Retained EU Law (Revocation and Reform) Bill

The Committee discussed the Retained EU Law (Revocation and Reform) Bill and the Employment Lawyers' Association (ELA) response to the government consultation on the new legislation. The Committee generally agreed with what ELA have said on the topic and endorsed it. The Chair noted that she would check how other CLLS Committees have dealt with this but that it was worth considering how to raise and endorse publicly ELA's concerns about the proposed legislation.

5. Managing absences and ill health

The Committee agreed that employers have seen more ill health (particularly mental health issues) in the workplace in the post-Covid period. A member of the Committee noted that employees were being more robust in asking for reasonable adjustments if they are disabled. The Committee agreed that occupational health firms were often unhelpful and did not always give practical advice when dealing with these issues, particularly when employers are trying to accommodate the needs of disabled employees.

The Committee considered whether health issues (in particular mental health issues) at work were becoming confrontational and disputed more quickly, particularly where employees are intransigent when discussing these issues. The Committee noted that younger employees were more likely to raise mental health issues than older employees and there was a generational difference.

The Committee agreed that most employers have seen an increase in employees raising issues with working from the office, whether health related or otherwise. The Committee agreed that managing employees remotely with health related issues was difficult for employers.

6. The Committee considered venues for its meetings in 2023. The Chair agreed to email individual Committee members to set up the relevant dates and locations for each meeting next year.