

CITY OF LONDON LAW SOCIETY
EMPLOYMENT LAW COMMITTEE

Held remotely
on Wednesday 4 December 2024
at 1.00 pm

MEETING MINUTES

In person/remote:

1.	Helena Derbyshire (Chair)	Skadden, Arps
2.	Damian Babic (Minutes)	Skadden, Arps
3.	Nick Robertson	Keystone Law
4.	David Sims	DAC Beachcroft
5.	Anne Pritam	Stephenson Harwood
6.	Chinwe Odimba-Chapman	Clifford Chance
7.	Elaine Aarons	Withers
8.	Colin Leckey	Lewis Silkin

Apologies:

1.	Michael Leftley	Addleshaw Goddard
2.	Matthew Rous	CLLS (The City of London Law Society)
3.	Rebecca Harding-Hill	BCLP
4.	Paul Griffin	Norton Rose Fullbright
5.	Sian Keall	Travers Smith

1. Apologies were noted from those who were absent.
2. The minutes from the last meeting were approved.
3. Discussion of Government's employment law reforms and their impact on the City

Unfair Dismissal

The Committee started with a discussion of unfair dismissal protection on day one of employment, in particular the potential claims that employees in the early stages of employment might have. The Committee considered the issues that this could give rise to where the employee might not be the right "fit" and absent a clear fair reason for dismissal (such as a redundancy), even during the initial "protected period"/probationary period.

The Committee considered whether the reforms could give employees more rights before their employment commences, but generally agreed that other than in relation

to a limited number of exceptions unfair dismissal protection would only kick in once employment commenced.

The Committee agreed that many in the business community had underestimated how difficult it would be to dismiss employees during the “protected period”.

The Committee thought that the 6 month time limit for bringing claims would also likely increase the volume of claims but would not be as significant in terms of impact as day one unfair dismissal protection.

Termination and Rehire

The Committee considered the difficulties that employers would face in light of the new rules on termination and rehire. The Committee discussed whether it would be a breach of trust and confidence for an employer to maintain a two tier workforce and give financial incentives to those employees who accept a given change.

The Committee considered the limited circumstances in which an employer could force through changes to terms and conditions and that this only applied to employers in severe financial distress. The Committee discussed whether focused variation clauses might be used more to make minor variations to terms and conditions without risking a breach of trust and confidence.

The Committee had found that many City businesses were most concerned about the changes to termination and rehire out of all of the proposed reforms in the Employment Rights Bill. The Committee also discussed how this would impact M&A activity and integration of different workforces following a transaction.

Zero Hours Contracts

The Committee discussed the potential changes to zero hours contracts but generally agreed that the impact on City businesses would be limited.

The Committee considered clients whose entire business model would be impacted by the changes in the round, in particular in the context of analyzing potential M&A targets. The Committee agreed that City businesses should not be so impacted by the focus of government policy on insecure work.

Trade Union Reforms

While the Committee thought that a lot of City businesses would not be impacted by the trade union reforms, the Committee agreed that large tech businesses operating in the City might be a focus for trade union activity.

4. The Chair asked for applicants for the position of Vice-Chair now that Elaine was stepping down as Vice-Chair at the end of 2024.
5. The Chair informed the Committee that Vicky Wickremeratne had resigned from the Committee and the Committee discussed potential new recruits.

6. The Chair mentioned the dates and locations for the Committee's meetings next year and noted that ML had offered to host one of the in-person meetings at Addleshaw Goddard:
 - Wednesday 5 March 2025 (in person)
 - Wednesday 4 June 2025 (remote)
 - Wednesday 10 September 2025 (in person)
 - Wednesday 3 December 2025 (remote)
7. The Committee closed the meeting by discussing the suggestion in the Chancellor's Mansion House speech that the certification regime might be removed or watered down given the burden it placed on regulated businesses.