

**MINUTES OF MEETING**  
**CITY OF LONDON LAW SOCIETY**  
**EMPLOYMENT LAW COMMITTEE**

**Video conference**  
**Wednesday 16 September 2020**  
**at 1 pm**

**In attendance:**

Helena Derbyshire, Host	Skadden Arps
Damian Babic, Minutes	Skadden Arps
Helga Breen	DWF
Mark Greenburgh	Greenburgh & Co
Rebecca Harding-Hill	BCLP
Sian Keall	Travers Smith
Colin Leckey	Lewis Silkin
Michael Leftley	Addleshaw Goddard
Jane Mann	Fox Williams
Mark Mansell	Allen & Overy
Chinwe Odimba-Chapman	Clifford Chance
John Evason	Baker & McKenzie
Nick Robertson	Mayer Brown

**Apologies:**

Kevin Hart	CLLS
Kate Brearley	Stephenson Harwood
Oliver Brettle	White & Case
Elaine Aarons	Withers
Charles Wynn-Evans	Dechert

1. Apologies were received from those noted as absent.
2. The minutes of the last meeting were approved.
3. MOJ Consultation on Retained EU Case Law

The committee had been asked to review the MOJ Consultation and provide a response. The response had been submitted at short notice without full discussion with the committee, but it generally agreed with its findings.

4. Discussion of remote working and return to work in the City

There was a discussion of remote working practices across City law firms. Generally, City law firms are not pushing their employees to return to work, particularly given the uncertainty around the rules potentially changing during the Autumn.

Some of the committee noted that working from home presented more issues for junior team members, particularly around training and how that can be replicated at home.

There was a discussion around maintaining work/life balance and how to "switch off" when working from home. Some firms have focused on mental health issues and related training.

The Chair posed the question as to whether the pandemic will drive more flexible working arrangements permanently. Most of the committee agreed that it would, and it would be further driven by firms trying to save on office space and costs during the economic downturn.

The committee discussed longer term issues with remote working (including health and safety, confidentiality and data security, mental health etc...) and how firms and clients have started to deal with them. Some of the committee had been advising clients on these issues and others have dealt with employees who wanted to work abroad for longer periods.

Members of the committee had advised clients on pay rates for employees working remotely, as well the closure of office spaces. The committee agreed that pay rates for different locations would be an increasing issue for employers with remote workers.

Some of the committee had had experiences of clients wanting them to be at meetings in person, and thought that this was likely to increase over the coming months.

There was some discussion around attending mediation/arbitration remotely and the time it saved, while also having positive outcomes.

5. Discussion of experiences as furlough is wound down

The committee discussed the winding down of furlough and what the potential issues are. A point of focus was consultation while on furlough and the return of company property while on furlough and whether either of these activities amounted to "work" in breach of the furlough rules.

The committee agreed that a lot of clients had thought the flexible furlough arrangements were too complex to navigate and had decided against using flexible furlough.

The committee discussed the rules around "establishments" for redundancy consultation purposes and the issues that remote workforces raise in these circumstances.

The committee agreed that the topics discussed at the current meeting around furlough and flexible working should be revisited regularly given current events.

6. Discussion of Courts and Tribunals

The general experience of the committee was of operational delays at the Employment Tribunal, including serious difficulties contacting the Tribunal and major backlogs (up to 2 years) in listing hearings.

The Chair noted that the next meeting was scheduled for 2 December 2020.