

MINUTES OF MEETING
CITY OF LONDON LAW SOCIETY
EMPLOYMENT LAW COMMITTEE

**Skadden, Arps, Slate, Meagher & Flom (UK) LLP, 40 Bank Street, Canary Wharf,
London E14 5DS
on Wednesday 11 March 2020
at 12:45 pm**

In Attendance:

Helena Derbyshire, Chair and Host	Skadden Arps
Elaine Aarons	Withers
Paul Griffin	Norton Rose Fullbright
Colin Leckey	Lewis Silkin
Jane Mann	Fox Williams
Mark Mansell	Allen & Overy
Damian Babic, Minutes	Skadden Arps

Absent:

Kate Brearley	Stephenson Harwood
Helga Breen	DWF
John Evason	Baker & McKenzie
Mark Greenburgh	Greenburgh & Co
Rebecca Harding-Hill	BCLP
Kevin Hart	CLLS
Michael Lefley	Addleshaw Goddard
Nick Robertson	Mayer Brown
Charles Wynn-Evans	Dechert

1. Apologies were received from those noted as absent.
2. The minutes of the last meeting were approved.
3. Discussion re. Involvement of Junior Lawyers in the Work of the Committee

The Chair noted that the CLLS was interested in increasing the involvement of junior lawyers in the work of its committees. Other CLLS committees (including the Construction committee and the Data Protection committee) have been carrying out junior training, setting up junior sub-committees, or holding events for junior lawyers.

There was a discussion around training and social events for junior lawyers, and the committee felt that the Employment Lawyers' Association already does this very effectively and the committee might not be best placed to carry out training or hold other events.

The committee agreed that involving junior lawyers on an ad hoc basis to assist when the committee responds to specific papers, or formalising junior involvement in a sub-committee could be a useful and practical way to get junior lawyers involved.

4. The Role of the Committee in relation to City-Focused Employment Issues

There was a discussion around the committee's focus on key areas that impact the City from an employment law perspective. JM and the Chair both felt that the committee might do well to discuss key issues (like SMCR implementation, the application of tests relating to fitness and propriety or how non-financial misconduct is dealt with in the City) with industry regulators.

The committee agreed that City organisations are struggling to deal with some of these issues, particularly navigating proportionate responses to issues of misconduct. EA and JM noted that in the current environment, organisations do not always appreciate the impact that disproportionate responses to misconduct can have on individuals.

JM indicated that she had a contact at the Banking Standards Board ("**BSB**") who might be interested in discussing some of these issues with the committee. The committee agreed that it was not necessarily its job to create guidance on these issues, but felt it would be helpful for it to feed into industry guidance prepared by other bodies. Additionally, MM and the Chair noted that the committee did not necessarily have to have one "view" on these issues, and could instead present a variety of opinions to the BSB.

It was agreed that JM would speak to her contact at the BSB and set up a meeting, perhaps at the committee's next meeting in June. The committee agreed that a working group session should be arranged to prepare for the meeting with the BSB.

5. Covid-19

The committee discussed potential implications of the Covid-19 outbreak.

6. ICO Consultation on Artificial Intelligence

The Chair raised the new ICO consultation paper on artificial intelligence and noted that there was little in it about the employment law aspects of the use of artificial intelligence, including issues of bias and discrimination.

Given that the paper required a response by 1 April 2020, the Chair suggested that the committee put in a brief response that the paper should consider in more detail employment issues in the use of artificial intelligence.

The committee agreed that a working group could then be set up to consider these issues. The Chair suggested that this was an area where junior lawyers could get involved to assist the committee in forming a view on the relevant issues. EA noted that a lawyer at her firm might be able to assist, work-load permitting.

7. Whistleblowing

The committee agreed to discuss some new case law around whistleblowing at a later meeting.

The Chair noted that the time and location of the next meeting was to be confirmed.