



EMPLOYMENT
LAWYERS
ASSOCIATION

www.elaweb.org.uk

Annual Report

2019 - 2020

A large, bold, black lowercase letter 'e' is centered on a solid olive green background.

A large, bold, black lowercase letter 'a' is centered on a solid olive green background.

Employment Lawyers Association
PO Box 1609
HIGH WYCOMBE
HP11 9NG

Tel/Fax: 01895 256972
Email: ela@elaweb.org.uk

Honorary Presidents of ELA

The Honourable Mr Justice Choudhury

President

Employment Appeal Tribunal
England & Wales

Lady Wise

Chair

Employment Appeal Tribunal
Scotland

Judge Shona Simon

President

Employment Tribunals Scotland

Judge Brian Doyle (until May 2020)

Judge Barry Clarke (from May 2020)

President

Employment Tribunals England & Wales

ELA Management Committee 2018 - 2020

Chair

Juliet Carp

Deputy Chair

Marian Bloodworth

Treasurer

Daniel Pollard

Secretary

Judith Harris

Editor, ELA Briefing

Alex Lock

Chair, Training Committee

Jo Broadbent

Chair, Legislative & Policy Committee

Paul McFarlane

ELA Management Committee 2018 - 2020 *cont.*

ELA Support

Chair, International Committee

Kathleen Healy

Chair, Pro Bono Committee

Natasha Joffe (ManCo member and Statutory Director until September 2019)

Acting Chair, Pro Bono Committee

Jennifer McGrandle* (from September 2019)

In-house Representative

Richard Stovell

Junior Lawyer Representative

Emily Chalkley

Regional Representatives

Lower South East – Claire Merritt

Midlands – Elizabeth Hodgetts

North East (Acting) – Leonora Morgan*

North West – Daniel Northall

Northern Ireland – Ciara Fulton

Scotland – Eleanor Mannion

South West – Julian Allsop

Upper South East (Acting) – Michael Duggan QC*

Wales – Daniela Mahapatra

Yorkshire & Humberside – Marie Walsh

Members at Large

Adam Creme (ManCo member and Statutory Director until January 2020)

Jessica-Alice Curtis

Caspar Glyn QC

Claire McCann

Naomi Owen

Law Society Council Seat

Clive Dobbin*

General Counsel

Fraser Younson* (from March 2020)

Vice President

Gareth Brahams*

Life Vice Presidents

Dame Janet Gaymer DBE QC*

Jane Mann*

Fraser Younson*

Head of Operations

Lindsey Woods

Finance Officer

Angela Gordon

Website Manager

Cynthia Clerk

ELA Administration Office - provided by Byword

Manager: Charley Masarati

Sandra Harris

Penny Moorman

Eloise Paley

Nick Walsh

Website Programmer

Bronwen Reid, BR Enterprises Ltd

PR Consultants

Kysen PR

Publishers – ELA Briefing and ELA Newsfeed

Thomson Reuters



EMPLOYMENT
LAWYERS
ASSOCIATION

Employment Lawyers Association

PO Box 1609

HIGH WYCOMBE

HP11 9NG

* *N.B. Those individuals marked with an asterisk have not been appointed as statutory directors during the period 2018 to 2020*

Tel/Fax: 01895 256972

Email: ela@elaweb.org.uk

Contents

page 1

Chair's
Report

page 19

Pro Bono Committee
Report

page 5

Treasurer's
Report

page 24

Editorial Committee
Report

page 10

Secretary's
Report

page 26

Training Committee
Report

page 12

Legislative & Policy
Committee Report

page 29

International Committee
Report

page 16

ELA Consultation
Responses

page 32

Reports from ELA
In-house Representative

page 33

Reports from ELA
Junior Representative

page 34

Reports from ELA
Regional Representatives

Chair

Juliet Carp, Keystone Law

Deputy Chair

Marian Bloodworth, Kemp Little LLP

www.elaweb.org.uk

Chair's Report

Brexit, race discrimination, sexual harassment, ethics, Tribunal resources and a global pandemic...

This has been an exceptionally busy Mano term, not just because of the need to anticipate and try to respond appropriately to events, but because we have been lucky to have an exceptionally pro-active team determined to do their best for ELA across the board.

I have some reservation in picking out key themes, as I am conscious that much of ELA's most valuable work is done quietly, behind the scenes, by a very large number of volunteers who simply want to do the right thing. I apologise unreservedly for failing to highlight all their efforts individually and would encourage members to read all the individual committee reports this year to better understand what has been done on their behalf.

Training: Training is at the very heart of ELA. Over the years the Training committee has consistently produced the events we all value, and despite the low costs to members, training has always been a substantial source of income to ELA. This has allowed us to keep membership fees down. The time invested not only by our excellent Training Chair, Jo Broadbent, and Training committee (and Lindsey Woods, Charley Masarati and the Byword team), but also by many unpaid internal and external speakers, is huge. We all appreciate it.

Their 'normal' work has, of course, been affected heavily by the pandemic. In a very short space of time they have had to master the webinar format, with all the commercial decision-making and technical work that requires behind the scenes. This has been invaluable to members not only at the obvious level but because of the impact on ELA's finances through this time, and, most likely, going forward. And through all this they have carefully (and with remarkable success) dealt with all the 'in-person' booking cancellations, maintaining our relationships with venues and protecting our financial security. Do take the time to read the Training committee report and to appreciate everything they have done for us over the last two years. They really have gone above and beyond.

One thing that I will always remember, though, is that through all this difficult overworked, stressful period, never once have the volunteer Training members shied away from going the extra mile to try to make things better. Their work in trying to achieve the best balance we can for panels is important and will need to continue.

Chair's Report *cont.*

Equality: ELA members are naturally focused on equality – caring about that drives us all to do better. This term we have tried particularly to look internally as well as out. For the first time specified members of ManCo (Claire McCann and Jessica Curtis) have taken on that task. Equality is not something that even employment lawyers can take for granted and we will not fix things unless all of us take the time to try to identify areas where we can improve. We introduced new formal and informal policies and processes early in the term, including formalisation of our own complaints procedures. Racial equality was identified early both as an important annual conference topic and as an area on which ELA itself needs to work. (And we should also thank Paul McFarlane for his help there.) Claire McCann and Marian Bloodworth have also worked hard to try to identify things we can do to support our own members in their work. Do read the reports, which highlight not only the work that has already been done for female employment barristers and aspiring judges, but offer food for thought on things that we could and should do going forward.

Sexual harassment, ethics and confidentiality agreements: Sexual harassment, ethics and confidentiality agreements were already a concern at the start of this term and are likely to remain so for years to come. The enormity of the challenges posed by sexual harassment should not, of course, discourage employment lawyers from doing their best to address it step by step, both individually and collectively, and it is particularly important that we do not take our 'feet off the peddles' as we return from lock down.

Sexual harassment is naturally linked to the way we work with our clients and fellow employment lawyers because it is in this context that employment lawyers' ethics have been questioned, sometimes unjustly and sometimes with accuracy. Ethics and compliance are, of course, issues that go beyond sexual harassment and employment law. However, there are practices that are peculiar to employment law and specialist areas where employment lawyers could hugely benefit from talking together, from the relatively mundane such as whether we should provide word copies as well as a pdf settlement agreements, to the more complex, such as the most appropriate ways to balance the needs of alleged victims of sexual harassment and alleged perpetrators or to draft confidentiality terms. These are not easy issues, and of course, ELA does not give guidance to members on conduct or best practice – that is not our role. However, we can provide a very useful forum for frank exchange and for colleagues to identify potential solutions together. If we find aspects of that dialogue uncomfortable, we are probably doing something right.

Chair's Report *cont.*

Compliance: During this term we have taken a fresh look at ELA's internal compliance and Dan Pollard and Lindsey Woods have, in particular, spent a huge amount of time introducing a range of detailed improvements eg to data protection compliance, IT security etc. I know that few of you will focus on that detail. However, bringing ELA up to speed with new compliance developments and best practice has been, and will remain, a huge task for a relatively small not-for-profit organisation. We are particularly grateful to Fraser Younson for volunteering to take on the role of General Counsel, so that we can try to stay on top going forward, and to Lindsey Woods. It is so easy to undervalue the critical role that Lindsey plays in encouraging us all to do the right things, and in keeping ELA running properly. Without her hard work, and knowledge of 'ELA ways' we could not have made so many practical improvements in such a short space of time.

Pro bono: We owe huge thanks to Natasha Joffe for her work as Pro Bono Chair, and to Jenny McGrandle for agreeing to step into Natasha's shoes as interim Pro Bono Chair on Natasha's promotion to Judge. And even greater thanks to Jenny for agreeing to stand for election and stay on. The Pro Bono Committee's work is increasingly important both to the recipients of pro bono advice and to employment lawyers' place in society. There are huge compliance and practical challenges in ensuring that ELIPS 'works' and never more so than now, given the impact of the pandemic and Tribunal resourcing challenges. ELA's pro bono team have had to completely rethink the way ELIPS delivers to the public (ie remotely) and getting that right is still a 'work in progress'. Special thanks again to our General Counsel Fraser Younson and to Dan Pollard for their support with the compliance aspects.

Finances: Without cash ELA cannot run and I am sure that every member of Manco will agree that Dan Pollard has been an unusually strong Treasurer. Not only has he kept a firm eye on ELA's income, expenditure and reserves through both the very 'good' first part of the term and the more turbulent lockdown period, but he has frequently 'stepped out of the box' to challenge us. Better still he has never hesitated to roll up his sleeves and fix many of things that he has identified as needing fixing along the way. We have been very lucky to have him this term and are even luckier that he is staying on to see us through the next.

Chair's Report *cont.*

The above is only a snapshot of everything that goes on. Our regional representatives, company secretary, International committee, Junior members committee and Editorial committee have all been busy (you can read about their work in the individual reports and I would like to thank Alex Lock our retiring ELA Briefing Editor separately). And beyond the core committees many individual volunteers have also played their parts. It seems rather shameful not to mention them all individually here, but I think we must use the remaining space to highlight our biggest concern, and that must be Brexit.

Brexit continues to throw up practical challenges for employment lawyers which we will only be ready to meet if we plan early and think hard. Like many of the pandemic issues, there is often a need to think quickly if we are to make useful contributions. That flexibility is entirely dependent on members, not just the tireless efforts of the L&P team, who have already worked exceptionally hard through the pandemic including in many ways that the wider membership cannot see, but also the contributions of individual members. Sharing articles, discussion and know-how with colleagues has always been what ELA has been about – and there is no better time. It is not just ELA that is in need of thought leadership in this area, though, it is vitally important that employment lawyers continue to contribute proactively, with a range of views and practical suggestions, and that we do not limit ourselves to responding to developing national debate. There is a lot, not only for our Legislative & Policy and International committees, but for all our members to do.

Special thank yous

Finally, I want to say a special thank you to Marian who has been Deputy Chair through this challenging term and who, I know, will be an excellent Chair in the next (frankly I can think of no one better). And to Paul McFarlane who will ably support her as Deputy. All of us will continue to benefit from Paul's insight, and the many constructive relationships he has developed with third parties through his leadership of the Legislative & Policy committee through this difficult period (in my view the most challenging of all the ELA roles through this period).

I wish Paul, Marian and the new Manco - along with Lindsey who I know will support them as she has supported every team before - the very best of luck.

Juliet Carp
Chair

Treasurer

Daniel Pollard, GQ Littler

www.elaweb.org.uk

Treasurer's Report

ELA's financial position continues in good health. ELA's total reserves held as at 31 December 2019 were £514,589. This reflects an annual surplus of £68,882 over the reserves held on 31 December 2018 of £445,707. ELA's total reserves are nominally divided into a £264,589 development fund and a £250,000 emergency fund.

The Management Committee (ManCo) have sought to maintain the strategy notified in 2015 of maintaining its reserves without a substantial surplus or a deficit. ManCo set a budget at the beginning of the year which envisaged a surplus of £5,000. The reason for the unbudgeted surplus was a higher level of event bookings, lower than expected expenditure on membership services and a one off accounting gain in the respect of the revaluation of ELA's bad debt provision (see further below).

As first reported in 2018 ManCo have undertaken a number of initiatives to improve the process of management accounting so that ManCo is better able to accurately predict the end of year position during the course of the year. This is intended to give the individual committees better visibility over ELA's financial position during the year so that ELA's funds can be appropriately applied towards its objects.

The main item in ELA's accounts that requires judgement is the provision applied to bad debts and this has been further addressed this year. During 2018 and 2019, ELA has undertaken significant work to reduce the sums owed to it by members. For example, membership services are now withdrawn after 120 days. At the end of 2019, as a result of the hard work and dedication of Angela Gordon (Finance Officer) and the Charley Masarati and her team at Byword, ELA's total unpaid debts relating to 2019 were just £5,828. At the end of 2018 this figure was £74,779.

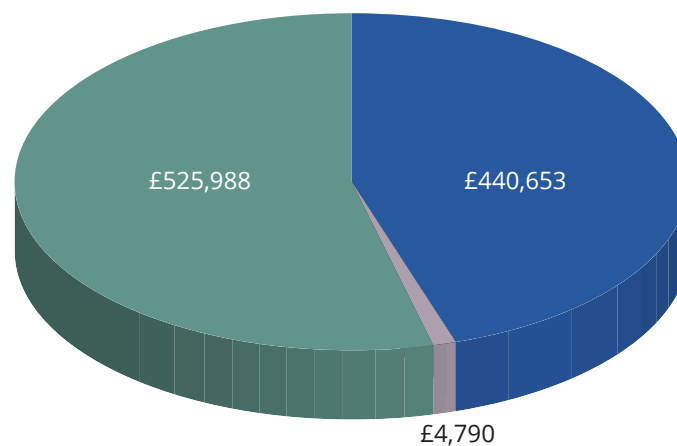
As a result, ManCo has reviewed ELA's policy for the of bad debt and has concluded that it has likely been over provisioning for bad debt in prior years. ManCo has adopted a revised policy whereby it does not make any bad debt provision in respect of the (a) the large number of membership invoices for the subsequent year that are not paid by year end; and (b) any other invoices less than 30 days old. As a result, rather than a bad debt expense in 2019, there is a nominal bad debt "gain" of £17,739 (compared to an expense of £24,989 for 2018). This reflects a one-off accounting gain in respect of the revaluation of the debt provision of £26,007 and a charge of £8,268 for debts written off in the year.

Treasurer's Report *cont.*

The turnover in 2019 was £971,431 representing an increase on 2018 turnover of £44,528. The main reason for the increase is the event income associated with the (biennial) Transatlantic Conference which took place during 2018. ELA also had a very good year in terms of bookings on general training courses and thanks is due to Jo Broadbent and the entire training committee for all their hard work here.

The increase in event income was offset by a modest reduction in subscription income as a result of the discount scheme adopted in 2018 (the membership increased by 99 over the period).

Sources of ELA Income 2019



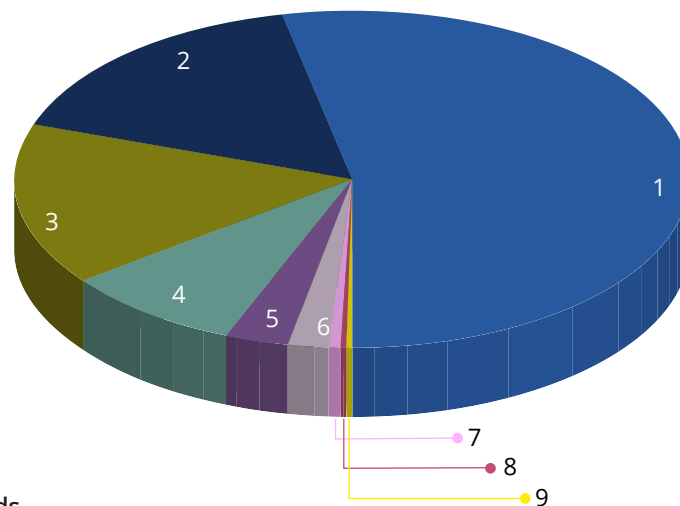
During 2018 the source of ELA's income was:

- Event income £525,988 = 54%
- Membership subscription income £440,653 = 45%
- Other income £4,790 = 1%

We estimate that ELA made a net surplus on training events of approximately £42,000 after all costs and allocation of staff time and overheads are taken into account (compared to £45,000 in 2018).

Treasurer's Report *cont.*

During 2018 ELA applied its funds in the following ways:



Allocation of Funds

Direct costs plus estimate allocation of overheads*

- 1** Training & Events £484,293 53.6%
- 2** Membership administration and governance £146,254 16.2%
- 3** Publishing (ELA Briefing/IDS Bulletins), £141,310 15.6%
- 4** Pro Bono £76,844 8.5%
- 5** Social & networking events £29,778 3.3%
- 6** Legislative & Policy £17,604 1.9%
- 7** Webinars £3,536 0.4%
- 8** In House £3,075 0.3%
- 9** International (excluding events) £1,817 0.2%

* Figures not audited and based on guestimated allocation of staff/contractor time and allocation of general overheads

Treasurer's Report *cont.*

ManCo has continued to consider the financial impact of the extension of the ELIPS scheme. The ELIPS scheme is supported financially by ELA which provides both the equipment and a modest allocation of staff time to manage the scheme. During 2019 the total ongoing costs attributed to ELIPS were estimated to be £33,000 including an allocation of staffing costs and other overheads which now includes a fourth ELIPS clinic in Bristol (the equivalent costs in 2018 were £22,000). In addition and in light of last year's unbudgeted surplus, ManCo resolved to spend £7,000 to equip the four ELIPS clinics with computers and the IT infrastructure needed to operate them efficiently. ManCo continues to debate the appropriate way to fund ELIPS on an ongoing basis.

ManCo also continued the pro bono donation to the Free Representation Unit (FRU) and Advocate, totalling £40,000.

As reported to members, during the summer of 2019, ELA was a victim to a significant fraud. The fraudsters impersonated the venue booked for the 2020 annual conference, using a similar domain and submitted a fraudulent invoice which was paid. The accounts show a one-off expense of £26,752 associated with the fraud. ELA has not been able to recover this sum and investigations as to the precise cause were inconclusive. The financial impact has been partly mitigated by a £10,000 contribution from the venue which is to be applied as a discount towards our 2021 conference.

As a result of the fraud ManCo has undertaken a number of measures to learn the lessons from this event. ManCo had already resolved to purchase fraudulent transfer insurance and this insurance is now on risk should the worse happen again.

ELA has also undertaken a full IT security audit during 2019 and the recommendations were implemented by the end of January 2020. ManCo wishes to extend their thanks to Lindsey Woods for managing this process. ManCo has resolved to consider the need for further IT security reviews each year with a view to these being carried out at least every three years.

Following discussions with ELA's auditors it was agreed that they were not best placed to support ELA in the long term. ManCo is in the process of selecting a new auditor to report on ELA's accounts for the year ending 31 December 2020.

Treasurer's Report *cont.*

ManCo has resolved to carry out an independent systems and controls review which it is intended will be carried out by the new auditor.

There are also several post balance sheet events to discuss this year:

1. As a result of the coronavirus outbreak, ELA has resolved to cancel the annual conference and its entire programme of in person events until the end of 2020. These are being replaced with a programme of web-based events. ELA has been able to negotiate a postponement with the conference venue and has the funds available to provide full refunds to members. However the impact of cancellation charges and a potential reduction in event income remains uncertain and ELA plans for a deficit in respect of 2020.

2. ELA outsources its membership office, some aspects of event management and pro bono support to Byword Business Services Limited. As a result of increased costs, additional security measures required by ELA and an increasing scope of work over recent years ManCo have approved a significant one off increase in Byword's annualised management fee of £61,000 to £144,000, with support at our face-to-face our events being charged separately. This came into effect on 1 December 2019. ManCo are hugely appreciative to the Charley Masarati and the whole Byword team for their continued hard work and dedication to ELA.

Although ELA's reported surplus was £68,882, if we exclude the "one off" items and fully annualise the Byword rate increases as if they had started in January 2019, our surplus for 2019 would have been a more modest c.£34,000

ELA's reserves built up over a significant number of years (including surpluses of £65,514 in 2018 and £68,882 in 2019) mean that ManCo are confident that ELA will not only weather the current storm but also to put on events with confidence next year and have the funds available to develop its offering.

Daniel Pollard
Treasurer

Secretary
Judith Harris, DLA Piper LLP

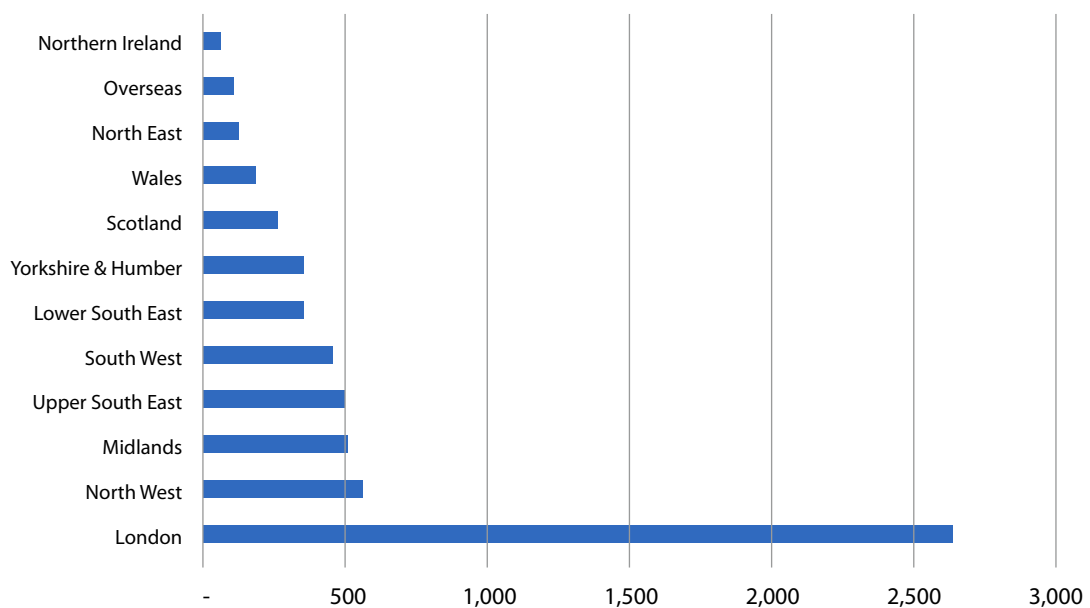
www.elaweb.org.uk

Secretary's Report

As at 2 January 2020, ELA had 6,032 members, compared to 5,933 at the same point in 2019.
The membership comprises:

- 5,584 Full members, compared to 5,517 in 2019
- 380 Associate members (comprising trainees/pupil barristers/academics/overseas members/judiciary), compared to 345 in 2019
- 68 Correspondents (Voluntary sector organisations with a material interest in employment law may benefit from all ELA services as correspondents), compared 71 in 2019

The chart below shows the spread of members around the UK



Secretary's Report

This year, ManCo again considered the question of tenure of ManCo members, and decided by a small majority to retain the current position. In the meantime, ManCo has focussed on engagement of members to encourage more members to get involved with ELA activities and create a new pipeline of candidates for ELA committees and ManCo. Following the successful creation of a Junior Representative role in 2018, this year ManCo decided to create another opportunity for a junior member to join ManCo, by allocating one of the Member at Large roles exclusively for a junior member.

We have also put in place a new succession planning process for ManCo members, so that there is greater clarity around the main expectations and responsibilities of each ManCo role, and to assist a smooth handover to committee members' successors.

I'm privileged to be able to continue my role as ELA's Company Secretary this year. I look forward to working with the new Management Committee, and continuing to work with Lindsey Woods, Charley Masarati and the rest of the team whose hard work and support is invaluable not just to ManCo but to ELA as a whole.

Judith Harris
Secretary

Chair, Legislative & Policy Committee
Paul McFarlane, Capsticks Solicitors LLP

www.elaweb.org.uk

Legislative & Policy Committee

Committee

Ivor Adair, Fox & Partners
Shubha Banerjee
Emma Burrows, Trowers & Hamlins LLP
Kiran Daurka, Leigh Day
Shantha David, UNISON Legal Services
Arpita Dutt, BDBF LLP
Jonathan Chamberlain, Gowling WLG (UK) LLP
James Davies, Lewis Silkin LLP
Robert Davies, Walbrook Law
Elizabeth Drake, Metropolitan Police Service
Felicia Epstein, Brent Borough Council
John Evason, Baker McKenzie LLP – resigned June 2020
Richard Fox, Kingsley Napley LLP
Peter Frost, Herbert Smith Freehills LLP
Janet Gaymer, DBE QC
Anna Henderson, Herbert Smith Freehills LLP – resigned September 2019
Howard Hymanson, Harbottle & Lewis LLP
Anthony Korn, No 5 Chambers
Joanne Owers, DAC Beachcroft LLP
Eleanor Mannion, MacRoberts LLP
Stephen Ratcliffe, Baker McKenzie LLP – joined November 2019
Michael Reed, Free Representation Unit
Louise Skinner, Morgan, Lewis & Bockius UK LLP – joined December 2019
Catrina Smith, Norton Rose Fulbright LLP
Jennifer Sole, Curzon Green – joined November 2019
Caroline Stroud, Freshfields Bruckhaus Deringer LLP
Louise Taft, Jurit LLP
David Widdowson, Abbiss Cadres LLP
Fraser Younson, Keystone Law

Legislative & Policy Committee Report

I can safely say this year has been busiest one we have had during my eight years on this committee – and that is not to say the previous years were quiet!

Before I summarise what we have done over the last year, I must pay tribute to the committee's members. It has been my privilege to chair such a committed group: all of whom have such varied practices, but who work to together to ensure our members voices are heard in government, senior judiciary and by other key stakeholders.

Business as usual

The L&P committee is tasked with "*...monitoring legislative and other developments in employment law which are being consulted about or which require ELA intervention on behalf of its members...*". In the last year we have responded to 14 formal government consultations, spanning such issues: off-payroll working rules (IR35), establishing a single enforcement body, flexible working and family related leave and pay policies and guidance on AI auditing framework. I have said before but it is worth repeating, I am truly amazed by the depth and breadth of knowledge of our members have on such a wide range of issues. It is no surprise that ELA's voice is so respected, and sought after, by government, senior judiciary etc.

#MeToo & NDAs

The issue of sexual harassment in the workplace and the use of so-called NDAs to resolve such disputes, continued to remain in the news this year. Our standing committee, co-chaired by Kiran Daurka and Joanne Owers, continued to co-ordinate and oversee the work we are doing in this area. They responded to Equality and Human Rights Commission's consultation on proposed technical guidance on sexual harassment and harassment at work and also attended a meeting arranged by the Government Equalities Office, which was also attended by representatives from CBI, Institute of Directors, Law Commission, Acas, EHRC, SRA and CIPD, to discuss the Women's and Equalities Select Committee's recommendations on corporate governance, particularly on the "use of non-disclosure agreements in discrimination cases". As ever, the participants were keen to hear what ELA had to say.

Legislative & Policy Committee Report *cont.*

This issue has not gone away. ELA will be there to contribute to the debate with practical suggestions that help to deal with this troubling, and regrettably, on-going issue.

Brexit

Throughout much of last year there remained much political uncertainty regarding what Brexit meant and whether it would happen at all. Our standing committee co-chaired by Shubha Banerjee and Louise Taft had the unenviable task of keeping abreast of events and trying to make sense of what was going on from an employment law perspective.

You would have thought that the 2019 General Election result would mean we all had certainty about Brexit. Regrettably, not. Section 26 of the EU Withdrawal Act 2020 allows ministers to make regulations specifying:

- a) which courts and tribunals can depart from retained EU law;
- b) the circumstances in which or extent to which a court or tribunal is not to be bound by retained EU case law;
- c) the test that a court or tribunal must apply in deciding whether to depart from retained EU case law; and
- d) considerations which are to be relevant to a court or tribunal in applying any such test.

This was a change from previous iterations of the Bill where only the highest courts, that is, the Supreme Court or the Scottish High Court of Justiciary, could depart from retained EU law. This provided some degree of certainty on what the law would be for the lower courts, as well as for those affected by retained EU law.

Section 26 could lead to much legal uncertainty, which does not help employers, employees or their advisers. At the time of writing the government has launched a further consultation on the issue of retained EU law and which courts may depart from this. ELA makes the case for clarity about the road ahead.

Legislative & Policy Committee Report *cont.*

COVID-19

At the end of last year a government was elected with a clear majority. The UK was leaving the EU and so we thought this meant we would have a year of relative calm. Think again. The pandemic has literally turned all of our lives upside down. In terms of employment law and practice:

- ‘furlough’ is now a term that has now become a staple part of employment lawyers’ vernacular. The government’s Friday night updates on their guidance, has been a source of joy to many, not!
- having to get to grips with having remote hearings, so that the system is kept functioning, although not optimally (something which I am sure none of us thought would or could happen at such speed);
- the little known provisions of sections 44 and 100 of the Employment Rights Act (dealing with suffering a detriment or being dismissed as a result a refusal to work where an employee believes they are in serious and imminent danger) are now issues which we are all having to become experts on.

Throughout the crisis our Covid-19 Standing Committee, co-chaired by Kiran Daurka and me, have worked tirelessly to keep abreast of developments, providing our members with papers on the latest issues (at the time of writing we have published 12) so they are up to speed; and engaging in dialogue with the senior judiciary and government to ensure ELA’s voice is heard.

We are by no means out of the woods of this crisis so the work of our Standing Committee will continue to aid members et al going forward. If you want to contribute, we would be delighted to have you on board. Please let us know as more hands make light work.

Paul McFarlane
Chair, Legislative & Policy Committee

ELA Standing Committees (2018-19)

Brexit Committee

Co-chairs : Shubha Banerjee and Louise Taft, Jurit LLP

Kiran Daurka, Leigh Day

James Davies, Lewis Silkin LLP

Robert Davies, Walbrook Law

Arpita Dutt, BDBF LLP

Anna Henderson, Herbert Smith Freehills LLP

Anthony Korn, No 5 Chambers

David Widdowson, Abbiss Cadres LLP

City Regulation Committee

Chair: Caroline Stroud, Freshfields Bruckhaus Deringer LLP

Steven Cochrane, Pinsent Masons LLP

Stephen Levinson, Keystone Law

Jane McCafferty, 11KBW

Julie Morris, Slater Gordon (UK) LLP

Tom Ogg, 11KBW

Andrew Sutton, UBS AG

Andrew Taggart, Herbert Smith Freehills LLP

Alastair Windass, Clifford Chance LLP

Alistair Woodland, Clifford Chance LLP

Covid-19 Committee

This Committee's papers are published in the Policy section of the Public area of the ELA website:

<https://www.elaweb.org.uk/content/policy>

Co-chairs: Kiran Daurka, Leigh Day and Paul McFarlane, Capsticks Solicitors LLP

Emma Burrows, Trowers & Hamlins LLP

Shubha Banerjee

Sarah Chilton, CM Murray LLP

Shantha David, UNISON Legal Services

Peter Edwards, Devereux Chambers

Clare Fletcher, Slaughter and May LLP

Beth Hale, CM Murray LLP

Howard Hymanson, Harbottle & Lewis LLP

Nadia Motraghi, Old Square Chambers

Louise Skinner, Morgan Lewis & Bockius UK LLP

Catrina Smith, Norton Rose Fulbright LLP

Caroline Stroud, Freshfields Bruckhaus Deringer LLP

David Widdowson, Abbiss Cadres

ELA Standing Committees (2018-19)

Sexual Harassment Committee

Co-chairs: Kiran Daurka, Leigh Day and Joanne Owers, DAC Beachcroft LLP

Jane Amphlett, Howard Kennedy LLP
Colleen Cleary, Collen Cleary Solicitors
Louise Coyne, Coyne Partners LLP
Kathleen Heycock, Farrer & Co LLP
Julian Hoskins, Bevan Brittan LLP
Holly Insley, Freshfields Bruckhaus Deringer LLP
Tamsin James, Menzies Law
Joanne Mackie, Government Legal Department
Dee Masters, Cloisters
Elizabeth McGlone, Bindmans LLP
Richard Miskella, Lewis Silkin LLP
Aggie Salt, Denton UK and Middle East LLP
Louise Skinner, Morgan, Lewis & Bockius UK LLP
Homa Wilson, Hodge Jones & Allen Solicitors

ELA Consultation Submissions: May 2019 – June 2020

You can view the response papers by following the links to each submission below

ELA's press coverage and articles written on some of these important policy areas can be found in the Press section of the Public area of the ELA website: <https://www.elaweb.org.uk/press>

ELA Response to ICO Consultation on Guidance on the AI auditing framework
1 May 2020

ELA Response to HM Revenue & Customs Consultation: Draft secondary legislation: off-payroll working rules from April 2020
19 February 2020

ELA response to the ICO Consultation on the draft right of access guidance
12 February 2020

ELA Consultation Submissions: May 2019 – July 2020 *cont.*

ELA's response to BEIS Good Work Plan: Proposals to support families Parental leave and pay: Supporting parents and achieving equality
29 November 2019

ELA response to Welsh Government consultation on draft objectives to advance equality and inclusion across Wales (2020-2024)
18 November 2019

ELA response to the BEIS consultation: one-sided flexibility – addressing unfair flexible working practices
10 October 2019

ELA response to the Consultation: Health is everyone's business: proposals to reduce ill health-related job loss
7 October 2019

ELA response to BEIS consultation: Transparency: Flexible working and family related leave and pay policies
7 October 2019

BEIS consultation: Proposals for New Employment Rights: supporting parents of babies requiring neonatal care
7 October 2019

ELA Response to BEIS Consultation - Good Work Plan: Establishing A New Single Enforcement Body For Employment Rights
6 October 2019

Response to Government Equalities Office ("GEO") Consultation on Sexual Harassment in the Workplace
2 October 2019

ELA response to HM Revenue & Customs Consultation: Off-payroll working rules from April 2020 - draft legislation
5 September 2019

ELA response to OTS proposals for practical tax reporting and payment arrangements for self-employed workers
2 September 2019

ELA Response to HM Treasury Consultation Restricting Exit Payments in the Public Sector: Consultation on Implementation of Regulations
3 July 2019

Chair, Pro Bono Committee
Jennifer McGrandle, Dechert LLP

www.elaweb.org.uk

Pro Bono Committee Report

Committee

Bhavika Badola, Bevan Brittan LLP	Matt Jackson, 10 King's Bench Walk Chambers
Caroline Baker, GQ Employment Law	Spencer Keen, Old Square Chambers
Gus Baker, Outer Temple Chambers	Ed Kemp, Littleton Chambers
Phillip Chivers, Osborne Clarke	Sarah Keogh, Old Square Chambers
Ben Collins QC, Old Square Chambers	Shefali Lamba, Freshfields Bruckhaus Deringer LLP
Shane Crawford, 5PB	Sophie Roberts, Publicis Resources
Cyril Dennemont, Fletcher Day LLP	Polly Rodway, BDBF LLP
Ruth Gamble, BDBF LLP	Kate Sutherland, Morton Fraser LLP
Ben Gray, Littleton Chambers	Daniel Wise, Osborne & Wise
David Hopper, Lewis Silkin LLP	Katie Wood, Maternity Action

Structure and governance

The Pro Bono Committee was very sorry that its Chair, Natasha Joffe, had to step down last Autumn, following her appointment as a Salaried Employment Judge and would like to thank her for her tremendous dedication to the committee over many years and to wish her all the best in her new role.

Otherwise, the Committee membership has not changed much in the last year although it has benefited from four of the ELIPS Co-ordinators becoming members: Julian Allsop (Bristol), Elizabeth Hodgetts and Naomi Owen (Birmingham) and Daniela Mahapatra (Cardiff). We plan to recruit new members in September and to give members more clearly defined roles and responsibilities.

Diversity

We have a regionally diverse membership comprising solicitors, in-house solicitors and barristers, of varying levels of qualification/call.

Pro Bono Committee Report *cont.*

ELIPS

ELIPS (the Employment Tribunal Litigant in Person Scheme) has had considerable support from the employment law judiciary, most notably the outgoing President Doyle, the new President, Barry Clarke, REJ Wade, REJ Monk, REJ Pirani, EJ Findlay and Acting REJ Sian Davies. The scheme would not be possible without the support of our partners, LawWorks, the Free Representation Unit (FRU) and Advocate.

The number of litigants assisted in the period April – December 2019 was:

London – 437

Cardiff – 64

Birmingham – 70

Bristol – 32

Volunteer issues

ELIPS has slightly suffered from being a victim of its own success and over the last year, the number of litigants needing to use its service has become almost unmanageable. We have also, at times, struggled to find volunteers to fill all the slots for the clinics, which has led to clinics having to close at the last minute (particularly at London Central) from time to time.

We considered ways to address the apparent volunteer fatigue and to manage the number of litigants using our services, which included limiting the clinic to those with a hearing or case management order within two weeks of the hearing. However, unfortunately we were forced to close ELIPS just before the country went into lockdown because it was not possible to socially distance in the rooms used by the clinics.

Online ELIPS

In order to ensure that we are able to continue to provide some kind of service to the litigants who have come to rely on ELIPS, the ELIPS Co-ordinators have been working on creating an online version of ELIPS, which it is hoped will launch in August. Initially, the online clinic will cover all four regions and operate on a fortnightly basis, providing advice to litigants with a hearing or case management order within two weeks of the date of the clinic. At this time, it is impossible to tell how long we will

Pro Bono Committee Report *cont.*

operate ELIPS in this way. If it proves successful, and if virtual hearings become more prevalent, we may seek to open up the service to offer advocacy support at telephone or CVP hearings.

We would like to thank all of our volunteers for their support over the last year and hope that they will continue to support Online ELIPS – around 50 lawyers have already signed up. Particular thanks also to the ELIPS Co-ordinators: Naomi Owen, Elizabeth Hodgetts, Daniela Mahapatra, Julian Allsop and Sarah Keogh for their significant contribution to the planning of Online ELIPS and for their unfailing enthusiasm.

Supervision

We are grateful to ELA's new General Counsel, Fraser Younson, who has implemented a supervision scheme for the advice given by ELIPS volunteers to ensure that we are compliant with the SRA's Standards and Regulations.

Student support

We have continued to benefit from the invaluable assistance of law students provided via the University of Law, University of Birmingham Law School, University of South Wales, BPP University and FRU who triage the litigants and manage the queue. It is hoped that they will continue to provide support to Online ELIPS.

Mumsnet / Maternity Action project

This is a project to provide online advice on maternity and parental issues via Mumsnet, an online parenting forum with over 6 million users. The online clinics have been co-ordinated by Maternity Action, a charity that provides free legal advice on maternity and parental rights at work. Over 30 employment lawyers have been provided through ELA, with Maternity Action providing training and supervision during the clinics.

The first clinic was held in November 2018 and they now take place quarterly. Mumsnet users have received detailed written replies to queries on rights during pregnancy and maternity leave, redundancy, return to work problems and how to negotiate part-time work. So far, the clinic has helped

Pro Bono Committee Report *cont.*

over 150 Mumsnet users and is proving very popular. Some of the comments received from the last clinic were:

It is really helpful to have this kind of service where advice can be tailored to the individual.

It's an amazing service and I'm so glad I found it.

Really useful, gave me peace of mind. I also found the answers to others enlightening.

We are grateful to Pro Bono Committee member Katie Wood for her continued hard work and enthusiasm in co-ordinating this project.

A4ID and Trustlaw

We continue with the respondent-focussed pro bono opportunities on offer to ELA members through our partnerships with Advocates for International Development (A4ID) and Trust Law. ELA members can take on national and international pro bono projects for NGO and social enterprises. These pro bono opportunities are non-contentious and they assist international and local NGOs and social enterprises with the UK employment law aspects of the day to day running of their operations.

Looking forward to 2020 /2021

We know there is great enthusiasm to launch an ELIPS in Scotland and once we have a clearer idea of how ELIPS will operate in the future, we hope that will be achievable.

Ed Kemp and Polly Rodway have been working on a proposed upgrade to the "100 Days Project" (which historically had very poor take up amongst the membership), the "Half Day Project". It is anticipated that the "Half Day Project" will provide pro-bono telephone/email advisory service to clients referred to ELA by agencies such as Working Families, FRU, Advocate and ELIPS Service. The nature of instructions will be advising on the merits, remedy and settlement. It is proposed that each individual instruction will require a commitment of no more than half a day, which it is hoped will make it manageable and attractive for ELA's members.

Pro Bono Committee Report *cont.*

Final thanks

As always, we are very grateful to Lindsey Woods for all her hard work and patience and would also like to thank Nick Walsh for managing ELIPS behind the scenes so efficiently over the last few years. We are also grateful to ManCo, and in particular Juliet Carp and Dan Pollard, for their support and encouragement regarding the proposal for Online ELIPS.

Jennifer McGrandle
Acting Chair, Pro Bono Committee

Editor / Chair, Editorial Committee
Alex Lock, DAC Beachcroft LLP

www.elaweb.org.uk

Editorial Committee Report

Editorial board

Kathleen Bada, Lex Leyton

Sarah Fraser Butlin, Cloisters

Jo-Anne Graham / Nicola Taylor, Government Legal Dept.

Clive Howard, Slater and Gordon

Marc Jones, IBB Law

Douglas Leach, Guildhall Chambers

Ann Leigh-Pollitt, Xerox Europe

Richard Linsell, Gunnercooke LLP

Louise Mason, Linklaters LLP

John McMullen, Stone King LLP

Sara Meyer, MAKE UK

Roseanne Russell, University of Bristol

Charles Wynn-Evans, Dechert LLP

This is my last publishing report as the editor of ELA Briefing, having held this position for a total of 12 years.

I have been very pleased and proud to work with a fine bunch of practitioners on the editorial board to ensure that all our members receive their copy of ELA Briefing 10 times a year. It is one of the most widely read, informative and useful journals in the employment law sphere, providing practitioners with practical, incisive and informative articles on the breadth of developments in this area.

It is a challenge every month to find articles that meet our criteria and are of the quality that our readership expects. Fortunately we have a wealth of employment practitioners throughout the UK and beyond that are prepared to give up their valuable time in producing the copy that we rely upon.

Employment law is at the crossroads of politics, economics and social policy and we try to ensure that we cover all of these areas in the commentary that we publish on developments in this dynamic area of law. This has been brought into sharper focus by the coronavirus pandemic and the far-reaching effects it has had on the world of work, with huge disruption caused by the lockdown, innovation in how we all work and unprecedented government intervention to prop the economy up.

This may mean changes to how ELA Briefing is produced and distributed in the future and I predict that there will be exciting developments in this area. Fortunately for me they will be dealt with by my most able successor, Marc Jones. Marc has been a member of the editorial board for many years and will make his mark on ELA Briefing. I wish him every success.

Editorial Committee Report *cont.*

Principal thanks are therefore due to the authors: to those that put their efforts out for examination by both the editorial board and the readership. Without them ELA Briefing would not exist.

Next up for thanks is the editorial board itself. Ten times a year they read, scrutinise and argue about what is submitted, always ensuring only the highest quality articles make it through.

Thanks also to the team at Thomson Reuters for producing ELA Briefing and ensuring it does actually end up on members' desks, following excellent work by Matthew Bell, who edits, formats and designs and Anisha Radia, Production Manager.

It is a collective effort by all these individuals that has ensured that ELA Briefing remains one of the best employment law journals over the past 12 months. I will miss being at the helm.

Alex Lock
Editor, ELA Briefing

Chair

Jo Broadbent, Hogan Lovells International LLP

www.elaweb.org.uk

Training Committee Report

Committee

Julian Allsop – South West Rep	Peter Linstead, Outer Temple Chambers – joined November 2019
Harriet Bowtell, Jones Chase	Tracy Luke, Eversheds Sutherland LLP
Patrick Brodie, RPC LLP	Annabel Mackay, Baker McKenzie LLP
Emma Carter, Dentons UK and Middle East LLP	Nigel Mackay, Leigh Day
Anthea Christie, Penningtons Manches Cooper LLP	Daniela Mahapatra, NHS Wales - Wales Rep
Emma Clark, Keystone Law	Nikeeta Mahay, JP Morgan - joined November 2019
Connie Cliff, Gowling WLG (UK) LLP - joined November 2019	Hannah Mahon, GQ Littler
Emilie Cole, Irwin Mitchell LLP - joined November 2019	Eleanor Mannion, MacRoberts LLP– Scotland Rep
Michael Duggan QC - Upper South East Rep	Adrian Martin, Burges Salmon LLP
Sheila Fahy, Allen & Overy LLP	Claire Merritt, Paris Smith LLP – Lower South East Rep
Ceri Fuller, DAC Beachcroft LLP	Alexandra Mizzi, Howard Kennedy LLP
Ciara Fulton, Jones Cassidy Brett Solicitor - Northern Ireland Rep	Leonora Morgan, DAC Beachcroft LLP - North East Rep
Sam Gage Thomson Reuters - resigned September 2019	Daniel Northall, Littleton Chambers - North West Rep
Rachel Hearn, Charles Russell Speechlys LLP	Ian Pettifer Davies and Partners – resigned September 2019
Elizabeth Hodgetts, St Philips Chambers - Midlands Rep	David Regan, Squire Patton Boggs (UK) LLP
Katya Hosking, Devereux Chambers - joined November 2019	Catherine Richmond, Worden Richmond
David Hunt, Farrer & Co	Nikita Sonecha, Browne Jacobson LLP - joined November 2019
Penny Hunt, Bird & Bird LLP	Marie Walsh, Consilia Legal LLP – Yorkshire & Humberside Rep
Mhairi Letcher – resigned October 2019	Anna West, Travers Smith LLP
Lisa Lewinsohn, Withers LLP – resigned September 2019	

In last year's annual report, we noted that the employment law landscape continues to change at pace and that a key part of the Training Committee's role is to help ELA's membership acquire and develop the knowledge and skills they need to serve the needs of their clients at a time of political and economic uncertainty. Writing this from my "home office" in June 2020, all I can add this year is "plus ça change, plus c'est la même chose".

The Committee's members are drawn from firms of different sizes and sector focus, as well as from the bar, and we continue to try to ensure that we reflect, as far as we can, the diverse nature of ELA's membership. We were particularly conscious of that aspiration when we invited new members to join the Training Committee towards the end of 2019.

Training Committee Report *cont.*

During 2019 the Training Committee ran 14 day and half day courses, including the regular introductory course for newly qualified lawyers, which was fully booked, and two-day courses on discrimination, High Court litigation and TUPE. Our half day courses on workplace investigations and ethics and governance for employment lawyers addressed areas where we perceived a particular appetite for training in light of the continuing focus on harassment over the course of the year. We tried to ensure that ethical and regulatory duties were covered in training wherever relevant to reflect the continuing public attention being given to the role of lawyers advising in the context of harassment claims.

In addition to the full and half day courses, we ran nine evening sessions in London and many more around the country covering a wide range of topics, including confidential information, privilege, restrictive covenants in light of the Supreme Court decision in *Tillman v Egon Zehnder Ltd* and the changes to IR35 that were originally expected to come into force in April 2020. Over the past few months we have focused on providing training via webinar, reflecting the conditions in which we are all currently living and working. This will continue to be a focus for the rest of 2020.

The willingness of external speakers to share their experience with us also enables us to put legal issues into their wider context. The plenary session at the 2019 annual conference, chaired by Paul McFarlane, Chair of ELA's Legislative and Policy Committee, focussed on "Unlocking talent - race equality in the UK". It was a thought provoking session and we were very grateful to Sandra Kerr, Race Equality Director at Business in the Community, Dr Nicola Rollock from Goldsmiths, University of London, Kiran Duarka from Leigh Day and Zaheer Ahmad, MBE, Head of Strategic Delivery, Diversity and Inclusion at EY for their insights into and personal experiences of race equality in the workplace. It is clear that there remains much to do to implement fully the recommendations of the McGregor-Smith review.

The annual lecture in November was a perfect opportunity to celebrate 100 years since women won the right to practise as solicitors and barristers and we used the evening to celebrate the past, take stock of where we are and think about how the workplace needs to change to achieve equality for all in the coming years. Dame Janet Gaymer, a founder and Life Vice President of ELA gave us her personal reflections on how the workplace has changed. Lucinda Acland highlighted inspirational stories from the First 100 Years project, while Linden Thomas, President of Birmingham Law Society, shared details of the "lost to the law" project and the Law Society's Leadership in Law report. Harini Iyengar from 11KBW reflected on some of the issues still facing women barristers, Chris Parke, CEO of Talking Talent

Training Committee Report *cont.*

outlined the role that men can play in achieving equality for all, and Julia Hemmings and Helen Brown inspired us with their experiences as job-share partners at Baker McKenzie.

We recognise the need to ensure that the regions also benefit from the range of training topics and speakers. Once again this year, a high number of training sessions have been offered on a regional basis – thanks in particular to the willingness to travel of a number of London based speakers, and Charley Masarati’s unstinting efforts in coordinating the sessions. We would like to thank speakers who travelled to other regional centres to give sessions.

On behalf of the Committee I would like to extend our sincere thanks to all those who agree to speak at our training events, and to chair them – the training programme simply would not exist without their commitment. We very much appreciate the time and effort they put into supporting us.

Thanks must also go to everyone on the Committee for their ideas, hard work, good humour and enthusiasm. Huge amounts of time and effort go into deciding on topics, and then on preparing and delivering the content and I am very grateful to all those who give up their time, month in month out, to attend Committee meetings and work behind the scenes to deliver the programme.

I must also put on record my heart-felt thanks to Lindsey Woods, Angela Gordon, Cynthia Clerk, and Charley Masarati and her team. It is only their commitment and dedication allows us to run the events we do, none of which would be possible without them. No-where has that been more evident than in the last few months, when it is only a massive team effort that has allowed us to get our webinar programme off the ground from a standing start in exceptionally challenging circumstances. I am probably mixing my metaphors there, but that should not detract from my recognition of and gratitude for the sterling work of the team as a whole – thank you.

Finally, I would like to wish David Regan, who will be taking over as Chair of Training Committee, the very best for the next two years. His enthusiasm for training shines through everything he has done as a member of the Committee and I am looking forward to supporting him in the future as best I can!

Jo Broadbent
Chair, Training Committee

Chair, International Committee

Kathleen Healy, Freshfields Bruckhaus Deringer LLP

www.elaweb.org.uk

International Committee Report

Committee

Anna Birtwistle, Farrer & Co

Allison Brown, Google – resigned January 2020

Emily Chalkley, Charles Russell Speechlys LLP – joined April 2020

Henry Clinton-Davis, Arnold & Porter (UK) LLP

Claire Darwin, Matrix Chambers – joined April 2020

Rebecca Emmett, Rebecca Emmett Employment Law

Edward Gelsthorpe, BAE Systems – resigned December 2019

Paul Goulding QC, Blackstone Chambers

Jude Harris, DLA Piper (UK) LLP

Toni Lorenzo, Lewis Silkin LLP

Frank Morton, Morton Law

Qian Mou, Alibaba Group – joined April 2020

Ingrid Nixon, DWF Law LLP – joined April 2020

Amy Rogers, 11 KBW

Paul Thompson, Cantor Fitzgerald and BGC Partners – joined April 2020

Nicola Whiteley, Orrick Herrington & Sutcliffe (Europe) LLP

Alistair Woodland, Clifford Chance LLP

I am delighted to report on the activities of the ELA International Committee for 2019/20.

Firstly, on membership. During 2019 we said goodbye and thank you to Allison Brown, who following her promotion and expanded remit with Google, felt she was unable to continue on the Committee. The same was the case with Ed Gelsthorpe, who again with his expanded role at BAE Systems concluded he should also step down. We are grateful to Allison and Ed for their commitment and enthusiasm over the years.

The fact that both Allison and Ed formed the mainstay of the Committee's 'in-house' cohort prompted the Committee to consider the need to refresh our bench. We have also been conscious of the ever-increasing demands on each of the Committee member's time. Consequently, we sought applications for new members and are delighted to welcome the following additional members to the Committee:

Emily Chalkley, Charles Russell Speechlys

Claire Darwin, Matrix Chambers

Qian Mou, Alibaba Group

Ingrid Nixon, DWF Law LLP

Paul Thompson, Cantor Fitzgerald and BGC Partners

International Committee Report *cont.*

Transatlantic Conference: The highlight of the past year was undoubtedly the Sixth Transatlantic Conference, organised by the International Committee in conjunction with the International Labor & Employment Law Committee of the American Bar Association. It took place on 24th September 2019 in London and was fantastically well attended. We ran two plenary sessions and nine breakout sessions covering a wide range of international employment law topics. Lord Jonathan Hill, former EU Commissioner was our closing speaker and gave us his views on Brexit and what we could expect. At that time the position seemed to be changing day by day!

It was great to see so many ELA members attending our flagship event and to have the opportunity to reconnect both with ABA friends and with new colleagues. My thanks to Toni Lorenzo and Amy Rogers for their support in pulling together the sessions and speakers and to Paul Goulding QC for helping us secure the Reform Club as our venue for the pre-conference welcome drinks reception.

Training: Outside of the Transatlantic Conference we have continued to run various training sessions that focus on the international aspects of employment law. We have run less training this year than in previous years, but we intend to renew and refresh our commitment to international training in the coming months.

Looking ahead: With our new and expanded Committee we are looking firmly ahead to how we can continue to bring international employment law perspective and expertise to ELA members.

In a world of uncertainty, we at least know that we will need to forge a new relationship with the EU as from the end of 2020. The Committee therefore held an extended in-person meeting and dinner at the start of 2020 to review and debate the changing nature of the relationship that the UK will have with the EU and to consider the consequent impact on the aims and objectives of the Committee. We are in the process of revising our mission statement and with the new members comes an ambition to reset how we engage with members so that we offer international insights and ongoing content alongside our training sessions.

We also want to find ways to cement the 'institutional' relationships we have with EELA and the ABA, along with the employment lawyer networks around the world in those places where increased connectivity and collaboration makes sense.

International Committee Report *cont.*

Covid-19: None of us could have predicted the challenges that 2020 and the arrival of Covid-19 has brought. As with so many organisations, ELA adapted quickly to the 'new normal' and our Committee meetings continued, making full use of our Zoom and Teams facilities to keep us connected, albeit virtually. Fortunately, we had got together at the start of February to debate and agree our priorities for the coming year – an in-person meeting that was well-timed!

We are currently preparing a training program for the remainder of 2020 that looks to bring together an international perspective on the return to work around the world and seeks to anticipate some of the employment-related challenges that the coming months will bring. They range for the potential for increased restructuring and insolvencies around the world to the implementation of the EU Posted Workers Directive. We are also focussed on the ongoing intersection of data privacy law with employment law as employers grapple with questions on safeguarding the wellbeing of workers, monitoring the ongoing risk of infection in a post lockdown world. In short, there has never been a better time for the International Committee to demonstrate how international perspectives can benefit the wider ELA membership.

I am grateful to each of the International Committee members for their contributions and support. I would also like to thank Lindsey Woods and my EA, Jen Ellison for the help and support they both provide to the Committee. Without both of these fantastic women the Transatlantic Conference would not have happened!

I have just been re-elected as Chair of the International Committee. I am proud to continue to lead the Committee as we adapt to life in the new Brexit world.

Kathleen Healy
Chair, International Committee

Report from ELA In-house Representative

The in-house sub-committee is comprised of Paul Hodgson (Hampshire County Council), Nicola Middleton (Barclays PLC), Anne McFarlane (Glasgow City Council), James Noble (Unilever) and Richard Stovell (BAE Systems PLC). The committee has continued to work for the benefit of ELA's in-house membership and to help ELA engage with such members.

For reporting purposes the current year can be split in to two halves. The first half where committee meetings regularly took place and where proposals for future training events and benchmarking were discussed and the second half where committee members were over-run with employment issues due to Covid-19. Planning for all networking and future training events were put on hold in the second half of the year. During this period committee members were active in engaging with various industry groups in order to benchmark and inform business approach to Covid-19.

The committee is in need of new members so please do not hesitate to get in touch if you are interested in joining the sub-committee.

Richard Stovell, BAE Systems
In House Representative

Report from ELA Junior Lawyer Representative

The Junior Steering Committee, which comprised of Emily Chalkley (Charles Russell Speechlys), Damian Babic (Skadden Arps Slate Meagher & Flom), Josie Beal (Birketts), Fiona Campbell (Squire Patton Boggs), Robert Frampton (Herrington Carmichael), Sophie Lockwood (Charles Russell Speechlys), Theo Nicou (Slater and Gordon), Elliot Park (DLA Piper), Brogan Winner (Travellex), Kate Fellows (Gateley Plc), Jessica Curtis (Addleshaw Goddard), Kate Potts (GQ Littler), Lucy Duane (Slaughter and May), Sarah Hayes (Paris Smith), Ben Jones (Old Square), Shefali Lamba (Freshfields) and Georgina Voogd (Eversheds), meets every quarter to discuss the training needs for the junior members, as well as social events and pro-bono opportunities.

The Committee has been proactive in organising more ELA speed mentoring events, with the first regional event held in Cardiff in 2019. There has been interest from a number of Regional Representatives to host a speed mentoring event in their respective regions. However, planned events had to be cancelled as a result of COVID-19. We hope to resume holding speed mentoring events in London and wider regions once lockdown measures have been lifted. The purpose of the event is to provide mentees and mentors with an opportunity to meet and grow their network in a relaxed and fun environment with a view to developing support amongst peers, contacts and ongoing mentoring opportunities. Sophie Lockwood organised an ELA Junior social drinks event for members 5 years PQE and under, in late 2019, which was extremely well received.

The Committee has been delighted to see many of its suggestions in regards to training topics were taken into account and implemented, with a move towards sector focused training. The Committee contributed a number of suggestions to ManCo with ideas and initiatives to ensure the junior members of the association become more involved and engaged in committees, working parties, events and panels. We were pleased to see that our suggestion to allow Junior Steering Committee members to chair panel sessions at the 2019 Annual conference and to create a Junior Member at Large position on ManCo were both agreed and implemented.

We welcome further ideas and input from the junior members on possible further initiatives and should any junior members wish to get involved in the work of the Committee, please do not hesitate to get in touch.

Emily Chalkley, Charles Russell Speechlys LLP
Junior Lawyer Representative

Reports from ELA Regional Representatives

Lower South East

During the 2019/2020 year there have been various seminars in the Lower South East Region. We have had our usual programme of evening seminars and the annual training day, but unfortunately like most of the regions COVID-19 has stopped us in our tracks.

In June 2019 we had a talk on Employment status in the Gig Economy from Jason Galbraith-Marten QC, Cloisters, kindly guest hosted by Womble Bond Dickinson. In October we had Whistleblowing by Jeremy Lewis and Martin Fodder, Littleton Chambers.

In September 2019, Sarah Hayes hosted a junior lawyers social and had planned another in March 2020.

The annual training day was another big success and was organised by Sarah Hayes, who will be succeeding me as regional representative. We were back at St Mary's Stadium and had around 60 attendees. The speakers were:

- How to Help your Barrister to Win your Employment Tribunal Case: tactics in the Tribunal - Jason Braier and Orlando Holloway, 42 Bedford Row
- Privilege, Practice and Pitfalls – A Closer Look at Legal Privilege - Nathaniel Caiden - Cloisters
- How to Charge What You're Worth and Get It - Vanessa Ugatti, The True Worth Expert
- Discrimination Claims: Knowledge of Employers - Stephen Wyeth, 3PB
- Restrictive Covenants - David Reade QC, Littleton Chambers

The training day was held on 6 March 2020 and it seems like the last normal activity many of us took part in for quite some time.

I just wanted to say, on a personal note, that I have enjoyed being first the Solent Representative and then for the law six years Lower South East representative. I have met and worked with a whole range of wonder people. It's been a privilege. You will be in safe hands with Sarah.

Claire Merritt, Paris Smith LLP
ELA Lower South East Representative

Reports from ELA Regional Representatives *cont.*

Midlands

Events in the Midlands Region continued from June 2019 as follows:

- June 2019, Birmingham: Understanding the National Minimum Wage: former EJ Milgate
- July 2019, Birmingham: celebration of completion of first (legal) year of Elips in Birmingham, kindly hosted by Slater Gordon
- September 2019, Birmingham: Current State Associative and Perceived Discrimination: Kate Annand
- October 2019, Birmingham: Whistleblowing
- November 2019, Birmingham: 2 day Boot Camp in Employment Law
- December 2019, Birmingham: Stress at Work: Jack Feeny

While ELIPS was suspended during the lockdown and work is now being done to open on an online basis. We are tremendously grateful to the significant number of practitioners who have indicated willingness to volunteer once it opens online.

Elizabeth Hodgetts, St Phillips Chambers
ELA Midlands Representative

Reports from ELA Regional Representatives *cont.*

North East

This year I have been working to establish a Steering Group for the region, and was pleased to welcome a number of practitioners from across the region for our first meeting earlier in the year. I am hopeful that we will continue to work on an ambitious and exciting programme of training for the region when we return to considering in-person events again.

We have hosted a number of well-attended training sessions which have been well received in including a whistleblowing roadshow hosted by Jeremy Lewis and Martin Fodder, and a practical session on top tips for ET proceedings from Andrew Sugarman.

I would like to thank Charley Masarati and her team for their unwavering support throughout the year.

Leonora Morgan, DAC Beachcroft LLP
ELA North East Representative

Reports from ELA Regional Representatives *cont.*

North West

I write this at a time when Covid-19 continues to cast its long shadow over everything we do as employment lawyers – where we work, how we interact with colleagues and clients and how we engage with the court and tribunal system. ELA has worked tirelessly to ensure that it continues remotely with its same excellent programme of education and training, but the effect of the pandemic means that regional training has ground to a halt, albeit temporarily.

However, the North West membership of ELA continues to be a vibrant and engaged community of employment law professionals. Let us not forget that, pre-Covid, the North West enjoyed another successful (albeit shorter) year of events.

We have continued to put on training sessions which are not simply the run of the mill. The regional membership has had the pleasure of cutting-edge analyses on such diverse topics as whistleblowing and associative discrimination.

The regional annual lecture and dinner continues to be an integral part of the employment law calendar. 2019's dinner was fully subscribed and, apart from the excellent food, its attendees enjoyed the wit and wisdom of Nicholas Siddall QC, who spoke on the subject of *The Modern Employment Lawyer*.

In organising the programme, I have been ably assisted by the members of a steering committee who have each given their time selflessly. In no particular order, they are: Laura Starrett (Pinsent Masons), Charlotte Lloyd-Jones (DWF), Laura Nadel (PwC), Liz Cotton (TLT), Rhodri McDonald (Equalities and Human Rights Commission), Laura Nelson-Gill (USDAW), Sara Sawicki (gunnercooke), James Pike (Squire Patton Boggs) and Charlotte Gilbert (Myerson). They represent a great cross-section of the region and of the employment law profession generally and I have been grateful for their support.

I should also thank Charley Masarati and Lindsey Woods for her tireless efforts in supporting the regional representatives.

There are uncertain times ahead. No-one is yet sure when sessions in the North West will resume in more personal and congenial surroundings. But members can be assured that ELA will do its best to ensure their interests are well served.

Daniel Northall, Littleton Chambers
ELA North West Representative

Reports from ELA Regional Representatives *cont.*

Scotland

This is the last annual report I write as Regional Representative for Scotland, a role I have held since June 2014. While I won't miss some of the paperwork around the role (and I'm sure Lindsey won't miss chasing me for it) the role of Regional Representative is one I have enjoyed immensely for the last 6 years. When I first took up the role, I was a relatively junior public sector in-house lawyer who had limited access to decent CPD due to budget constraints and zero access to social events particularly any that served wine. So certainly for the first 2 years of the role, armed with a social budget and access to the best and brightest in the legal profession, I set about organizing events that I wanted to attend – training sessions on the hottest topics of the day aimed at lawyers rather than HR delivered by leading advocates, barristers and solicitors and social events in high end locations with good wine and food, to allow colleagues to network and chat. This was my plan for growing membership engagement, by asking myself if this was an event I would take time out to go to. I added an annual lecture and dinner to the social roster and held one day and half day conferences as well as breakfast sessions. Not everything worked. Some years were harder than others and the geography was always something that had to be considered. I discovered that what worked in Glasgow wouldn't necessarily work in Dundee. Video conferencing was a permanent feature of our training sessions to ensure as much access as possible for members.

Unfortunately this year is one of the harder years, due to the upheaval of the covid-19 pandemic. As early as February, we pressed pause on booking a venue for the annual lecture and dinner and held off on advertising training sessions in case they wouldn't go ahead. For the time being, we go back to being employment lawyers busy at our desks, navigating our clients through this difficult new world.

I owe a huge thank you firstly to Charley and her team at Byword. For the last 6 years she has helped me navigate my role, suggesting topics, speakers, booking and managing everything and making the trip up from London to help at social events. I wouldn't have been able to do this without her. Lindsey as Head of Operations has also been a fantastic help and I cannot thank her enough for her support. Thank you also to the ELA membership and the various iterations of the Management Committee I have been lucky to serve alongside for the last 6 years. Finally, I wish the best of luck to Fiona Herrell as she takes on her new role as Regional Representative. I'm looking forward to seeing her make her imprint upon it.

Eleanor Mannion, MacRoberts LLP
ELA Scotland Representative

Reports from ELA Regional Representatives *cont.*

South West

Despite the unprecedented difficulties posed by the Covid-19 pandemic, the South West region continues to thrive.

Following my last report, our training programme recommenced on 11th July 2019 when Debbie Grennan presented her discrimination update. This was hosted by Foot Anstey in Exeter.

On 17th October 2019 Jeremy Lewis and Martin Fodder presented a talk on whistleblowing which was hosted by Stephens Scown in Exeter with a live video link to Stephen Scown's Truro office.

Later on that day (17th October 2019), Douglas Leach presented his talk on '*Shared Parental Leave and Sex Discrimination*' at Womble Bond Dickinson in Bristol.

The live stream of the ELA Annual Lecture on 28th November 2019 was enjoyed by members who gathered at the various locations in the region to watch it. Veale Wasbrough Vizards LLP hosted the link to Bristol, with Stephens Scown LLP hosting the link in Truro.

To end the year, the annual Quiz was on 12th December 2019. It was a fun-packed evening and a great opportunity to catch up with colleagues and friends, as well as to compete for the prestigious ELA SW Quiz trophy. I am very grateful to Burges Salmon for providing their splendid facilities and hospitality for the event, which was widely considered to be a resounding success.

On 13th February 2020, Marcus Pilgerstorfer presented his talk on '*Check your privilege: recent developments in legal professional privilege*'. This was hosted by Osborne Clarke in Bristol with the live video link session in Exeter being hosted by Kitsons LLP.

As it transpired, our last live event prior to the Covid-19 lockdown was the return of Martin Fodder and Jeremy Lewis to the region to present a session on Whistleblowing. This was hosted at Burges Salmon in Bristol.

On 13th May 2020, Guildhall Chambers hosted a live webinar by Microsoft Teams for the ELA on

Reports from ELA Regional Representatives *cont.*

'How the Region is Responding to the Pandemic' in which Regional Employment Judge Pirani provided an update as to the sitting pattern as it stood, listing policy and usage of CVP. It is anticipated that there will be an updated webinar, perhaps in conjunction with the Western Circuit, later this month or next month following the ELBA webinar.

The Bristol ELIPS Scheme is now firmly established. Significant numbers of litigants in person have been assisted in CMPH hearings and in the advice clinics and the local Judiciary have been appreciative. The success of the scheme is entirely due to the enthusiasm and expertise shown by the volunteers from our membership and the student volunteers from BPP law school, and on behalf of ELA.

I would like to end this annual report with my thanks to the people and organisations who have contributed to the successful years that ELA SW Region has had during my two years as Regional Representative. Throughout my time, I have had the benefit of an enthusiastic steering group who provide valuable insight, perspective and support in the decisions that are taken in this region. I am very grateful to David Baynton, Luke Bowery, Gemma Cawthray, Rhodri Davey, Greg Chambers, Debbie Grennan, Alex Lyttle, Laura McFadyen, Joseph Nicholls, Harry Parker, Kate Redshaw, David Thomas and Natalie Ward in this respect.

I am also very grateful to the organisations that have hosted our events this year, namely Burges Salmon LLP, Foot Anstey LLP, Guildhall Chambers, Kitsons LLP, Osborne Clarke LLP, Stephens Scown LLP, TLT LLP, Veale Wasbrough Vizards and Womble Bond Dickinson.

Lucy Burrows, Philip Chivers, Matthew Jackson, Natasha Joffe and David Thomas have been central to the success of the Bristol ELIPS scheme over the last year and I am very grateful to them.

I would like to thank Charley Masarati, Nick Walsh and the Byword Team for the excellent and enthusiastic support to me throughout my time as Regional Representative.

Finally, I am delighted that Debbie Grennan from Guildhall Chambers has been elected to succeed me as Regional Representative. I am sure that she will do a fantastic job!

Julian Allsop, Guildhall Chambers
ELA South West Representative

Reports from ELA Regional Representatives *cont.*

Wales

I have had the privilege of holding the position of Wales representative for four years. I have long supported the work of the ELA in Wales and I have very much enjoyed helping to shape our training and social events during my two terms.

This last year has been like no other. As we approached 2020, our steering group talked about the events we might plan, what legal developments might be on the horizon. What we did not anticipate was an event that was to reshape the world; that would engage the employment law community to help solve the myriad of questions about the impact the pandemic would have on those at work and those who would strive to keep businesses afloat.

We have embraced new ways of working and different ways of supporting each other. We have watched webinars because we have not been permitted to gather as we usually would in chambers or a law firms, with the usual pre lecture chat over a drink or two. I think we have all missed that social contact, I certainly have.

It has been an exciting year for the Wales region with Barry Clarke, our former Regional Judge taking up the Presidency of the Employment Tribunals in England and Wales. Employment Judge Sian Davies has been appointed our Regional Judge, on an interim basis. I know that all of the Wales membership are extremely proud of you both and wish you every success with your new roles.

This was also the first year of our ELIPS awards. Our awards event in December 2019 was a lovely way to celebrate and to recognise the hard work of our volunteers and those who provide support to the scheme, including the administrative staff at the Employment Tribunal. Well done to all our winners.

But now we must look ahead. The Wales region is very fortunate to welcome a new representative – Jonathan Walters of Civitas Law. Jonathan's expert knowledge of employment law coupled with his charisma will stand him in good stead. I know that the region is in safe hands.

Reports from ELA Regional Representatives *cont.*

I am grateful to those who have supported me during the last four years and who have attended our events. I am hugely grateful to those who supported the set up of the ELIPS clinics in Cardiff back in 2016 and to those who have volunteered since then. We are working hard to set up an online ELIPS clinic and I hope to stay on to support the work of the Pro Bono Committee and the continuation of the clinics in Cardiff.

Before I sign off, I would also like to say a big thank you to Lindsey Woods, Charley Masarati and Nick Walsh for their support. I would not have been able to set up the ELIPS clinic or to arrange so many fantastic training events without their help.

Daniela Mahapatra, NHS Wales
ELA Wales Representative

Reports from ELA Regional Representatives *cont.*

Yorkshire & Humberside

A lot can happen in a year!

Despite the lock down we had up to that point a number of great “face to face” events in the region. In terms of training, the half day conference went well and the feedback in terms of contents was very positive. A massive thank you to Judge Cox for attending and sharing her expertise. She was a very popular speaker and nearly didn’t escape the room in time for her listing.

We have seen training from regional chambers which has been great and some of the courses we have run are:-

Hiring & Firing Senior Executives	02-Oct-19
Hiring & Firing Senior Executives	17-Oct-19
Cancelled Leeds Speed Mentoring	14-Nov-19
Post Termination Restrictions	17-Jan-20
Pizza and Drinks at D.O.C.	13-Feb-20
Immigration Update	27-Feb-20

In addition to the above, we had planned the Resilience Under Pressure sessions with Naila Hussain. Those sessions were not held as regional sessions but offered as webinars open to members nationally which I am thrilled about. To date we have sold out two sessions (with 23 people booked on each) and are about to advertise another two sessions so cross region collaboration really does work.

We have had a couple of good socials which involved cheese, wine and pizza and there is an appetite to do more particularly amongst the more junior contingent with talk of Darts, Bowling and Axe throwing.

Massive thank you to Katrina Hennessey and Rachel Snipe from Eversheds Sutherland for their continued support and ideas and for offering to host and run events for the ELA in Leeds.

Reports from ELA Regional Representatives *cont.*

Yorkshire & Humberside cont.

We are looking forward to different landscape of events this year, but I am confident that as a region we will make it work and keep up engagement.

It's been great to see members in our region appointed to the judiciary. I'm thrilled for them and thankful to the judges for giving such useful talks in the regions to assist members with their applications.

A massive thank you to every member in the region who responds to my update emails positively and with enthusiasm. Thank you also for your support in attending events.

Which leads nicely on to my final thank you which goes to Charley and Lindsey and the whole ELA team.

Marie Walsh, Consilia Legal
ELA Yorkshire & Humber Representative



EMPLOYMENT
LAWYERS
ASSOCIATION

www.elaweb.org.uk

Annual Report

2019 - 2020

A large, bold, black lowercase letter 'e' is centered on the left side of the olive-green background.

A large, bold, black lowercase letter 'a' is centered on the right side of the olive-green background.

Employment Lawyers Association
PO Box 1609
HIGH WYCOMBE
HP11 9NG

Tel/Fax: 01895 256972
Email: ela@elaweb.org.uk