



Transcript: ELA Chair's April update 2021

Introduction

Hello again and welcome to this third video update from me, in my role as Chair of ELA.

Hopefully you will all know me by now, but what you may not have seen is that since I last spoke to you, I have moved to Deloitte Legal together with my former colleagues at Kemp Little. So, if you would like to get in touch with me, please note the new email address at the end of the slides.

Each time I do one of these videos I reflect on where we are given the current situation – and still think how strange it seems not to have seen and met any of you in person, given that the role of Chair is all about meeting and hearing from members! These videos are therefore my way of keeping in touch, and to set out what we have been doing as ELA, on members' behalf – often, behind the scenes.

Slide 2

So here I am again, in your inbox with another update, given that it is now 6 months since I took over as Chair.

Slide 3: Remembering those no longer with us

Before I move on, I wanted to take this moment, in this week where we acknowledge the passing of HRH, the Duke of Edinburgh, to also to remember those in our own community who have passed away since I last spoke to you. I know that many of you will remember Stephen, Adam and Andrew and we thank and remember them for their contribution to employment law over the years, with particular thanks to Stephen who was such an active member and supporter of ELA.

Slide 4 – 5: Key objectives

When I took over as Chair, I set myself and Manco a plan with 5 key objectives, all of which are designed to support ELA's twin aims of: promoting the best practice of employment law; and supporting the work and representing the interests of UK employment lawyers.

Much of what we do as ELA is to support members with information and training, something that both the Training Committee and the International Committee focus on heavily.

Slide 5: Training

This slide gives you a flavour of the number and variety of events we have put on, and you will know from your inboxes and from my new look Chair column in ELA briefing that we continue to offer a range of events, from Domestic and economic abuse, Complex Gender Identities to conversations with Regional Employment judges, and co-hosted events with ELBA. And this year we will be having an Annual Conference, although not in person but virtually, and spread over a number of days. The theme is the Future World of Work and more details will follow soon!

You will also I am sure be wondering about our plans for transitioning to in person events as and when we are permitted to do so and this is something that the Training Committee, under the leadership of David Regan is looking at very carefully. Our move to webinar-based training has done much to democratise access to our training programme and we are keen not to lose that as members transition back to an element of office-based working. At the same time, we recognise the value of in person events and the social elements that they provide, so for now, please be assured that this is something we will continue to look at closely and will be in touch with our plans as our thinking develops.

In the meantime, my sincere thanks go to David and his team for all their hard work in putting together an ever more extensive training programme.

Slide 6: Addressing Diversity

This is one of my key aims as Chair, and I am delighted that we made progress on this front quickly – with more yet to come! I've reported previously on how we have set up a Race Equality Standing Committee which sits as part of L&P – which will help inform responses to government consultations in particular, but also provide a platform for race equality issues to

be discussed and addressed. In January, the Diversity Committee ran a very successful 21 Day Racial Equity Habit building challenge – with thanks to Dr Eddie Moore Jr in America who designed the challenge and rolled it out last year with the ABA. The ELA team have published articles in the NLJ, and Legal futures, and the initiative has also attracted much interest from member firms and from other employment law bodies. If you haven't had a chance to do so, I would encourage you to access the material which is still available on our website. It really does make you think.

Our report on the findings of the Equitable briefing project which ran last year will also be published shortly, and we continue to think of ways in which to raise awareness and bring about change amongst our own profession.

In terms of our support for others, I am delighted to say that due to the hard work of Jenny McGrandle, our Pro Bono Chair, and her committee, online ELIPS has continued to support unrepresented claimants in 4 tribunals (London Central, Cardiff, Bristol and Midlands (West), and has recently expanded to cover Newcastle and Leeds. Plans are in hand to extend further to the Glasgow Tribunal. Huge thanks to all those who volunteer their time to assist and if you are interested in volunteering, please contact Jenny.

Slide 7: Supporting members and increasing engagement

Increasing support for members more generally is another of my key priorities and again, I am delighted that we have been able to make a difference here with our new offerings. Many thanks go to the Pastoral Care sub-committee who have designed a programme of events and support mechanisms for members at all levels, including the recent introduction of our coffee mornings, designed to give members a chance to catch up and recapture some of the social elements that are such a valuable part of our events. I remain conscious that the challenges of the last year continue and may do so for some time, and the fact that we are able to offer support, and in some cases financial support, is particularly important. The Committee is continuing to think of further ways to support members, particularly as we start the transition to more hybrid styles of working, and please do get in touch with them if you have any other ideas for ways in which we can help.

Refreshing our committees – Training, In-house, Junior lawyers

Our training, in house and junior lawyer committees have all refreshed their committees and are busy planning events and ways to support members. I am keen to ensure that we

continue to build on the benefits – such that there have been – of the remote working that we have all been doing – as in many ways this has made it easier for a number of the committees and regions to engage with their members – and it has made participation easier in fact rather than harder. It has also created opportunities for committees to combine forces for events, as seen recently with the in house and junior lawyer committee joint event on in-house careers, and the international committee's session giving an introduction to international employment litigation, aimed at junior members.

Slide 8: Representing ELA

through the work of L&P.....

Just as earlier in the year, the L&P committee have been kept very busy, and in the last quarter have responded to a range of consultations including on: Equity in the STEM Workforce; the Evaluation of the Senior Managers and Certification Regime; Measures to Extend the Ban on Exclusivity Clauses; Measures to reform Post-termination and Non-compete clauses in Contracts of Employment; as well as on the Independent Human Acts Review.

It has also been working with ACAS informing views as to potential issues arising out of 'fire and rehire', has continued to meet with BEIS to ensure awareness of matters affecting ELA members, and has engaged with the SRA both on their Transparency initiatives and their current pilot in Employment law and, together with colleagues at the Law Society, over their Guidance on the definition of tax advisors which will catch many members who advise on settlement agreements.

L&P has also been ensuring that the voices of ELA members are heard in the national and regional Tribunal user groups, which has been particularly important given the ongoing situation in the Tribunals, particularly in the London and South East region.

The L&P survey which is being sent round to members will also allow us to collect data from members regarding their tribunal experiences and will inform future representations by ELA. Please do complete it when you can!

As ever I'd particularly like to thank Caspar Glyn QC, Chair of L&P, L&P and the working parties drawn from the committee and the membership for the very significant work done in responding to these on ELA's behalf.

Please do keep volunteering for these working parties as they are the best way to ensure that when we respond, the papers properly reflect the depths and breadth of the ELA membership views.

In the press

Members will remember that in February, employment tribunals and judges came under criticism in the broadsheet and other press. We took the opportunity to combine forces with ELBA and ILS to write to The Times to rebut many of the comments made, and whilst our letter was not published, you may have seen that I had a chance the following week in The Times to correct some of the impressions created regarding in particular the quality of employment judges since the criticisms were unfounded and, in our view, unfair. There is always a balance to be struck when commenting publicly on matters, but we will do so where and whenever we consider it appropriate and indeed necessary in order to support our members.

...and at an International level;

As I mentioned in December, we have also been forging new links across Europe and more widely. Kathleen Healy (Chair of the International Committee) and I attended a virtual webinar on 23rd February with the Chairs of global employment law organisations – the inaugural event for this group – and hosted by the ABA, where we discussed the impact of Covid on employment litigation around the world. Diya Sen Gupta QC kindly gave her perspective on behalf of ELA and the UK. Further events, particularly in relation to the issues of vaccinations are being planned.

We will continue to ensure that ELA plays its part in building both on these links and on existing relationships and on that note, planning is in hand for a joint webinar with the Irish and Northern Irish employment law organisations to examine the impacts of Brexit and Covid on businesses looking to relocate key staff to Ireland particularly. Plans are also underway for the first virtual ELA/ABA transatlantic conference in September – please watch out for further details on this.

Slide 9: Thank you and au revoir!

As members will be aware from my recent email, this month we are saying goodbye to Lindsey Woods, ELA's Head of Operations who is retiring after nearly 27 years in her post.

Having nurtured ELA from its early days through to the successful membership organisation that it is now, Lindsey has decided that the time has come to pursue her other interests and passions including her music and her family.

We will find a way to thank Lindsey properly and in person when Covid restrictions allow, but I hope you will join me now in thanking her for all that she has done for ELA over the many years that she has been with us, and to wish her well for her retirement.

As you would expect, we are currently in the process of recruiting her replacement, and our advert for the role is available on the website and on Linked In. If you or anyone you know is interested in the role, which is a permanent employee position, please do reach out to me or to Rebecca Churchill, who is working with us to help with the recruitment, on our email addresses on the last slide.

Final slide

As well as everything else I have reported on here, I can also confirm that ELA as an organisation remains in good health – financially and structurally. We will of course continue to keep a close eye on matters and will report further in my next update, and at the AGM later this year – the date of which is still to be confirmed.

It just remains for me to say thank you to my colleagues on Manco and their committees, together with all those working hard behind the scenes at ELA who make things happen. But most of all, thank you to you, our members for your ongoing support for ELA. As it says here on this slide, this is your organisation, so please do get in touch if you have comments or ideas about what you would like to see ELA do.

I hope that before long we will be able to meet in person but until then, thank you for listening today, and stay well and safe.

Marian Bloodworth
Partner, Deloitte Legal
Chair, ELA