



Did anything significant happen in 2017? An employment lawyer's perspective.....?

By **Paul Quain and Dónall Breen** - 21 December 2017

If you work in employment law, the word of the year must be 'Gig Economy'. Even if you don't work in employment law, it was shortlisted for word of the year anyway, which is strange as it is two words! The winner was 'Fake News'. Which was also two words.

With a series of victories in the Employment Tribunal for those looking for worker status, only the unattractively named CAC ("Central Arbitration Committee") offered respite to the wave of change, ruling that Deliveroo riders in Camden were indeed self-employed. Matthew Taylor tried to weigh in on the debate, but it seems his report is getting overshadowed by last year's word of the year.

Brexit negotiations continue in earnest. Or just continue, depending on your point of view. Or have they, in fact, started? At the start of the year we examined the HR angle of Brexit and since then we have learned a great deal of nothing more about what the post-Brexit landscape might look like. So, we start 2018 much as we started 2017, not having a clue. Although, we did have a general election. And that was called to make the government stronger, but it made it weaker.

The big talk for much of the year has been about a new EU regulation which has got everyone a little worried. And which Brexit has not halted. We are talking of course about the General Data Protection Regulation. Or GDPR. As it is known. Affectionately.

Unlike Brexit, what GDPR will look like has rapidly gained clarity with the publishing of the Data Protection Bill. We are working hard to prepare our clients for GDPR-Day next May and predict that there will be a flourish of activity in the New Year as everyone prepares for the imminent arrival. Something to get you over the hump of returning to work in January.

Speaking of hump, the Employment Tribunal this year decided that gross conduct was not in fact gross misconduct. An employee, humped a table with his pants down and was summarily dismissed. However, the Employment Tribunal decided that in the context of the brash workplace in which he worked, this was not an appropriate response.



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However, he was not the only one caught with their pants down. This year the Supreme Court found that the government had been incorrectly charging claimants to bring claims in the Employment Tribunal. In a massive victory for those seeking open access to justice, there now begins a long journey to repaying all those who they incorrectly charged.

Let's hope they pay everyone equally, or they might be forced to publish the gap. This year saw the start of the gender pay gap reporting that will continue next year. No doubt the final figures will provide plenty of fodder for newspaper columns. No doubt many companies will be hoping for bigger news in April to keep their name out of the Daily Mail.

Did we mention there was a general election this year? In fact, there have been lots of elections. In France there was a change of president and government. This may herald some significant changes to employment rights in France. If the French workers allow it. And French rock singer, Johnny Hallyday died.

Oh, and Angela Merkel was re-elected as Chancellor. But has not yet been able to form a government. Which means little change to German employment laws.

And Donald Trump keeps on.... well, being Donald Trump. We are no clearer on whether Russians helped him get elected. Or indeed what his plan is for the US. But Twitter has had a field day.

Finally, we at GQ Employment Law had some big news of our own this year. In May, we formally announced becoming part of Littler, the largest labour law practice in the world. Already a fantastic success, we look forward to working alongside our new colleagues across the globe in the New Year and beyond. We even had a little celebration in the National Gallery in London in November with clients, colleagues and friends from all over the world.

From all of us here at GQ|Littler, as they say in the US, Happy Holidays!