



## The employment law year in review

By **Paul Quain**, **Deborah Margolis**, **Dónall Breen** and **Ben Smith** - 31 December 2018

This year began as it meant to go on with a six-letter word that was on everyone's mind – BREXIT! And yes, it was completely uncertain what was going to happen. After 12 months of intense internal discussions, debate and frantic negotiations, the UK and EU remain entirely unclear how they will take their acrimonious relationship forward into 2019.

As Donald Trump completed a quarter of his term and GDPR struck fear into HR practitioners up and down the country, 2018 was shaping up to be a momentous year!

On the 100th anniversary since women got the vote the fight for equality continued. The Fawcett Society published results of its 9-month review into the UK's sex discrimination laws and EHRC consulted on its draft enforcement strategy for companies failing to publish gender pay gap data. Clydesdale Bank and Yorkshire Bank became one of the first organisations to link executive pay to gender diversity and Herbert Smith Freehills became the first law firm to pay for gender reassignment surgery for transgender employees.

April and May saw us knuckle down to some work as we analysed the results of the first year of the gender pay gap. We summarised what employers need to know about NDAs and what can actually be disclosed under them. As part of our international series, we discussed how to employ a telecommuter working from home overseas a need to know guide to employment law in Italy and Spain.

But who can forget May 2018 for the implementation of GDPR? Despite being called "evolutionary" by the ICO, it was a revolutionary moment for many employers as the scaffolding was finally taken down and a new temple to data protection was unveiled. A bit like the millennium bug, GDPR seemed to be much ado about nothing when the day finally came. However, this reaction masks the mountain of work that took place behind the scenes to ensure everyone was compliant. Our GDPR aficionado was particularly excited!

As Britons basked in the June heatwave, the GQ|Littler office was still busy writing newsletters! We considered what employers can learn from Donald Trump's meeting with Kim Jong Un and closer to home, we looked at relationships in the office and whether employees should disclose office romances.

In July we considered what was on the agenda for gender pay gap reporting whilst there were proposals from a government body recommending an expansion of the regime. New legislation on trade secrets raised questions for employers on how they best protect their confidential information and uniform requirements hit the headlines as a black student alleged she had been refused work with a temp agency because of her dreadlocks.

You might expect August to be a quiet month, but there's no rest for the wicked or employment lawyers (one and the same really). An Irish case raised eyebrows as an exec won a case against her employers for requiring her to check work emails out of hours. And who could forget the case of the London club that hit headlines for requiring job applicants to be "extremely attractive".

September saw shared parental leave legislation progress through the Irish parliament, here in the UK we reflected on our poor record and had doubts on how effective it would be in the Emerald Isle. As everyone returned to work from their summer holidays, the TUC released a timely report calling for a four-day working week – not prompted by overflowing inboxes, I'm sure.

October saw some good news on the home front as GQ|Littler was nominated for Boutique Law Firm of the Year and rose in the ranks of the major legal directories. Also rising were hopes of gender representation as the all-male board grew closer to extinction. This was also the month that the UK Supreme Court controversially ruled that you can lawfully refuse to make a gay themed cake.

November brought with it the publication of the Littler's ground-breaking research into what HR issues troubled leading business figures across Europe. We also saw Morrisons get hammered with a second contentious strict liability decision. Hot on the heels of Pimlico Plumbers, more gig economy cases streamed out of overflowing tribunals across the UK, this time as Addison Lee drivers and Deliveroo riders were ruled to be workers.

Discussions over Brexit uncertainty bookends another packed year in the world of employment law. Like many years before it, it has been twelve months of relentless change in the field of gender equality as the #MeToo juggernaut has shown no sign of abating. The good news is that female representation at every level is increasing and 100 years on from getting the vote, women's voices in every stratum of society grows in volume and confidence.

Our clients, like employers up and down the country, have realised that the option to 'wait and see' is no longer a tenable one. Times are changing, and change is demanded. But no matter what 2019 may bring, we look back with pride on the year that has gone. GQ|Littler has been at the forefront of weathering storms and breaking new ground, dealing with crises and helping avoid them altogether. Regardless of the time, location or issue – we have stepped up to the mark and done our bit.

We are global employment lawyers and this is what we do.