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Speechlys

CITY HR ASSOCIATION AGM and Member Forum

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Changing World of Work

- Flexible “hybrid” working;
- 4 day working week “pilot”;
- The law on flexible working requests;
- The Future;
- Quote Match!

Flexible Hybrid Working

“The hybrid world advanced by Covid-19 has done more for flexible and part-time working than decades of campaigning”

Julia Hobsbawn – The Nowhere Office

Flexible Hybrid Working

Pros

- Greater work/life balance as working smarter;
- Particularly beneficial for working parents or carers;
- Reduction in commuting and other “time-sucks” arguably leads to greater productivity;
- Promotion of employee well-being and less employee stress;
- ESG friendly as less pressure on infrastructure, travel and the environment.
- Attract and retain talent

Flexible Hybrid Working

Cons

- Unsuitable for many roles (e.g. maybe great for white collar work; less apt for manual workers);
- Reduces scope for training and “learning by osmosis”;
- Impacts creativity negatively;
- Perishing of employee “glue” or social capital;
- Impact on city centres – desertification;
- Burn-out and mental health issues less visible;
- Unpopular with most C-Suite Executives.*

* See Bartleby in the Economist (6 November 2021) for an explanation of this.

Flexible Hybrid Working

- Tectonic plates are still shifting but for most knowledge workers the debate has largely distilled to 3:2 or 2:3 pattern in the office.
- Straw poll??

4 Day Working Week

“The 20th Century concept of a five day working week is no longer the best fit for a 21st Century business.”

Edward Seigel – CEO, Charity Bank

4 Day Working Week

- Not a new idea! JM Keynes forecast a 15 hour week in the 1930's
- In 1934 Boots made the unprecedented move from a 6 day week to 5 in an effort to reduce redundancies
- New UK pilot lasting 6 months
- 70 employers involved in the pilot where 3,300 employees receive 100% of pay for 80% of the hours
- Pilot will assess the effect on productivity; health; well-being; sleep; gender equality; travel and environment
- Already many other trials in the world (e.g. Iceland 2015-19) show improved productivity, (viz 2019 a Microsoft trial in Japan increased productivity by **40%**)

The Law – Flexible work requests

- Statutory right to request – employees with min 26 weeks
- Can be refused on prescribed grounds
- Trial periods
- Limited liability – 8 week compensation (capped)
- Automatic unfair dismissal protection (if dismissed for making request)
- Cf. A request buttressed by discrimination rights
 - No service requirement - “day1” right; judicial notice of impact on women for indirect sex discrimination
 - Forces the employer to carefully consider request and refusals may need to be objectively justified to escape liability
 - Compensation is technically unlimited

The Future

- 2019 - Conservative Party Manifesto promised to encourage flexible working and for this to be the “*default*”
- 2021 – Consulted on a right to request with no service requirement as the default
- 2022 – Queen’s Speech – Employment bill conspicuously absent but “default” flexible working requests are expected to come in

Quote Match

Sir Martin Sorrell - WPP

“Sorry you were out when I visited – I look forward to seeing you in the office very soon.”

Elon Musk - Tesla

“[Homeworking] is an aberration.”

“I don’t know whether [Hybrid Working] is permanent but we’re going to assume people want to be out of the office.”

“If you want to get paid New York rates, you work in New York. None of this “I’m in Colorado”.....”

“Anyone who wishes to do remote work must be in the office for a minimum of 40 hours per week.... This is less than we ask of factory workers.”

James Gorman –
Morgan Stanley

Jacob Rees Mogg –
Minister for Brexit
Opportunities and
Government Efficiency

David Solomon –
Goldman Sachs

Quote Match - Answers

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Nick's practice is in respect of both contentious and non-contentious employment law issues. He has broad experience both in the Employment Tribunals and in the Civil Courts and has conducted cases involving discrimination, whistle blowing and TUPE to name but a few.

Nick's non-contentious experience covers a wide spectrum of work ranging from advising on complex employment documentation, giving strategic advice on reorganisation programmes and all sorts of business transfers.

Nick is a prolific contributor to newspapers and journals, regularly lectures on employment law issues, has appeared on radio and TV and has contributed chapters to a number of books. He is a non-executive Director of the City HR Association and is recognised as a world leading practitioner in Who's Who Legal. Nick is recognised as leading individual for Employment in The Legal 500 and in Chambers & Partners for Employment.



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Emily advises on all aspects of employment law, both contentious and non-contentious.

She is an experienced litigator working in both the Employment Tribunal and on High Court matters. Her non-contentious experience includes day-to-day HR support to corporate clients, advice on collective consultation, restructuring and TUPE.

Emily has considerable experience advising on sex discrimination and equal pay matters in the financial services sector.

Emily is a member of the City HR Association's Shadow Board and sits on the Employment Lawyers Association's International Committee.

"Emily's advice was helpful, concise, and crucially it was provided quickly when we were under extreme time pressure." "She was absolutely fantastic within a highly sensitive matter for a big client."
Chambers & Partners, 2022 and named "Associate to Watch"