

Solicitor apprentice insight: Employment Seat

October 2020

Patrick Simpson joined RIAA Baker Gillette's employment team in September 2019 coinciding with the third year of his six-year solicitor apprenticeship.

Fast forward to today and having completed a year within the department and passed his third-year exams, Patrick conveys a flavour of his time as part of the employment team and his newly found appreciation of just how inescapably pervasive employment law is, whether you are the employer or the employee.

Typical day (no such thing!)

Whilst I have become efficient at the administrative duties that form part of my role and have further honed my legal research skills, I also have the privilege of dealing directly with clients across a wide and varied caseload. The mixture of both contentious and non-contentious work means an ever changing and engaging working day with no two days ever being the same.

As my exposure and experience has grown, and with it my legal knowledge, I am now confident to take initial enquiries from prospective clients. My legal knowledge has increased and developed through my experience of dealing with common issues, legal research and support and guidance from partner and head of employment, [Karen Cole](#).

Other typical tasks include drafting and amending employer and employee settlement agreements, employment contracts and staff handbooks, supporting clients in making a grievance or responding to a grievance, assisting clients with the [ACAS](#) process and, more often than you would think, claims in the Employment Tribunal ([ET](#)), the final forum for employment disputes. I have had the opportunity to attend several live hearings at the ET, including a 10-day

trial, and I look forward to attending future hearings and seeing more positive outcomes for our clients.

Both sides of the fence

It is clear to me now that whether we act for an employer or an employee the prevailing principle remains the same - as soon as an employment relationship is established overlook employment law at your peril. The legislation exists to provide a framework for how this relationship should be regulated and, if needs be, enforced by either party.

Pre-emptive action is always more favourable than simply reacting to an issue. Employment law should not be seen as a tool used by either party to the detriment of the other but instead to improve the working environment for all employees which will, for those businesses who get it right, foster positive, long term mutual relationships with a motivated and more productive workforce. There is no hiding from the fact that employment law is an ever-changing area of law which employers must ensure they keep up to date with and regularly review their business' practices, protocols and documentation.

Whilst much of my experience so far has been with employer clients, I have assisted many employees who have successfully challenged unfair and unlawful behaviour by utilising employment legislation and our legal advice.

Law is a vast area, evidenced by the number of specialist practice areas which have developed over time. Employment law is one such area which is home to intrinsically complex areas of law. With the benefit of objective legal advice clients can evade a potentially disastrous outcome and often, subject to the merits of the

case, we advise clients to reach an early agreement and in so doing avoid the inherent costs and risks of litigation.

Our job is to set aside any emotional or moral viewpoint and to focus on the facts of the case and the relevant law. With this approach, clients do not always want to heed our advice, but it is our job as lawyers to have these difficult conversations early on and to offer our clients a realistic and practical way forward. Having regard for both the law and balancing the risk and costs associated with litigation sometimes means the best path forward is a commercial one even if it offends a client's moral compass.

In the time I have been with the department, it has surprised me how common it is, for even a seemingly well established and organised business, to fall foul of its obligations under employment legislation. Frequent examples include failures to properly comply with their GDPR obligations, unlawful treatment of staff such as an unfair redundancy process and changes to terms of employment.

I commend those employers who have robust employment documentation and practices in place and those who instruct us to address and remedy any shortcomings before any issues arise. It is these clients who are best suited to protect themselves from future claims by disgruntled employees, whilst at the same time ensuring that they promote a safe, positive working environment where employees can flourish in their roles.

I have seen disputes, which could have been prevented by having compliant documents, policies and practices in place, take a considerable amount of management time to resolve - even when the employer has strong grounds to defend a claim. Should a case go to tribunal, the legal fees can be vast and are typically not recoverable.

Mentoring and training

I have been greatly assisted by everyone in the department, but none more so than by Karen Cole whose daily support and training has allowed me to continue developing my legal knowledge from a practical, client focussed perspective. Karen has exposed me to genuine client work and real-life legal issues.

I continue to appreciate the practical application of employment law theory found in legal textbooks, but feel I am better equipped to translate that theory into real life client situations thanks to Karen. Karen has set me a variety of targets and tasks which have increased and sustained my confidence and output. Knowing what I need to do next and being comfortable to ask for help makes for an enjoyable day and empowers me to best manage my time effectively. A vital skill for a successful lawyer.

The future

Suffice to say I have thoroughly enjoyed my seat in the employment department so far, and whilst it must come to an end on my next rotation in 2021, I look forward to continuing my role within the department and being an integral part of the team and celebrating the many positive outcomes we achieve on behalf of our clients. I also welcome the challenge of getting to know new clients who, if you are still reading at this point, will instruct us and take the necessary pre-emptive action to protect your business and your staff.

Speak to employment partner, [Karen Cole](#), today to review your employment documents, provide essential advice to ensure your compliance with the [CJRS/JSS](#) scheme rules and assist with any proposed redundancy process.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.

