

## Day 1: 10 November 2021

Time	Session
9.15	Get to Know Us: Familiarise yourself with the functions of our online event to ensure you maximise return on your investment. <b>Scott Alexander, Head of Learning &amp; Development, Legal Island</b> , welcomes delegates to our 2021 event.
9.30	Introduction and Welcome: <b>Seònaid Ó Murchadha, Disability Employment Specialist, and Becky Jones, In-House Global Employment Counsel at Citco</b> , discuss the options for you to look forward to on the first day of our conference.
9.40	<p><b>Review of the Year (Part 1 – 2021 – Looking Back) with Mark McAllister, Director of Employment Relations Services, LRA</b></p> <p>This has been a massive year, another where employers have continued to have had changes forced upon them due to Covid-19. But so much more has happened and Mark McAllister is here, as ever, to give his assessment of what's important for Northern Ireland's workplaces.</p> <p>Mark delivers his annual round-up of the key employment law developments in 2021 not covered elsewhere in detail in this programme and sets out the trends that have emerged since November last year. This year his review Part 1 includes:</p> <ul style="list-style-type: none"> <li>• The LRA Guide to Workplace Vaccination Policies</li> <li>• WFH and Remote Working</li> <li>• Health and Safety Detriments – Now Applying to All Workers: What Does this Mean for Employers Post-Lockdown?</li> <li>• Joint Equality Commission, the LRA and ICTU Guidance on Menopause as a Workplace Issue</li> </ul>

	<ul style="list-style-type: none"> <li>• Kelly v PGA European Tour: the Law on Reengagement of Employees</li> <li>• Royal Mail v Efofi – aura the Burden of Proof in Discrimination Cases</li> </ul> <p><b>NOTE:</b> The contents of this session may change to reflect what have been the most important and latest developments at November 2021. <b>Part 2 of Mark’s review of the year closes this conference and looks forward to what you should expect to happen in 2022.</b></p>	
10.20	Q&A with <b>Mark McAllister</b> – Mark answers queries from the audience.	
10.30	Networking and Refreshment Break	
11.10	<p><b>Brexit and the Irish Protocol: The Impact on Employment Rights.</b> NI’s unique position in relation to Brexit means that we have to follow certain EU rules. The Common Travel Area means that UK and Irish citizens can travel and work freely between the jurisdictions. The border on this island means there are other rules in relation to frontier workers. And the Irish government continues to progress employment law reforms, such as gender pay gap reporting, a new code on the right to disconnect, a remote working strategy and research into a four-day working week for employees that will impact on any employer with employees south of the border. <b>Ciara Fulton, Partner, Lewis Silkin NI LLP</b> explains the EU-led laws that continue to apply in Northern Ireland and highlights recent employment developments in the Republic that</p>	<p><b>Workplace Domestic Violence Policy:</b> The PSNI responds to a domestic abuse call every 17 minutes. That works out about 600 a week, or 30,000+ per annum. Not many employers in Northern Ireland will have no staff untouched by this issue, whether they are the victim, perpetrator or collateral damage. In 2020 the CIPD and EHRC in GB produced guidance for employers on domestic violence. Domestic violence workplace policies provide practical measures to help and support those who are suffering domestic violence abuse. Special paid leave, access to confidential counselling services, flexible working arrangements, information, and simply having this subject matter as training for all staff are among the main practical support mechanisms outlined in workplace domestic violence policies. <b>Susan Walker, Business Engagement Manager at Allstate NI, and Jacqui</b></p>

	<p>could also, at the very least, prove attractive to potential employees currently based on this side of the border.</p>	<p><b>Kennedy, Director of HR and Organisational Development, Belfast HSCT</b>, explain why their organisations felt the need to develop a workplace domestic violence policy, the practical considerations of such a policy, and why other employers are likely to follow suit.</p>
<p>11.40</p>	<p>Q&amp;A with <b>Ciara Fulton</b></p>	<p>Q&amp;A with <b>Susan Walker</b> and <b>Jacqui Kennedy</b></p>
<p>11.55</p>	<p>Networking and Comfort Break – Send in your questions for the roundtable discussions</p>	
<p>12.05</p>	<p><b>Panel Discussion: Philosophically Speaking, You’re Sacked.</b> Recent years have seen a plethora of cases regarding employees voicing their personal opinions, either online or in the workplace. Often, stating those views led to dismissal. We’ve had employees arguing their contract was not renewed because they argued a person’s sex was immutable; we’ve seen an employee sacked by Sainsbury’s after she joked about BLM in relation to a cartoon rabbit character named Bing; and we’ve seen an employee argue he was dismissed because of his ethical veganism, which the tribunal found is a protected characteristic. In NI, we had our own famous ‘gay cake’ case, which involved conflicting religious belief and protected characteristics and led to many an interesting workplace discussion.</p>	<p><b>Panel Discussion: Necessary Workplace Conversations: Pregnancy Loss and Other Sources of Grief.</b> We all go through grief at some time in our lives, which means there is a pretty good chance that you will have to have a conversation with your colleagues about their grieving process or yours. These conversations are better described as necessary, rather than difficult, and, handled well, can be positive for both parties. Top coach and trainer, <b>Michelle Halloran of HRM Services</b>, leads this emotional and uplifting panel session.</p> <p>The panel includes <b>Jayne Gallagher, Managing Director of Legal Island</b>, who discusses how she coped with a miscarriage and return to the office; and <b>Olga Pollock, HR Manager at firmus energy</b>, who was numb when her</p>

	<p>Yet we are constantly encouraged to bring our whole selves to work. Is it safe to do so? Can we really be ourselves at work, if saying the wrong thing is likely to lead to dismissal after someone takes offence? On the other hand, how can we break down barriers, increase understanding, and build engagement if we're not willing to let people make mistakes or use the 'wrong' words about culturally sensitive subjects?</p> <p>This panel discussion is led by <b>Emer Hinphey, Managing Partner, Think People</b>, and includes <b>Mary Kitson, Equality Commission for NI, Paul Gillen, Partner, Pinsent Masons LLP and Peter Daly, Partner, Doyle Clayton</b></p>	<p>mother died in May 2020, but now better understands the importance of kindness.</p>
1.00	Lunch and Networking	
2.00	Welcome Back and Summary. Introduction to Afternoon Sessions	
2.05	<p><b>The Legal Aspects of Hybrid Working and How to Minimise Employer's Liability.</b> Hybrid working seems such an obvious choice to many of us. It provides a good work-life balance, combining the benefits of homeworking and office – fewer commutes and more time with family, together with opportunities to interact creatively with colleagues and clients. Many of us will have worked at least occasionally from home before the</p>	<p><b>Understanding Long Covid: An Employer's Response:</b> We all know that Covid-19 is a pernicious, sometimes a seemingly arbitrary illness, which caused little problem for many but killed others. In between those extremes, it has left us with an enormous cohort of people with long covid. Indeed, failure of employers to act to assist employees with long covid is likely to be in breach of employment equality and other legislation. Long covid symptoms vary</p>

	<p>pandemic, with the lockdown and other restrictions making it a more frequent occurrence. What's not to love? Well, it can help create a two-tier workforce. It can lead to legal obligations in relation to equality matters. It brings health and safety duties, complicates responsibilities under the Working Time Regulations and generally messes with employment contracts and places of work. Then you have to consider insurance issues, data protection breaches, performance management and the right to disconnect. Apart from that, it's great! <b>Gareth Walls, Partner, A&amp;L Goodbody</b> explains how to minimise the legal risks arising out of a policy of regular hybrid working.</p>	<p>from extreme fatigue to insomnia, chest pains to dizziness, tinnitus to depression. Occupational Health Specialist and registered occupational health-chartered physiotherapist, <b>Stuart Nottingham, Director, Sun Rehabilitation</b>, explains the impact of long covid on people, their working lives and what employers and colleagues can do to help employees with long covid.</p>
2.35	<p>Networking &amp; Comfort Break – Send in Your Questions</p>	
2.45	<p><b>Contractors v Employees Gig Economy and Worker Status.</b> This last year has seen several important cases on employment status, as well as the introduction of controls on the abuse of self-employed status under the introduction of IR35 changes. Cases such as <i>National Union of Professional Foster Carers v The Certification Officers</i>; <i>Addison Lee v Lange</i> and, of course, <i>Uber v Aslam</i> have transformed our understanding of who is an employee, a worker or legitimately self-employed across more than just the gig economy. <b>Adrienne Brock, Managing Partner &amp; Head of Employment, Elliott Duffy Garrett.</b> explains an employer's options when</p>	<p><b>How Far Are We Falling Behind? Understanding the Growing Gulf Between NI and GB Employment Laws:</b> The hiatus at Stormont meant that little employment legislation has been introduced in NI in the past 3 years – our laws are largely driven by case law. Indeed, settlement of the 'Agnew v PSNI' cases means that the law on holiday pay calculation in NI is very different to that in GB. Other jurisdictions haven't stopped developing employment legislation, however, and big differences are appearing on several fronts. In this session, <b>Adam Brett, Partner, Lewis Silkin NI LLP</b>, sets out the key differences between recent employment law changes in GB compared to where</p>

	'recruiting' staff or allocating work to designated non-employees.	we are at in NI. Notes include our exclusive table of comparative employment laws.
3.15	Q&A with <b>Gareth Walls &amp; Adrienne Brock</b>	Q&A with <b>Stuart Nottingham &amp; Adam Brett</b>
3.30	<b>Managing Workplace Disputes - with Christine Swail.</b> We asked our audience what HR matter they would most like to discuss at this year's annual review and the top issue was how to handle workplace disputes. What could we do but ask expert mediator and investigator <b>Christine Swail of People Management Solutions</b> to set out a series of inter-employee disputes sent in by our delegates and the best options for dealing with each? Christine provides delegates with her incredibly useful and relevant templates.	<b>Employee Data Subject Access Requests: Updated ICO Guidance.</b> HR professionals regularly face DSARs, often from employees contemplating tribunal proceedings - requests often include numerous data sources and mailboxes that can run to thousands of documents. The ICO published new detailed guidance on responding to DSARs in October 2020. <b>Laura Gillespie, Partner, Pinsent Masons LLP,</b> will discuss her experience in common issues and pitfalls when handling DSARs, as well as the key recommendations from the ICO guidance.
4.00	Q&A with <b>Christine Swail</b>	Q&A with <b>Laura Gillespie</b>
4.10	Summary and Close	
4.15	First Day of Conference Closes	

Day 2: 11 November 2021

Time	Session
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9.15	<b>Welcome back:</b> To ensure you maximise return on your investment, <b>Scott Alexander, Head of Learning &amp; Development, Legal Island</b> , discusses key lessons from yesterday's sessions.
9.30	<b>Introduction and Welcome: Becky Jones, In-House Global Employment Counsel at Citco, and Sam Davidson, Chair, CBI NI People and Skills Network and Group Human Resource Director, Henderson Group</b> , discuss the options for you to look forward to on the second day of our conference.
9.40	<p><b>The NI Ireland Case Review 2021 and Key Next Steps.</b> It's been a strange year for NI employment cases. For the bulk of the months between our last November review and May 2021, very few substantive NI tribunal decisions were published. Recent months have seen the flow increase substantially and we now have a good idea about cases being dealt with remotely by NI employment tribunals. <b>Jason Elliott BL</b> sets out the main developments in cases such as these:</p> <ul style="list-style-type: none"> <li>• Barrett &amp; Robinson v RMB Robinson &amp; Mornin Bookbinders Ltd [2021] - Reasonableness of dismissal</li> <li>• Taylor-Sterling v Logan Wellbeing and Medical [2021] - inadmissible statements</li> <li>• Harbinson v Hovis Ltd [2021] - Recurring absences and direct disability discrimination</li> <li>• McKendry v Sammy Mellon and Sons Ltd [2021] Without prejudice communications and re-labelling of claims</li> <li>• McKearney v Arthur Cox [2021] - Time limits and amendments to original claim</li> <li>• Sinclair v Turnbull t/a Downpatrick Service Station [2021] - Preparation Time Orders</li> <li>• Synott v A Patterson Company Ltd [2021] - Dismissal of an employee by way of WhatsApp</li> <li>• McEldowney v Radox Farming Ltd t/a Cherryvalley Farms [2021] - How to set out allegations of theft</li> <li>• Walsh v Chief Constable of the PSNI &amp; Murphy [2021] - Detriment for trade union activities</li> <li>• Rooney v Metro Surveillance Group Ltd [2021] - Deductions from salary and prior written agreements</li> <li>• McCabe v Northern Ireland Public Services Ombudsman [2020] - Dyslexia and reasonable adjustments</li> <li>• Department of Justice v Teresa McGrath [2021] NICA - Equal Pay</li> </ul>

	<p><b>NOTE:</b> Subjects covered in this session may vary from those shown and will focus on the most important NI cases by November.</p>	
10.20	<p><b>Jason Elliott BL</b> Answers Your Questions</p>	
10.30	<p>Networking and Refreshment Break</p>	
11.10	<p><b>Who picks up the tab? Vicarious Liability for Employers in Staff Activities Outside Work.</b> In May, an employee was awarded £22,000 injury to feelings because she had been victimised after making a complaint about a manager. How did this victimisation manifest itself? One of the main points was that she had been excluded from an invitation for 'Pizza Friday' lunchtime gatherings of staff. The employer argued the lunches were “informal and ad hoc”. But the tribunal found that the nickname ‘pizza Friday’ suggested “regularity”. So, as we approach the festive season, when exactly does a staff get together constitute an official gathering that might bring with it employer liability for discrimination? Put another way, how informal must staff outings be before a tribunal will let the employer off the hook? What steps can the employer take to minimise the risk of liability? <b>Louise McAloon, Head of Employment at Worthingtons Solicitors</b> explains by reference to relevant case law within NI and elsewhere.</p>	<p><b>Boosting your Working Parents’ Wellbeing and Resilience</b> - Things might be easing, and schools are back, but working parents have had to bear enormous pressures in the last year and more, particularly with juggling WFH with home schooling. There are still uncertainties as we progress out of lockdowns and, in any case, schools will be out again – why close for snow days when online learning is available? There is a moment now for employers to step up in recognising and supporting working parents as a part of talent retention and inclusion.</p> <p><b>Orla McGarry, Head of People Experience &amp; Employer Brand, Deloitte and Danske Bank’s Caroline van der Feltz, HR Director &amp; Lisa Thompson, Head of People Services,</b> set out tried and tested approaches they used to help support parents juggling multiple responsibilities during the Covid-19 pandemic and outlines what a family-friendly strategy looks like and the positive returns this can have for organisations.</p>

11.40	Q&A with <b>Louise McAloon</b>	Q&A with <b>Orla McGarry, Caroline van der Feltz &amp; Lisa Thompson</b>
11.55	Networking and Comfort Break – Send in your questions for the roundtable discussions	
12.05	<p><b>Roundtable Discussion: How Long is the Working Week? Spoiler Alert – it’s Four Days in Future.</b> In March, <b>Spain</b> looked set to become one of the first countries in the world to trial the four-day working week after the government agreed to launch a modest pilot project for companies interested in the idea. Nicola Sturgeon said <b>Scotland</b> would adopt a national four day working week if the SNP won the May elections. They did. In June, a new pilot programme for employers to test the effectiveness of a four-day working week for staff with no loss of pay was launched in <b>Ireland</b>. In July, a four-day week trial was described as an “overwhelming success” and now 86% of Iceland's workforce have either moved to shorter hours for the same pay or will gain the right to do so.</p> <p>Research suggests that a four-day week (where employees continue to receive full-time wages for reduced hours) results in greater productivity. Why should this be? It seems to be linked to better work-life</p>	<p><b>Roundtable Discussion: Transitioning to a hybrid model - How to navigate complexities, make and communicate decisions and arrive at the right destination...</b> Seismic change in the design of work is already underway. The <i>when, where and how</i> work is completed is a critical question. As organisations have moved out of the Covid bubble, key decisions have been made. What is the work design plan? How do we navigate through this? How and when do we engage with employees? If remote working is to be part of organisational life, how will this be communicated and implemented? If a hybrid work model is the preferred option, how many days will employees attend the office and/or work remotely? These and other questions are answered by our panel, led by <b>Kevin Empey, Founder and Managing Director of WorkMatters.</b></p> <p>Panellists include <b>Sarah Balmforth, HR Director at Hughes Insurance</b>, whose organisation closed all but one office during the pandemic, <b>Jill Michael, Talent Manager at A&amp;L Goodbody</b>, whose firm has been largely working</p>

	<p>balance and a desire to complete tasks on time and get out of work to enjoy the extended leisure time. <b>Joe O'Connor, Chairperson of Four Day Week Ireland,</b> leads this panel discussion on what appears to be an idea whose time has come. Not for you? You might not be saying that when all your competitors start poaching your best staff who want to work only four days a week and have a better work-life balance.</p> <p>Panel members include <b>Margaret Cox, Owner &amp; Director of ICE Group, Michelle Murphy, Head of Operations and HR, JMK Solicitors,</b> one of the first employers in NI to commit to and implement a <i>four-day week</i> for all employees; and <b>Christine Crawford Senior HR Consultant at Willis,</b> management consultant who has seen a growing interest in a four-day week from both clients and their staff.</p>	<p>remotely throughout the pandemic and now transitioning to a hybrid working model; and <b>Gordon Milligan, Chair of the LRA and Deputy Group CEO at Translink and Chair IoD Northern Ireland.</b></p>
1.00	Lunch and Networking	
2.00	Welcome Back and Summary. Introduction to Afternoon Sessions	
2.05	<p><b>Long Term Absence and the Law:</b> Dealing with absence is a perennial problem for HR departments and employers. There is a fair amount of evidence that short-term absences dropped during lockdown and working from home. Wearing masks and social</p>	<p><b>Right to Work Checks and Lawful Employment Requirements in 2021 (and beyond).</b> The end of free movement for EEA and Swiss citizens mandates substantial changes to immigration compliance processes across the whole of the UK. Prior to June 2021 most</p>

	<p>distancing has helped reduce the spread of colds and flu etc. But, with an estimated one million people in the UK suffering from long covid, coupled with delays in employees seeing doctors or receiving treatment for all kind of ailments, dealing with long-term absences has become a major concern for employers. In this session, <b>Seamus McGranaghan, Director, O'Reilly Stewart Solicitors</b>, sets out a checklist of issues that must be considered and steps employers will be expected by a tribunal to take if any subsequent dismissal for long term absence challenged by an employee.</p>	<p>employers in NI worried little about employment checks. Now a large number of new hires will, for the first time, be required to demonstrate they hold permission to work in the UK. Some existing employees may lose the right to work in the UK if they failed to register for settled or pre-settled status. The move towards an electronic system of issuing permission to work means that use of UK Visas and Immigration's online checking system has now become essential.</p> <p>In this session, <b>Lisa Bryson, Partner, Employment &amp; Immigration, Eversheds Sutherland</b>, will provide an insight into strategic and practical issues that HR professionals in NI need to consider when reviewing immigration processes and creating a system that is compliant with the new requirements; and will provide a step-by-step overview of making a manual and online right to work check using the Employer Checking Service.</p>
2.35	Q&A with <b>Seamus McGranaghan</b>	Q&A with <b>Lisa Bryson</b>
2.45	Networking & Comfort Break	
3.00	<p><b>Review of the Year (Part 2 – Looking Forward to 2022) with Mark McAllister, Director of Employment Relations Services, LRA</b></p> <p>In his second lecture of the event, Mark considers the likely employment law developments that we'll see in 2022 and what we can do now to mitigate risk and maximise opportunities. We don't just look at the bad stuff – there are some positives out there, if you care to look with Mark.</p>	

	<ul style="list-style-type: none"><li>• Working Time: A Summary of Developments, from Holiday Entitlements to Sleepovers.</li><li>• Health &amp; Social Care Sector: New Duty of Candour &amp; Being Open</li><li>• Understanding Kostal v Dunkley – the Law on Making Direct Offers to Employees in Unionised Workplaces</li><li>• IR35 and Staying Within the Law on Tax Liability - Common IR35 Mistakes and How HR Teams Can Avoid Them</li><li>• Impact of the Dedicated Mechanism Unit and pending EU reforms</li></ul> <p><b>NOTE:</b> The contents of this session may change to reflect the most important and latest developments that are expected for 2022 at November 2021 and that are not covered elsewhere in detail at this event.</p>
3.45	Q&A with <b>Mark McAllister</b>
3.55	Summary and Close
4.00	Conference Closes