

CoreNet

One Big Day 2014

*Managing Change and
Maintaining Flexibility*

Presented by

Jane Fox-Edwards – Consultant, Head of Real Estate Litigation

Wednesday 26 February 2014

The Legal Insight

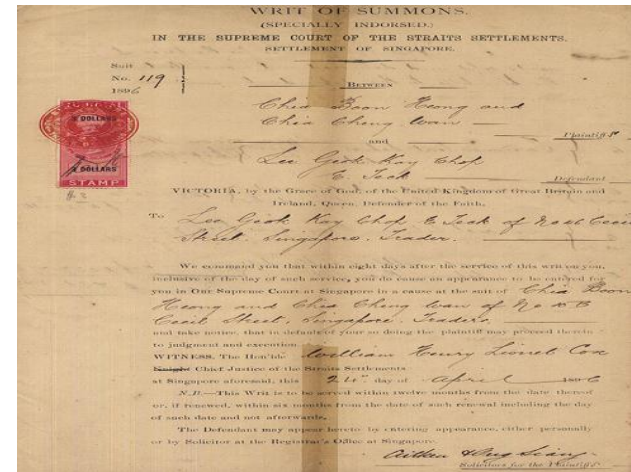
➤ The Workplace



➤ The Workforce



➤ The Workplace



The four legal aids to flexibility

- Alienation rights
- Alteration rights
- Break rights
- 1954 Act rights



Top tips for getting landlord's consent

- Starting point – the contract
- Statutory intervention – beware absolute pre-conditions
- What is reasonable?
- Altering the Landlord's risk
- Structural alterations – remember s3 of Landlord & Tenant Act 1927

Breaking up is hard to do

- Is it really operable?
 - pre-conditions
 - sub-tenants
- Getting the notice right
- Case law update.....watch this space
 - *M&S v BNP Paribas (2013)*
 - *Siemens Hearing Instruments v Friends Life (2013)*



1954 Act rights

➤ No Certainty

but

➤ Flexibility

➤ Negotiating Position

➤ on re-gear

➤ on dilapidations



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Presented by

Louise Skinner – Counsel, Litigation Employment

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A flexible workforce allows an organisation to adapt quickly to change

Fuel

- Flexible contractual arrangements
- Technology
- Atypical workers

Brakes

- Inflexible workforce
- Physical buildings/unsuitable property

Mechanics

- Changing terms and conditions
- Restructuring
- Outsourcing

Real estate can be catalyst for change

Brakes

- Full-time workforce on traditional 9-5 contracts
- Little contractual flexibility
- Long notice periods
- No probationary periods
- Flexible working requests rarely requested or agreed

INFLEXIBLE

WORKFORCE



Makes it very difficult to adapt quickly to change

Change in direction

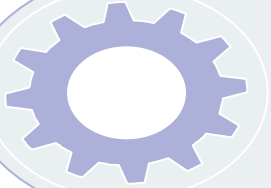
Consultation

Consent

Dismissal and re-engagement

Fuel

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Contractual flexibility

- Mobility clauses
- Broad remit job descriptions
- Probationary periods

Atypical workers

- Promote creative flexible working arrangements to suit business needs
- Zero-hours contracts and seasonal workers
- Offer career breaks




Technology

- BYOD
- Mobile devices
- Social media – can this be exploited
- Third space working

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Communication

- Clear guidelines
- Dialogue
- Employee forum

Security and supervision

- Policies
- Constant review
- Trial periods

Mechanics

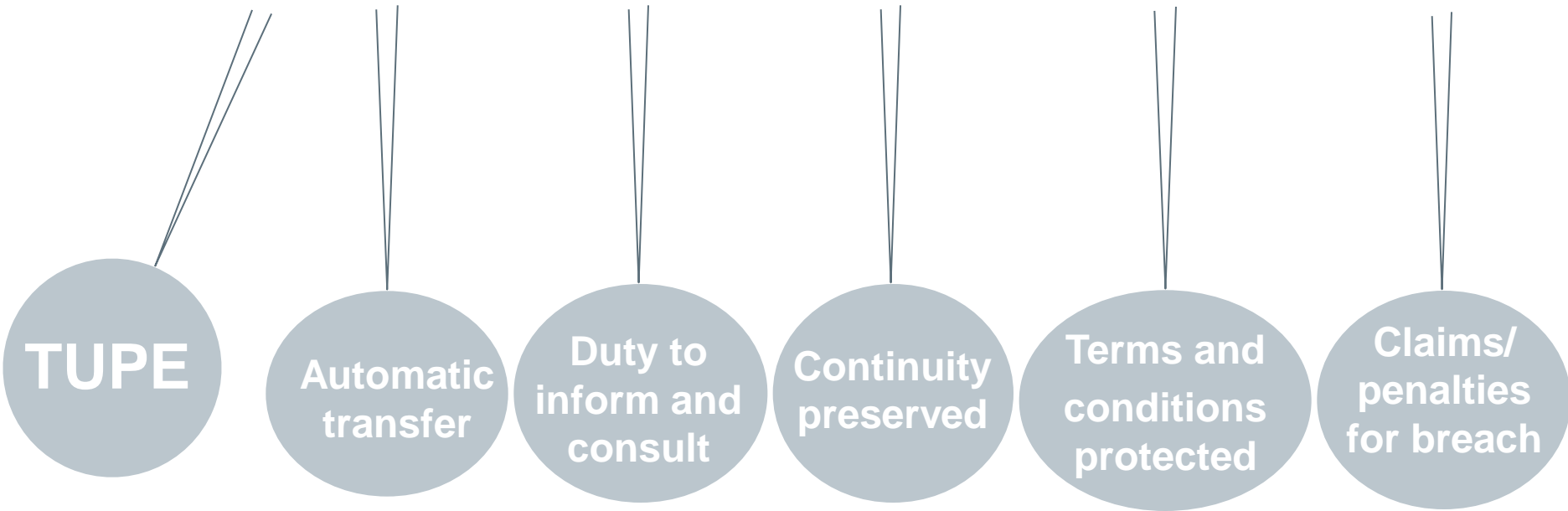
Business acquisitions
Inherit employees



Outsourcing
Deconstruct the business
Create space

TUPE
Protect employee's rights

The effect of TUPE



Questions?

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