

## Cyril Adjei

CALL: 1995

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### Overview

Cyril joined Old Square Chambers in 2016 and previously practised at Five Paper, where he was head of the employment team. He practices exclusively in the following areas:

- Employment
- Health and safety
- Professional regulatory and disciplinary

He is regarded as a persuasive and approachable advocate and is qualified to accept instructions directly from members of the public.

He is a member of the following professional associations:

- Employment Lawyers Association
- Employment Law Bar Association
- London Common Law and Commercial Bar Association

#### Publications of note include:

- *Closing the gap: how to demand fair pay*, Marie Claire 28.3.18
- *Health and safety notices: appeals* – Westlaw Insight July 2014
- *Employment Appeal Tribunal: Costs* – Westlaw Insight June 2014
- *Out of Character: Disability discrimination comparators* – New Law Journal (2010) Vol.160 No.7434 pp1281-
- *Human Rights Theory and the Bill of Rights Debate* (58) Modern Law Review, 17
- *The Comparative Perspective and the Protection of Human Rights à la Française* (17) Oxford Journal of Legal Studies, 281

Cyril is a graduate of the London School of Economics (LLB), Cambridge University (LLM) and the European University Institute in Florence (PhD). He was awarded an Inner Temple Major Scholarship and a Duke of Edinburgh Entrance Award. He also speaks French and Italian.

### Employment & Discrimination

He has expertise in the full range of traditional employment law areas, but his practice has a particular emphasis on discrimination, whistleblowing and restraint of trade. He is instructed by a broad range of private and public sector clients, particularly in the logistics, health and education sectors.

#### Notable recent work:

- *R (Independent Workers' Union of Great Britain) v Secretary of State for Work and Pensions and another*; [2021] ICR 372; [2021] IRLR 102; [2021] ACD 13; *HC (Admin)* – health and safety at work – provision of protections against health and safety detriment & PPE during Covid-19 pandemic – gig economy workers – conformity of domestic law to EU law;
- *Anthony v Dyson Ltd* [2019] UKEAT0080/19/1306, EAT – Johnson exclusion zone & Micklefield exception;
- *Kuteh v Dartford & Gravesham NHS Trust* [2019] IRLR 716, CA – unfair dismissal – human rights – religious freedom;
- *Watson v London Metropolitan University* [2015] All ER (D) 257 (Jan) EAT – trade union detriment;

### Expertise

- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- Insurance
- Professional Regulatory & Discipline
- Public Law

### Recommendations

At Old Square Chambers “barristers are approachable, reasonable and practical, with those same qualities being instilled in the clerks.” Old Square Chambers houses “true experts in employment law,” who are “quite simply brilliant.” Chambers & Partners

### Key contacts

#### Samantha Jones (Maternity leave)

**Deputy Senior Clerk**

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#### Louis Lockwood

**Senior Team Leader**

**Phone:** 02072690329

**Email:** [lockwood@oldsquare.co.uk](mailto:lockwood@oldsquare.co.uk)

#### Jordan Bater

**Team Leader Assistant**

**Phone:** 020 7269 0491

**Email:** [bater@oldsquare.co.uk](mailto:bater@oldsquare.co.uk)

- *Warner v Armfield Retail & Leisure [2014] ICR 239, [2014] Eq.L.R. 122, EAT* - disability discrimination and frustration;
- *Ishaq v London Borough of Ealing [2014] Eq Opp Rev 245:23, ET* - race discrimination - recommendations;
- *Andorful v London Borough of Hammersmith & Fulham [2012] UKEAT 0410/11/1104* - race discrimination - immigration - right to work - costs;
- *Slade & others v TNT UK Limited [2011] UKEAT 0113/11/1309, EAT* - unfair dismissal - variation of contract;
- *Okoro & Okenwa v Taylor Woodrow & ors [2010] UKEAT 0318/10/0612, EAT* - contract workers - race discrimination - continuing acts;
- *Condor Marine Crewing Services Limited v Diggins [2010] ICR 213, [2010] IRLR 119, CA* - unfair dismissal - working abroad - mariners;
- *Diggins v Condor Marine Crewing Services Limited [2009] ICR 609, EAT* - unfair dismissal - working abroad - mariners.

## Professional Regulatory & Discipline

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Cyril also has extensive experience of appeals against Care Quality Commission decisions regarding health care providers and professionals that are heard in the first instance in the First-Tier Tribunal.

He has been instructed in emergency applications to cancel the registration of health care providers' licences, which are heard in the Magistrates' Court.

Cyril also represents teaching professionals before the National College for Teaching and Leadership, medical professionals and academics in internal disciplinary proceedings, and nurses before the Nursing and Midwifery Council.

### Notable recent work

- *Beyene v Care Quality Commission [2018] UKFTT 35 (HESC) 2nd July 2018* - registration as manager - care home;
- *Adastra Treatment Centre Ltd v Care Quality Commission [2017] UKFTT 266 (HESC) 5th April 2017* - cancellation of registration - drug addiction clinic;
- *Raja v Care Quality Commission [2016] UKFTT (HESC) 25th March 2016* - imposition of condition on registration - care home;
- *Audreson (Mindsets Foundation) v Care Quality Commission [2016] UKFTT (HESC) 17th February 2016* - cancellation of registration - drug addiction clinic;
- *Oulton Medical Practice v Care Quality Commission [2015] UKFTT (HESC) 7th December 2015* - cancellation of registration - GP medical practice.

## Health, Safety & Environment

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For over 15 years, Cyril has been instructed in appeals against Health and Safety Executive enforcement notices, which are heard in the first instance in employment tribunals. He has acted for the HSE and duty-holders and has been appointed to the List of Specialist Regulatory Advocates in Health and Safety and Environmental Law (List A) specifically to conduct this specialist work for the HSE. Cyril has also been instructed to act for the Office of Rail and Road (formerly the Office of Rail Regulation).

As a result of this work, Cyril has a wide breadth of experience of health and safety regulation, including: construction, work at height, asbestos, waste management, specified animal pathogens, fire safety, agriculture, diving, oil rigs and pipelines, mines and traffic routes.

### Notable recent work:

- *R (Independent Workers' Union of Great Britain) v Secretary of State for Work and Pensions and another; [2021] ICR 372; [2021] IRLR 102; [2021] ACD 13; HC (Admin)* - health and safety at work - provision of protections against health and safety detriment & PPE during Covid-19 pandemic - gig economy workers - conformity of domestic law to EU law;
- *GD Precision Engineering Ltd v Dixon (HM Inspector of Health & Safety) [2021] 2602791/18, ET* - Failure to guard - milling machines - Provision and Use of Work Equipment Regulations 1988;
- *Amber Construction Ltd v HSE [2019] 3201454/19, ET* - high rise cladding- cancellation of notices - costs;
- *Hellfire Entertainment Ltd v Hutton (HM Inspector of Health & Safety) [2019] 1810086/18, ET* - asbestos;
- *Homebase Ltd v Baker (HM Inspector of Health & Safety) [2018] 160141/15, ET* - work at height - client's duties;
- *TNT UK Ltd v Agha (HM Inspector of Health & Safety) [2017] 2300868/16, ET* - traffic routes - reasonableness of investigation;
- *TMF Dordon Ltd v Nayar (HM Inspector of Health & Safety) [2017]*

13033287/16, ET — work at height;

- *Wilcox (HM Inspector of Health & Safety) v Survey Roofing Group Ltd* [2016] All ER (D) 119 (Apr), HC (Admin) — prohibition notice — approach on appeal — work at height;
- *MWH UK Limited v Victoria Wise (HM Inspector of Health of Safety)* [2014] A.C.D. 96, [2014] All ER (D) 104 (Mar) HC (Admin) — power to modify a notice — construction — asbestos.

Cyril regularly provides training and publishes in this area:

- Health and safety notices: appeals — Westlaw Insight July 2014
- How to Appeal Against a Health and Safety Notice — MBL seminars

## HR Support

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Cyril has many years' experience drafting contracts of employment (including service agreements), workplace policies, staff handbooks and settlement agreements. In addition, he regularly reviews and advises on these.

Cyril has also been instructed to conduct workplace mediations, as well as internal disciplinary and grievance investigations.

He has acted for a range of clients, including dental practices, schools, colleges of further education, motor dealerships and IT consultancies. Much of this work has come directly from the public under the Public Access Scheme.

## Recent and current work

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### Employment & Discrimination

- *R (Independent Workers' Union of Great Britain) v Secretary of State for Work and Pensions and another*; [2021] ICR 372; [2021] IRLR 102; [2021] ACD 13; HC (Admin) - health and safety at work — provision of protections against health and safety detriment & PPE during Covid-19 pandemic — gig economy workers — conformity of domestic law to EU law;
- *Anthony v Dyson Ltd* [2019] UKEAT0080/19/1306, EAT — Johnson exclusion zone & Micklefield exception;
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- *Watson v London Metropolitan University* [2015] All ER (D) 257 (Jan) EAT — trade union detriment;
- *Warner v Armfield Retail & Leisure* [2014] ICR 239, [2014] Eq.L.R. 122, EAT — disability discrimination and frustration.

### Health and Safety

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- *TNT UK Ltd v Agha (HM Inspector of Health & Safety)* [2017] 2300868/16, ET - traffic routes - reasonableness of investigation;
- *TMF Dordon Ltd v Nayar (HM Inspector of Health & Safety)* [2017] 13033287/16, ET — work at height;
- *Wilcox (HM Inspector of Health & Safety) v Survey Roofing Group Ltd* [2016] All ER (D) 119 (Apr), HC (Admin) — prohibition notice — approach on appeal — work at height;
- *MWH UK Limited v Victoria Wise (HM Inspector of Health of Safety)* [2014] A.C.D. 96, [2014] All ER (D) 104 (Mar) HC (Admin) — power to modify a notice — construction — asbestos.

### Professional Regulatory and Disciplinary

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