Lord (John) Hendy KC

SILK: 1987 | CALL: 1972



Email Clerk: wmeade@oldsquare.co.uk

Telephone Clerk: 020 7269 0360

LinkedIn: https://www.linkedin.com/in/john-hendy-qc-18451518/

Overview

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Lord Hendy KC was called to the Bar in 1972 and after establishing and running a law centre for three years and lecturing for a year, he started practice in 1977 and took silk in 1987. He is, without a doubt, best known for his work in industrial relations and employment law, having appeared in most of the UK's leading collective labour law cases in the last 45 years.

Recent comments in the Directories say:

Chambers & Partners 2021: "He has an unrivalled knowledge of trade union laws and rights, and he has repeatedly put that knowledge to good use when defending workers and their unions." "He has the complete respect of the judiciary and it is no exaggeration to say that he is a giant at the Bar. He is the man for the hardest and most controversial cases which require tremendous courage and intellectual stamina."
Legal 500 2019: "He is a Rolls-Royce amongst the senior echelons of the Bar."
Chambers & Partners 2019: "He is just phenomenal: his cross-examinations are a joy to behold." "A go-to barrister for trade unions and one of the foremost experts in the area of industrial relations."
Legal 500 2018: he "combines exceptional powers of reasoning with compassion and humanity" and "his manner with both clients and the court is exemplary."
Who's Who Legal 2018: he is "unparalleled in all matters of collective labour law" and "a sonorous courtroom presence, which commands respect".

Career

1969 LLB (London University external degree; studied at Ealing Technical College, now part of the University of West London)
1970 Post-graduate Diploma in Law (Queen's, Belfast)
1971 LLM (Queen's, Belfast)
1972 Call to Bar (Gray's Inn)
1972-3 Pupillage
1973-6 Director (full-time), Newham Rights Centre, East London
1976-7 Lecturer (welfare law), Middlesex Polytechnic (now University)
1977 Began practice at the Bar of England and Wales
1987 Appointed Queen's Counsel
1995 Appointed Bencher of Gray's Inn
1998 Admitted to Bar of New South Wales
1999-2008 Head of Old Square Chambers
1999-2005 Visiting Professor, School of Law, Kings College, London
2019 Life peerage, the Lord Hendy KC, of Hayes and Harlington

Positions currently held

Since 2014, John has been an Honorary Professor in the Faculty of Law, University College, London and a member of its Labour Rights Institute. He is also:

A Bencher (retired) of Gray's Inn
Chair of the Institute of Employment Rights
President of the International Centre for Trade Union Rights
A Vice-President of the Campaign for Trade Union Freedom
A Vice-President of the Industrial Law Society
A Vice-President of the Haldane Society
A Fellow of the Royal Society of Medicine
A Fellow of the Society of Advanced Legal Studies
A former senior advocacy trainer, Gray's Inn

Expertise

- Civil Liberties and Human Rights
- Education & Safeguarding
- Employment & Discrimination
- Environment
- Health & Safety & Environmental Law
- Industrial Relations & Employment
- Inquests & Public Inquiries
- Insurance
- Public Law

Recommendations

"A man who knows collective labour law inside out. He is able to charm a court." The Legal 500 2025

"Lord Hendy is one of the most respected advocates in trade union law." Chambers & Partners 2025

"He is one of the outstanding employment lawyers of this, or any other, generation." Chambers & Partners 2024

"A giant in the field of industrial relations law." The Legal 500 2024

Key contacts

William Meade

Senior Clerk

Phone: 020 7269 0360
Email: wmeade@oldsquare.co.uk

Olivia Moliterno

Senior Team Leader

Phone: 020 7269 0477
Email: moliterno@oldsquare.co.uk

Manisha Agheda

Team Leader Assistant

Phone: 020 7269 0482
Email: agheda@oldsquare.co.uk

A consultant to the International Trade Union Confederation in Brussels

Other relevant memberships

Employment Lawyers Association
Employment Law Bar Association (Chair, 2003-5)
Human Rights Lawyers' Association
Industrial Law Society
New South Wales Bar Association
South Eastern Circuit

He was an advisor to the Shadow Secretary of State for Employment Rights, Laura Pidcock MP, 2018-2019; Rachael Maskell MP, 2019-2020; Andy MacDonald MP, 2020-2021.
A writer and frequent speaker on trade union rights issues, in July 2012, John was honoured to address the Durham Miners' Gala to an audience of 80,000. He has twice addressed the Annual Conference of the Industrial Law Society and frequently spoken at their evening meetings and at meetings of the Employment Law Bar Association.

To download a full CV, please click ***here***.

Industrial Relations & Employment

Court of Justice of the European Union

(1) ***Allen v Amco*** [2000] ICR 436; 1 CMLR 1; IRLR 119 (ECJ) – Transfer of undertaking

European Court of Human Rights

(1) ***UNISON v UK*** [2002] IRLR 497 – right to strike – Article 11

(2) ***Wilson, Palmer etc v UK*** (2002) 35 EHRR 20; [2002] IRLR 568; 13 BHRC 39 – right to trade union representation – Article 11

(3) ***ASLEF v UK*** [2007] I.R.L.R. 361; (2007) 45 EHRR 34; 22 BHRC 140 – trade union freedom, expulsion of fascists – Article 11

(4) ***POA v UK*** (2013) 57 E.H.R.R. SE9; Appn 59253/11, 21 May 2011 – challenge to ban on industrial action in prison service -Article 11

(5) ***Roffey v UK*** (2013) 57 E.H.R.R. SE14; Appn 1278/11, 21 May 2013 – challenge to penalisation by removal of benefits from strikers – Article 11

(6) ***RMT v UK*** [2014] IRLR 467; (2015) 60 EHRR 10; 37 BHRC 145 – right to strike (esp secondary action), legitimacy of restrictions on striking – Article 11

(7) ***UNITE v UK*** (2016) 63 EHRR SE7; [2017] IRLR 438; Appn 65397/13, 26 May 2016 – challenge to abolition of Agricultural Wages Board on grounds of interference with right to collective bargaining – Article 11

(8) ***Brough v UK*** Appn 52962/11, 30 August 2016 – absence of remedy for blacklisting prior to 2010 Regulations – Article 11

(9) ***Svenska Transportarbetareförbundet v Sweden*** Appn 29999/16, 1 December 2016 – challenge to damages for striking and annulment of collective agreement where imposed to conform to EU law – Article 11

(10) ***Smith v UK*** Appn 54357/15, 20 April 2017, [2017] IRLR 771, failure to protect trade union activist from blacklisting – Article 11

(11) ***IWGB v UK*** Appn 18730/16, 8 June 2017 – challenge to exclusion of (representative) union from recognition machinery by reason of voluntary recognition of another (unrepresentative) union – Article 11

(12) ***LO v Norway*** Appn 45487/17 10 June 2021 – challenge to the judgment of the Norwegian Supreme Court in *Holship Norge AS v Norsk Transporterforbund* (2014/2089) which subjected the right to strike and to bargain collectively to the *Viking* and *Laval* doctrine – primarily Article 11

(13) ***Straume v Latvia*** – Appn 59402/14 2 June 2022, https://hudoc.echr.coe.int/eng#%7B%22itemid%22:[%22001-217480%22]%7D discrimination against and dismissal of trade union official carrying out trade union activities – Article 11

Cases pending in the ECtHR

- ***Mattu v UK*** – failure to provide fair trial requirements in disciplinary process leading to dismissal – Article 6

European Committee on Social Rights

- ***Irish Congress of Trade Unions v Ireland*** 123/2016, 12 September 2018 – competition law is not a legitimate bar to collective bargaining by self-employed workers

House of Lords/Supreme Court/ Privy Council

(1) ***Attorney-General v Leveller Magazine Ltd; Attorney-General v National Union of Journalists; Attorney-General v Peace News Ltd*** [1979] AC 440; 1 AER 745 (HL) – Contempt of Court

(2) ***Porter v National Union of Journalists*** [1980] IRLR 404 (HL) – Trade union rules – discipline

(3) ***Duport Steels Ltd. v Sirs*** [1980] I.C.R. 161; 1 AER 529; IRLR 112 (HL) – Trade Dispute – strike in furtherance of – Procuring breach of contract

(4) ***Express Newspapers Ltd. v McShane*** [1980] AC 672; 1 AER 65; IRLR 35 (HL) – Trade Dispute – strike in furtherance of – Procuring breach of contract

(5) ***Castanho v Brown & Root (U.K.) Ltd*** [1981] AC 557; 1 AER 143 (HL) – Personal injuries – Forum conveniens

(6) ***Dimbleby & Sons Ltd v National Union of Journalists*** [1984] ICR 386 (HL) – Trade Dispute – strike in furtherance of – Procuring breach of contract

(7) ***Hughes v Department of Health and Social Security; Coy v Department of Health and Social Security; Jarnell v Department of the Environment*** [1985] AC 776 (HL) – Unfair dismissal – Normal age of retirement

(8) ***British Coal Corpn. v Cheesbrough*** [1990] 2 AC 256; 1 AER 641; IRLR 148 (HL) – Redundancy – Payment calculation

(9) ***Associated Newspapers Ltd. v Wilson; Associated British Ports v Palmer*** [1995] 2 AC 454; 2 AER 100; IRLR 258 (HL) – Trade union activities – Action short of dismissal

(10) ***Sadler v General Medical Council (GMC)*** [2003] 1 WLR 2259; [2204] HRLR 8 (PC) – GMC appeal

(11) ***Derbyshire v St Helen's BC*** [2007] ICR 841; [2007] 3 All ER 81; [2007] IRLR 540 -Victimisation in discrimination in attempt to settle equal pay claim

(12) ***Baker v Quantum*** [2011] UKSC 17; [2011] 1 W.L.R. 1003; [2011] 4 All E.R. 223; [2011] I.C.R. 523; [2011] P.I.Q.R. P14; (2011) 108(17) L.S.G. 13; (2011) 155(15) S.J.L.B. 38; Times, April 14, 2011 – workers' noise induced hearing loss claim: held no liability before Noise Regs by exposure less than 90 dBA $_{Lep,d}$ over many years.

Court of Appeal

Lord Hendy has appeared in 74 cases in the Court of Appeal with one judgment currently awaited (). Cases in the last five years are:

R (Boots) v Central Arbitration Committee, PDAU [2017] EWCA Civ 66, [2017] 2 WLUK 283, [2017] IRLR 355 – whether statutory recognition machinery compatible with Art 11 ECHR

(70) ***Agarwal v Cardiff University, Tyne & Wear Passenger Transport Executive t/a Nexus v Anderson & ors*** [2018] EWCA Civ 2084, [2018] 9 WLUK 350, [2019] I.C.R. 433, [2019] I.R.L.R. 657 – employment tribunal jurisdiction to construe contracts, construction of collective agreement

(71) ***Royal Mail Group Ltd v Communication Workers Union*** [2019] EWCA Civ 2150 – industrial action ballot irregularity

(72) ***R (on the application of the Independent Workers Union of Great Britain) v Secretary of State for Business, Energy and Industrial Strategy*** [2021] EWCA Civ 260, [2021] IRLR 363 – trade union recognition for collective bargaining on behalf of University of London cleaners etc.

(73) ***National Union of Professional Foster Carers v Certification Officer, IWGB and ors intervening*** [2021] EWCA Civ 548, [2021] IRLR 588 – definition of 'worker' for the purposes of the definition of 'trade union'

(74) ***R (on the application of the Independent Workers Union of Great Britain) v Central Arbitration Committee, Roo Foods ltd*** [2021] EWCA Civ 952, [2021] IRLR 796 – trade union recognition for collective bargaining on behalf of Deliveroo riders.

High Court

Lord Hendy has appeared in 92 reported cases in the High Court. In the last five years he appeared in: ***Ministry of Justice v POA*** [2017] EWHC 699 (QB), [2017] IRLR 621, [2017] ICR Digest D14 – s.127 Criminal Justice and Public Order Act invoked to grant interim injunction so as to bar union from inducing prison

officers to withhold voluntary services

(84) ***Ministry of Justice v POA*** [2017] IRLR 1121, [2017] EWHC 1839 (QB) – s.127 Criminal Justice and Public Order Act invoked to grant final injunction so as to bar union from inducing prison officers to withhold voluntary services

(85) ***Merseyrail v RMT*** [2017] EWHC 515 (QB) – legitimate trade dispute over introduction of driver-only-operated trains

(86) ***Royal Mail Group Ltd v Communication Workers Union*** [2017] EWHC 2548 (QB), 167 NLJ 7766, [2017] All ER (D) 82 – procedural obligations in a legally binding collective agreement enforced so as to preclude strike action lawful under the legislation

(87) ***R (Independent Workers' Union of Great Britain) v CAC and RooFoods Ltd t/a Deliveroo*** [2018] EWHC 1939 (Admin); [2018] 6 WLUK 313; [2018] IRLR 911; [2018] ACD 117 – refusal of JR of CAC decision that Deliveroo riders were not 'workers' within meaning of s.296 for purposes of SchedA1 (recognition) and Article 11 ECHR

(88) ***Antuzis v DJ Houghton Catching Services Ltd*** [2019] EWHC 843 (QB); [2019] 4 WLUK 95; [2019] IRLR 629 – Personal liability of directors for inducing breach of contract by company; liabilities under Agricultural Wages Act

(89) ***R (on the application of Independent Workers Union of Great Britain) v Central Arbitration Committee and Cordant Ltd and University of London*** [2019] EWHC 728 (Admin); [2019] 3 WLUK 428 – trade union recognition, Art.11 ECHR

(90) ***National Union of Professional Foster Carers v Certification Officer, IWGB and ors, intervening*** Appeal UKEAT/0285/17/RN, 23 July 2019, whether foster carers were workers in UK law or pursuant to Art.11 ECHR

(91) ***Royal Mail Group ltd v Communication Workers' Union*** [2019] EWHC 3200 (QB) – industrial action ballot irregularity

(92) ***Tyne and Wear Passenger Transport Executive (t/a Nexus) v National Union of Rail, Maritime and Transport Workers*** [2021] EWHC 1388 (Ch) – mistake in a collective agreement.

Administrative & Public Law

Most of Lord Hendy's JR work arises out of employment cases. They include:

- *R (on appn of Lin) v Sec of State for Transport* [2006] EWHC 2575 (Admin); [2006] Inqu LR 161 – Enhanced inquest sufficient to fulfil Article 2 requirement to investigate multiple deaths in railway crash (Potters Bar) – public Inquiry not therefore required;
- *R (Kashyap) v General Medical council* [2009] EWHC 2873 (Admin) JR of FTP Panel decision;
- *R (on the application of Bakhsh) v Northumberland Tyne and Wear NHS Foundation Trust* [2012] EWHC 1445 (Admin) – permission granted to JR (on grounds of failure to provide effective remedy for breach of Art 11) public sector employer's decision to refuse to comply with ET re-engagement order for worker dismissed for trade union activity;
- *R (Mehey) v Visitors to the Inns of Court and Bar Standards Board* [2013] EWHC 3097 (Admin) – challenge to composition of disciplinary panels, time expired members, *de facto* judge doctrine, Art.6 ECHR;
- *R (Boots) v Central Arbitration Committee, PDAU* [2014] EWHC 65 (Admin), 2014] IRLR 278 – statutory recognition machinery incompatible with Art 11 ECHR.

Inquests & Public Inquiries

Lord Hendy has also appeared in many high-profile inquests and inquiries, including:[1]

- The Southall train crash Inquiry (for the bereaved and injured) 1999
- The Ladbroke Grove train crash Inquiry (for the bereaved and injured) 2000
- The Potters' Bar train crash Inquest (for the bereaved) 2010
- The Leveson Inquiry (for the NUJ), 2011-2012 (see his cross examination of Rupert Murdoch at http://www.youtube.com/watch?v=38X4EUaJExY)
- The Lakanal House fire Inquest (for the bereaved and injured) 2013

He currently represents the trade unions in the Inquiry into Under-Cover Policing (for various trade unions); and advises the Fire Brigades Union in the Grenfell Tower Inquiry (for the Fire Brigades Union).

[1] Also: the Street Markets inquiry for LB Tower Hamlets (chaired), 1991; the

Woolf inquiry into the Strangeways Prison Riot (for the POA), 1990; the Kings Cross Fire disaster (for the Association of London Local Authorities) 1986.

Recent and current work

- Lord Hendy has currently 5 ongoing ECtHR cases, one for Unite the Union, one for the Irish Congress of Trade Unions (both raising Article 11 issues), and three for individuals (in employment matters raising Articles 6, 8 and 11 issues).
- He represents the Prison Officers' Association and the ICTU in separate matters before the International Labour Organisation and the European Committee on Social Rights.
- He is currently leading for Unite the Union in the group litigation arising from the construction workers' blacklisting scandal. He is leading in a series of personal injury claims for civilians detained during the Iraq intervention.
- He represents the widow of a soldier killed by friendly fire in Iraq.
- He has an on going doctor's disciplinary case and a barrister's disciplinary case.
- On a daily basis, he advises a variety of unions on rule book and industrial action matters.

Notable Cases

- **RMT v. UK**

  In RMT v. United Kingdom the European Court of Human Rights held that the ban on secondary action in the United Kingdom was a justified interference with the right to...

- **Wilson and Palmer v. United Kingdom**

  Treating an employee who signs an individual employment contract more favourably than one who refuses to do so does not contravene the Employment Protection (Consolidation) Act 1978....

- **Associated Society of Locomotive Engineers & Firemen (ASLEF) v. UK**

- **R (on the application of Boots Management Services Ltd) v. Central Arbitration Commitee**

  The Central Arbitration Committee had been wrong to read words into the Trade Union and Labour Relations (Consolidation) Act 1992 Sch.A1 Pt I para.35 so that it only precluded a...

- **ASLEF/RMT v. London Midland and Serco Docklands**

  Members of Old Square Chambers have succeeded in a groundbreaking case on industrial action in the Court of Appeal. John Hendy KC leading **Oliver Segal** (since elevated to silk)...

- **Lakanal House Fires**

  John Hendy KC and **Christopher Edwards** represented the families of the deceased in these Inquests following the Lakanal House fire, a major fire at one of the London Borough of...

Professional Recommendations





“A man who knows collective labour law inside out. He is able to charm a court.”

The Legal 500 2025

“Lord Hendy’s knowledge is second to none.”

Chambers & Partners 2025

“Lord Hendy is the Don of workers rights cases.”

Chambers & Partners 2025

“Lord Hendy is one of the most respected advocates in trade union law.”

Chambers & Partners 2025

“You couldn’t find better representation. I hold him in the highest esteem.”

Chambers & Partners 2024

“He is one of the outstanding employment lawyers of this, or any other, generation.”

Chambers & Partners 2024

“John is the best at client service and is a class act.”

Chambers & Partners 2024

“A giant in the field of industrial relations law.”

The Legal 500 2024