

Oliver Isaacs

CALL: 2000

Email Clerk: adams@oldsquare.co.uk

Telephone Clerk: 020 7269 0305

LinkedIn: <https://www.linkedin.com/in/oliver-isaacs-0789a0b/>



Overview

Oliver Isaacs has over 15 years' experience dealing with commercial and employment disputes. He is particularly adept at dealing with claims involving directors, minority shareholders, restrictive covenants and breaches of confidentiality.

Whilst Oliver is regularly instructed to deal with routine employment claims (discrimination, whistleblowing, unfair dismissal, etc.), he has particular experience in dealing with claims for bonuses, contractual redundancy payments, and permanent health insurance. Given the often high value of claim he is instructed in Oliver regularly appears in the Employment Appeal Tribunal and the High Court.

Oliver regularly partakes in judicial and other mediations regarding employment and wider commercial disputes.

Oliver undertakes work via direct access, and is prepared to consider conditional fee and damages based agreements.

Oliver regularly lectures and conducts external seminars to key clients throughout the UK. He is able to provide bespoke in-house training on all aspects of employment and discrimination and civil and commercial law.

Professional Memberships

- Employment Law Association;
- Employment Law Bar Association.

Employment & Discrimination

Unfair Dismissal

Oliver has extensive experience of the full range of unfair dismissal claims, acting for both employers and employees. He regularly advises approved persons and those that are regulated by professional bodies.

Oliver is instructed by a broad range of private and public sector clients, but has particular expertise dealing with the banking sector, healthcare and media/entertainment industries.

Cases:

- *R v A-* Representing a marketing agency in an unfair dismissal claim against the background of threatened minority shareholder proceedings.
- *Chindove v Morrison Supermarkets Plc (No 2) [2017] UKEAT/0076/17/OJ* – An appeal on whether an employee had affirmed his contract of employment.
- *McWilliams v Citibank NA*– Successfully acting for an FX trader against a major UK bank in a 10 day case where the employee was dismissed for breach of confidentiality.
- *Bennett v Jamaica Tourist Board*– Successfully acting on behalf of an employee dismissed for comments on Facebook. The action involved cross examining the High Commissioner of Jamaica.
- *A v B-* Successfully advising an employee on his claim of unfair dismissal against a government of a British Occupied Territory which asserted that it had "state immunity".

Expertise

- Business & Commercial Law
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health & Safety & Environmental Law
- HR Professional Support
- Insurance
- Media and Entertainment
- Public Law
- Retail and Consumer
- Sport
- Travel

Recommendations

"Very precise, realistic and relishes a good argument." The Legal 500 2022

"His approach is inordinately practical and commercial. His detailed knowledge of the law, and particularly case law in support of applications, has been very impressive. He has also handled and managed nervous clients and witnesses with great assurance." "Oliver Isaacs is very analytical and he is someone you want for a very cerebral matter." Chambers & Partners 2022

Key contacts

Paul Adams

Senior Team Leader

Phone: 020 7269 0305

Email: adams@oldsquare.co.uk

Lee Jennings

Junior Team Leader

Phone: 0207 269 0303

Email: jennings@oldsquare.co.uk

William Meade

Senior Clerk

Phone: 020 7269 0360

Email: wmeade@oldsquare.co.uk

- *Lasseater v DWP* – Successfully obtaining an order of re-engagement on behalf of an employee unfairly dismissed by the Department for Work and Pensions on the grounds of capability.
- *Walsh v Yellow Pages Sales Limited [2011] UKEAT/0103/11/DA* – (*sub nom Conant v Arriva Trains Wales*) – A conjoined appeal where the EAT reviewed the authorities on when it is admissible for the Employment Tribunal to substitute its own view of the fairness for dismissal for that of the employer. Oliver appeared for Mr Walsh (in the EAT but not the ET) in successfully resisting Yellow Pages' appeal.
- *Holt v RES on Site Limited [2014] UKEAT 0410_13_2702* – Successfully resisting an unfair dismissal appeal where dismissing officer and appeal officer would not have reached the same conclusion on dismissal. The EJ found dismissal fair.
- Advising employees of major public schools on allegations of misconduct.

Discrimination

Oliver is frequently involved in cases where serious discrimination is alleged and acts for employers and employees alike. He has particular expertise in dealing with disability cases and dealing with those who suffer from depression/anxiety and stress.

Cases:

- *Smith v Gartner UK Ltd [2016] UKEAT/0279/15/LA* – An appeal against the striking out of a Claimant's claim of discrimination. The claim arose from the failure to pay permanent health insurance benefits until an amended retirement age of 65yrs old.
- *Gayle v Z2K & Others* – Acting for a part-time judge of the EAT accused of disability discrimination. Oliver was able to have the claim against the judge struck out.
- *Alukpe v South Thames College* – Successfully acting for a sixth form college accused of race discrimination, harassment, disability discrimination, sex discrimination, equal pay (amongst other claims) which lasted 18 days.
- *Hosso v ECM Ltd (No 2) EWCA Civ 1589* – Successfully appearing on behalf of European Credit Management Ltd in the defence of a £4m equal pay/sex discrimination claim by a former employee.
- *Timbo v Greenwich Council for Racial Equality EqLR 1010* – An appeal against the ET's decision to strike out a Claimant's claim three days into a liability hearing and whether it is appropriate to strike out where there are disputed facts.
- Representing an employer in a case involving perceived disability discrimination.
- Representing an employer in defending claims of associative discrimination.

Whistleblowing

Oliver regularly provides advisory and advocacy assistance in this specialist area. He is instructed by both employees and employers, regarding their rights and obligations following the making of protected disclosures. Given Oliver's experience he is best placed to provide objective, independent confidential advice and support.

Cases:

- *Acetrip Limited v Dogra [2019] UKEAT_0238_19_1803* – Successfully appealing a remedy judgment following a substantial six-figure award against an employer who had dismissed an employee for making protected disclosures (and for whom Oliver did not appear in the ET).
- *P v H* – Advising a headmistress who made protected disclosures to the board of governors and was then dismissed owing to an alleged breakdown of trust and confidence.
- *X v Y* – Advising a medical director who alleged he was constructively dismissed having made disclosures which referenced contraventions of "Good Medical Practice."
- *BMA v Jesudason* – Advising a consultant whether he was obliged to repay legal costs to the BMA following failed High Court proceedings involving whistleblowing.
- Successfully resisting an application for interim relief by an employee of a charity who suggested that he had been dismissed for having made protected disclosures.
- Securing a high six figure settlement against a major banking institution.
- Advising numerous employees who alleged that there had been breaches of the FCA Handbook.

Transfer of Undertakings

Oliver regularly advises employers and employees with the complexities of TUPE 2006.

Cases:

- Successfully appearing for an employee where it was contended by the employer that there was a “sham” assignment of employees to the undertaking transferred.
- Advising an employee on whether within the context of a service provision change a service had become too fragmented to mean that there was no transfer.
- *F & G Cleaners v Saddington to IRLR 892* – An appeal on the principles to be applied to mitigation of loss in the context of a TUPE transfer.

Other Cases

- *Alukpe v South Thames College UKEAT 0395*
- *Stepford Homes v Lee & Others EWHC 4433*
- *Fullerton v Interrights UKEAT/0251/09*
- *Spicknell v The Wilts and Dorset Bus Company UKEATPA/1715/09*
- *Royal Bank of Scotland v Wilson [2009] UKEAT/0363/08*
- *Hosso v ECM Ltd (No 1) All ER D 160*
- *Gladwell v Secretary of State for Trade and Industry ICR 264*
- *Mowels v Vox Displays Limited All ER (D) 40*

Investigations

Oliver has conducted employment and regulatory investigations. He has most recently conducted an investigation on behalf of the Conduct, Discipline & Regulatory Affairs Sub-Committee of Middle Temple providing a confidential report into allegations of professional misconduct. Oliver has particular experience in dealing with allegations of bullying and harassment in the workplace within a wide range of organisations.

Business & Commercial Law

Oliver is instructed in a wide range of commercial litigation, advising on both contentious (including any resulting litigation) and non-contentious matters. Oliver has assisted senior executives and companies on non-contentious matters including drafting and advising on: shareholder agreements, share sale agreements, partnership agreements, exclusivity agreements, and LTIP/bonus agreements.

Oliver is also an experienced advocate and adviser in a broad range of commercial disputes, at all stages from pre-action and interim stages to trials. He appears in both the High Court and the County Court, in matters relating to:

- Commercial expertise in contractual disputes, directors’ duties, partnership and shareholder rights.
- Injunction proceedings both for claimants and defendants, in the High Court on restrictive covenants, breaches of confidentiality and generally in obtaining or defending the grant of injunctive relief.
- Employment claims relating to bonuses, contractual redundancy payments, permanent health insurance and negligent references.
- Oliver also has extensive experience dealing with any subsequent professional negligence issues that arise from employment and commercial disputes; and is well versed in the particular issues relating to the quantification of damages and evaluation of “lost chances” which arise in such cases.

Cases:

- *Little v Carterton Town Council & Others* – Representing the town council regarding a claim made against the former mayor for recovery of moneys and defending a counterclaim for harassment under the Protection from Harassment Act 1997. Oliver represented the council in successfully striking out the counterclaim.
- *C v D*– Advising former employers who had allegedly stolen confidential information including customer data to create and set up a competing business and website.
- *K v R* – Advising a care home about its ability to enforce repayment provisions for training and whether the same constituted an unlawful restraint of trade/penalty.
- *RE B* – Claims for contractual redundancy payments under Agenda for Change.
- Advising former employees who had allegedly solicited work from clients whilst still employed.

Oliver accepts instructions under the Bar’s Public Access Scheme.

HR Professional Support

Oliver has significant hands-on experience of a wide range of HR support matters including:

- Conducting independent investigations.
- Advising on the conduct of the investigation and disciplinary process.
- Acting as an independent chair of grievance, disciplinary and appeal panels.

ADR/Mediation

Oliver is a qualified mediator and mediation advocate. As a mediation advocate, Oliver has been trained by the Standing Conference of Mediation (SCMA) and has represented many Claimants and Defendants/Respondents in commercial and employment disputes utilising the Standards and Competencies in Mediation Advocacy. Oliver is also a qualified mediator and is able to conduct commercial, employment and workplace mediations.

Recent and current work

Oliver's cases include:-

- *ICTS (UK) Limited v Visram [2016] UKEAT 0344_15_2607* - An appeal against an ET's finding that the dismissal of an employee in receipt of long-term disability benefits was both unfair and discriminatory. The EAT held that the Employment Tribunal had permissibly found that the employee had had an express contractual right to long-term disability benefits and an implied right not to be dismissed, save for good cause, when on long-term sick leave, in circumstances in which he would have lost his entitlement to those benefits following dismissal. Oliver has acted on behalf of Mr Visram both in the ET and the EAT (both on liability and remedy) and in the Court of Appeal [2020] EWCA Civ 202. The case has now been remitted to the Employment Tribunal to determine the amount of compensation to be awarded.
- *Duncan Lewis Solicitors v Puar (2019) UKEAT 0175_19_1911* - Acting for a well known firm of solicitors in a long-running disability discrimination claim.
- *Injunctions, restrictive covenants and confidentiality* - Oliver regularly advises and represents companies and individuals in relation to all forms of restrictive covenant, and all aspects of confidentiality.