

## Stuart Brittenden KC

SILK: 2024 | CALL: 1999

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### Overview

Stuart is an employment law specialist with extensive experience in the full spectrum of individual and collective employment law, appearing at first instance and at appellate levels. Stuart was called to the Bar in 1999 and took silk in 2024.

He was ranked as a **Star Individual/Band 1 leading Employment Junior** by both *Chambers & Partners* and *The Legal 500*, and his expertise in this field is also acknowledged by *Who's Who Legal*.

Stuart was named "**Employment Junior of the Year**" at the *Chambers Bar Awards 2020* (shortlisted in 2017). He has been named **UK Employment Junior of the Year** by *The Legal 500 (2018)*. Stuart has been commended by the former for being "... **able to analyse complex matters in an extremely practical and commercial way**" and is someone who "**thinks ten paces ahead and is very good on his feet.**" *Who's Who Legal* highlights "**his strong expertise in the Equality Act 2010 and equal pay matters**".

His practice areas include Employment & Discrimination, Industrial Relations, Professional Discipline, and Judicial Review.

Prior to joining Old Square Chambers, Stuart attained a Masters in Labour Law (Distinction) at the London School of Economics (LSE), and worked as an Employment Law Advisor to the British Dental Association (BDA). He has lectured in Labour Law at the LSE.

Stuart is instructed from a variety of sources, including but not limited to the banking/financial, health, higher education sector, hospitality, legal, and, local authorities, as well as undertaking work of strategic importance for and on behalf of a number of trade unions.

#### Positions of Responsibility:

- Vice Chair of Old Square Chambers Employment Law Special Interest Group
- Employment Lawyers Association (ELA): Director and Management Committee Member (2012-14)
- Bar Standards Board Qualifications Committee (2005 -2012), latterly Chairman of Transferring Qualified Foreign Lawyers Panel
- International Paralympic Committee (IPC) *ad hoc* disciplinary panel member, Anti-Doping Rule Violations (ADRV)

#### Professional Memberships:

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association (ELA)
- Institute of Employment Rights (IER)
- Industrial Law Society (ILS)

### Employment & Discrimination

Stuart's principal areas of practice include: collective redundancies; discrimination (all categories of protected characteristics under the Equality Act 2010, as well as fixed-term employees, part-time workers, agency workers, trade union members, blacklisting); equal pay; negligent references; permanent health insurance (PHI); protected disclosures/whistleblowing; TUPE; unfair and wrongful dismissal; union recognition and disclosure of information for collective bargaining (CAC proceedings). In addition, he also has experience of professional

### Expertise

- Administrative & Public Law
- Commercial Law
- Education & Safeguarding
- Employment & Discrimination
- Finance
- Health
- HR Professional Support
- Industrial Relations
- Insurance
- Investigations
- Judicial Review
- Media and Entertainment
- Professional Regulatory & Discipline
- Public Law
- Retail and Consumer

### Recommendations

"Stuart gets the full picture and is a strong tactician and very easy to work with. He will drill into necessary detail, which is often the clincher in a successful outcome." *Chambers & Partners 2024*

"Stuart is an incredibly hard-working junior with an attractive advocacy style." *The Legal 500 2024*

"Stuart provides excellent all-round advice on complex issues." "He is an expert advocate: witnesses are put to the test with Stuart and his friendly demeanour belies a heavyweight in cross-examination." *Chambers & Partners 2023*

"Stuart is the best junior at the employment Bar. He is fiercely intelligent, hugely responsive, and always willing to go the extra mile for clients. It is also hard to think of many recent leading cases in the industrial relations arena that he has not been involved in." *The Legal 500 2023*

"He is absolutely outstanding - he cuts through the chaff, he is very analytical, he has a good client manner, he is quick in turning around work, he is strategic and he is an excellent cross-examiner so it is a joy to watch him filleting someone on the other side." "He is very good with an employment tribunal and he has a real knack of explaining things to non-lawyers." *Chambers Bar Awards*

negligence (usually employment law related).

He is currently instructed in group equal pay litigation involving Glasgow City Council and also Sainsbury's Supermarkets.

He is frequently instructed to advise in respect of bonus/contractual disputes; confidential information; fiduciary duties; interim relief; and restrictive covenants/restraint of trade. His particular interest lies in the areas of discrimination, equal pay, and employee competition/restraint of trade/fiduciary duties.

#### **Publications:**

His principal publications in the employment field include:

- S Brittenden and R Arthur, *'The right to trade union representation: Kostal UK Ltd v Dunkley & Ors'*, UK Labour Law Blog, 14 December 2021, <https://uklabourlawblog.com>
- S Brittenden, *'The Coronavirus: Rights to Leave the Workplace and Strikes'*, UK Labour Law Blog, 27 March 2020, <https://uklabourlawblog.com>
- *Employment Precedents & Company Policy Documents* KC (1) Grievance & Disciplinary Procedures; (2) Union Recognition/collective redundancies; and (3) Works Councils
- *Munkman on Employer's Liability* (Lexis Nexis UK) – author of 2 chapters. 17th Edition, 2019
- *Labour Law Highlights* (2012 – 2021-) Institute of Employment Rights (eds. [Rebecca Tuck KC](#), [Betsan Criddle KC](#), and Stuart Brittenden)

#### **Interim relief/confidential information:**

Recent advisory/litigation experience in this field includes:

- *USDAW & Ors v Tesco Stores Ltd* [2022] IRLR 844 CA: application for declaratory relief and permanent injunction to restrain practice of fire & re-hire to remove permanent entitlement to retained pay (junior counsel to P. Gilroy KC). Application for permission to appeal to the Supreme Court pending;
- *Greenstein v UNISON QB-2019-004352*: resisted interim injunction to restrain disciplinary process;
- *BALPA & Anor v BA Cityflyer* [2018] EWHC 1889 (QB): instructed by BALPA in its application for interim declaratory relief. High Court provided guidance on relatively untested CPR Part 25.1(b) (junior to [Oliver Segal KC](#));
- Successfully obtained ex parte injunction in the Chancery Division to restrain use of covertly recorded privileged material and delivery up of recording/transcripts: *Brighton & Sussex University Hospitals NHS Trust v Zia & Ors*;
- Successfully represented Trust to resist application for interim relief; alleged breach of disciplinary procedure: *Dunn v Basildon & Thurrock University Hospitals NHS Foundation Trust* [2013] EWHC 3636 (QB);
- Successfully defended law firm against application for interim relief preventing use of confidential information (covert recording of private discussions in collective bargaining process) *Syncreon Automotive (UK) Ltd v Unite the Union & Thompsons Solicitors* [2009] EWHC 437;
- Instructed on various confidential matters advising in respect of team moves, post-termination restrictions/confidential information; dismissal in breach of contractual capability procedure.

## **Industrial Relations**

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Stuart has extensive and diverse experience acting for trade unions including defending injunction applications; applications for interim relief; applications before the Certification Officer, and appearing before the Central Arbitration Committee (recognition, disclosure of information for collective bargaining purposes).

#### **Rule Books**

Stuart has been called upon by various trades unions to advise upon the interpretation of rule book provisions; re-drafting rules; and to undertake a wholesale review of rules. He has drafted amendments to comply with the changes introduced by TUA16 in relation to political funds.

He successfully appeared for the union in *Greenstein v UNISON QB-2019-004352* (resisting interim injunction to restrain disciplinary procedure), and also *Kelly v Musician's Union* [2020] IRLR 809 CA (rule books, disciplinary procedures).

#### **Industrial Action**

Recent experience includes:

- *Mercer v Alternative Future Group Ltd & SoS for BEIS* [2022] ICR 1034 CA: Article 11 ECHR, section 146 TULRCA 1992 detriment short of dismissal for

## **Key contacts**

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#### **William Meade**

Senior Clerk

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participation in industrial action (junior counsel to [Michael Ford KC](#)). Permission to appeal to Supreme Court pending;

- *Great Ormond Street Hospital NHS Foundation Trust v United Voices of the World & Anor*: interim injunction, right to protest, Articles 10 and 11 ECHR (freedom of expression and expression) (junior counsel to [Michael Ford KC](#));
- *Ryanair DAC v Morais and others* [2022] IRLR 104: Employment Relations Act (Blacklists) Regulations 2010 – seminal decision establishing that participation in official industrial action constitutes activities of trade unions and is protected under reg. 3 (junior counsel to Bruce Carr KC);
- *Ryanair DAC v BALPA* [2020] IRLR 698: industrial action, injunctions (junior counsel to A. Burns KC);
- *Royal Mail Group Ltd v CWU* [2020] EWHC 842 (QB): resisting summary judgment application;
- *Secretary of State for Justice v Prison Officers Association* [2020] IRLR 196 Div Ct: contempt; Art. 11 ECHR (junior counsel to H. Southey KC);
- *Royal Mail Group Ltd v CWU* [2020] IRLR 213 CA; [2020] ICR 940; The Times, March 12, 2020: industrial action – whether there was interference with the ballot under s. 230(1) TULRCA 1992; requirement to send ballot to home address (s. 230(2)); whether voting in secret – de minimis (junior counsel to Lord Hendy KC);
- *Birmingham City Council v Unite the Union and UNISON* [2019] IRLR 423: seminal decision on whether industrial action was unprotected under s.222(1) (b) (prohibition on discrimination) (junior counsel to [Oliver Segal KC](#));
- *British Airways v BALPA* – part of legal team instructed to advise on ballot and notices (junior counsel to [Michael Ford KC](#));
- *Ministry of Justice v Prison Officers' Association* [2018] ICR 181; The Times 20 Sept. 2017 (Jay J): inducement of prison officers to withhold their services, s. 127 C/POA 1994; collective withdrawal from non-contractual/voluntary duties did not constitute actionable inducement at common law (junior counsel to [Lord Hendy KC](#));
- *Thomas Cook Airlines Ltd v BALPA* [2017] EWHC 2253 (QB); [2017] IRLR 1137: successfully represented the pilot union in the first decision under s. 229 (2D) TULR(C)A 1992 specifying on ballot paper the expected period of industrial action (junior counsel to [Oliver Segal KC](#));
- *Merseyrail Electricians 2002 v RMT*: challenge to trade dispute (junior counsel to [Lord Hendy KC](#));

- *Govia Thameslink Railway Ltd v ASLEF (No. 3)* [2016] EWCA Civ 1309; [2017] 2 CMLR 24; [2017] ICR 497; [2017] IRLR 246 : art 49, 56 TFEU (seminal decision examining the reach of the TFEU fundamental freedoms to industrial action, and the application of Viking, Laval, Holshipto industrial action on Southern) (junior counsel to [Oliver Segal KC](#));
- *Govia Thameslink Railway Ltd v ASLEF (No. 2)* [2016] EWHC 1320 (QB); [2016] IRLR 686 (Supperstone J): 'prior call' (s. 233), ballot constituency (s. 228A), trade dispute (s. 244) (junior counsel to [Lord Hendy KC](#));
- *Govia Thameslink Railway Ltd v ASLEF (No. 1)* [2016] EWHC 985 (QB) (Langstaff J): inducement to breach contract (junior counsel to [Lord Hendy KC](#));
- *Secretary of State for Education v NUT* [2016] EWHC 812 (QB); [2016] IRLR 512 (Kerr J): seminal decision on trade dispute with Minister of the Crown (s. 244(2)(b)), interim declarations (junior counsel to [Lord Hendy KC](#));
- POA national day of protest re prison safety: instructed to represent POA in short notice application by SofS (Nov, 2016);
- POA Wormwood Scrubs: instructed by POA in relation to the refusal of officers to attend work on safety grounds;
- *R (on the application of Unite) v Northampton General Hospital NHS Trust*: judicial review/ interim injunction sought to restrain the use of agency staff during an employer's lock-out contrary to reg 7 of the Conduct of Employment Agencies and Employment Businesses Regulations, SI 2003/3319; and inducement of an offence under s. 5 Employment Agencies Act 1973 (junior counsel to [Lord Hendy KC](#));
- *Olympic Bus Drivers' Bonus Dispute* – (2nd junior to [Lord Hendy KC](#) and [Michael Ford KC](#)).

### **Trade Union Recognition/Collective Bargaining**

- *Kostal UK Ltd v Dunkley & Ors* [2022] ICR 434; [2022] IRLR 66: Supreme Court, first decision on scope of s. 145B (inducements)(junior counsel to [Oliver Segal KC](#));
- *Unite v Fujitsu Services Ltd DI/10/2021 CAC*: successful application for disclosure of information for collective bargaining;
- *R on the application of Condor Marine Crewing Services Ltd, CAC and Nautilus International CO/2911/2020*: instructed by union to oppose application for judicial review of CAC decision to accept union's application for recognition;
- *BALPA v British Airways Cityflyer Ltd 2018 EWHC 1889 (QB)*: instructed by BALPA in its application for interim declaratory relief. High Court provided guidance on relatively untested CPR Part 25.1 (b) (junior to [Oliver Segal KC](#));
- Instructed to represent Unite members in the Birmingham waste management dispute: (1) *Taylor & Ors*; (2) *Unite v Birmingham City Council HQ17X03282* (junior to [Oliver Segal KC](#));
- *BALPA v Jet2.com Ltd* [2017] EWCA Civ 20; [2017] ICR 457; [2017] IRLR 233: instructed by BALPA in the Court of Appeal successfully overturning the High Court ruling [2015] IRLR 543 as to the scope of negotiating rights for the

purposes of para 3(3) Sch A1 of the 1992 Act (junior to Bruce Carr KC);

- *Unite v American Airlines TUR1/955 (2016) CAC*: successfully sought recognition of Aircraft Maintenance Technicians as a separate bargaining unit under Sch A1 where Unite was already recognised for a wider bargaining group;
- *BALPA v easyJet CAC*: disclosure of information crew food costings and ancillary matters;
- *Unite v Fujitsu Services Ltd DI/7/(2014) CAC*: successfully represented Unite in the first CAC decision seeking disclosure of information for collective bargaining under s.181(2) from a parent company in respect of information concerning a subsidiary.

### **Certification Officer**

Recent experience includes:

- *Evans v Prospect D/2-9/22-23*: successfully struck out complaints concerning suspension from office and election procedures;
- *Kelly v Musician's Union [2020] IRLR 809 CA* (construction of disciplinary rules in #MeToo membership expulsion case) (junior to [Oliver Segal KC](#));
- *Meechan & Ors v BALPA D/15/21-22*: lawfulness of appointment of General Secretary locum tenentes;
- *Hussain v CWU D/22/20-21*: alleged breach of election rules, notice for nominations;
- *Parlour v NASUWT D/19/19-20, 1 October 2019*: lawfulness of appointment of General Secretary locum tenentes;
- *Parlour v NASUWT (Northern Ireland CO) D/03/2019*: successfully resisted claim that National Officers held office in breach of rule; TES 1 November 2019;
- *Coyne & Brooks v Unite*: instructed by Unite in challenge to conduct of General Secretary election (junior to [Oliver Segal KC](#));
- *Penkethman & Ors v CWU*: successfully represented CWU resisting complaint of failure to comply with campaign rules, failure to receive ballot paper;
- *Abrahams & Ors v URTU*: instructed to represent Union;
- *Mr & Mrs Street v UNISON D/1/15-16*: successfully resisted complaint about not holding a branch AGM whilst placed under in regional supervision; implied terms – Rule Book; disapplication of rules – dysfunctional branch; custom and practice;
- *Chapman v Community CO/784177/2015-16*: first CO decision clarifying that the implied term of trust and confidence does not apply to a union Rule Book, but an implied duty of cooperation is engaged; expulsion of member in breach of rules.

## **Judicial Review**

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### **Public law experience includes:**

- *R on the application of Unison & Ors v Secretary of State for BEIS*: instructed by UNISON to challenge the lawfulness of The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022 – repeal of prohibition on use of agency labour during industrial action (junior to [Michael Ford KC](#));
- *R on the application of UNISON & Ors v Minister of Housing Communities and Local Government & Ors*: instructed by UNISON in successful challenge to the public sector pay cap introduced by the Restriction of Public Sector Exit Payments Regulations 2020 (junior to [Michael Ford KC](#));
- *R on the application of Condor Marine Crewing Services Ltd, CAC and Nautilus International CO/2911/2020*: instructed by union to oppose application for judicial review of CAC decision to accept union's application for recognition;
- *Mosekari v Lewisham LBC [2015] E.L.R. 31*: successfully represented Lewisham in resisting application brought by a long-serving teacher for exemption from mandatory induction period following award of QTS;
- *DC Dawes v Chief Constable of South Yorkshire Police (Admin) CO/1025/2016*: obtained permission from Kerr J to challenge the Chief Constable's refusal to allow an officer to retire upon reaching compulsory retirement age under A18 of the Police Pension Regulations 1987;
- Represented an office holder seeking to judicially review their removal from office in breach of requirements of natural justice (applying the principles in *Ridge v Baldwin [1964] AC 40*; *Malloch v Aberdeen Corporation [1971] 1 WLR 1578*; *McLaughlin v Governor of the Cayman Islands [2007] 1 WLR 2839 PC*; and *Shoosmith*);
- *R (on the application of Unite) v Northampton General Hospital NHS Trust*: judicial review/interim injunction sought in the Admin Court to restrain the use of agency staff during an employer's lock-out contrary to reg 7 of the Conduct of Employment Agencies and Employment Businesses Regulations, SI 2003/3319; and inducing an offence under s. 5 Employment Agencies Act 1973 (junior counsel to [Lord Hendy KC](#));
- Advice in relation to the application of 149 EqA 2010 (public sector equality duty) in the transport sector;
- Advice in relation to whether the decision of the Home Secretary to revoke licences for Detention Custody Officers under the Immigration & Asylum Act 1999 (Schd 11 para 7 (1)) was art. 6 ECHR compliant;
- Advice on judicial review of the education Admissions Code and Guidance in relation to summer born babies, and placement of children outside of normal age

group.

## Professional Regulatory & Discipline

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Prior to joining chambers, Stuart attained a Masters in Labour Law at the London School of Economics (LSE), and worked as an employment law advisor to the British Dental Association (BDA).

Stuart has experience of internal and professional disciplinary proceedings particularly involving matters of clinical law and practice, and compliance with research protocols and associated regulatory requirements. Stuart frequently provides employment advice and representation within the health sector (including NHS Foundation Trusts and GP/Dental Practices) and is instructed by the leading firms of solicitors operating in this field.

He has experience of providing representation and advice in internal and professional disciplinary proceedings under Maintaining High Professional Standards in the Modern NHS (MHPS), and in respect of applications for interim injunctions seeking to compel compliance with MHPS.

Stuart has acted for registrants before the Health and Care Professions Council (HCPC) and is familiar with the HCPC Standards of Conduct, Performance, and Ethics, having undertaken cases involving the HCPC Standards of Proficiency in respect of psychologists and speech therapists. He has also appeared before the Nursing and Midwifery Council (NMC).

Outside of the health sector, Stuart has appeared in other internal procedures, for example providing representation in University disciplinary matters (under University Statutes), and has acted on behalf of Essex Fire Authority in disciplinary proceedings. He has also appeared before the Institute of Management Consultants.

He also sits as an occasional member of the International Paralympic Committee (IPC) disciplinary panel member adjudicating upon anti-doping rule violations (ADRV).

## HR Professional Support

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Stuart is an employment law specialist with extensive experience advising in respect of disciplinary and grievance matters, particularly involving dishonesty/breach of trust and confidence, discrimination (including harassment and victimisation) and whistleblowing. He is ranked as a **Band 1 Employment specialist** in both Chambers & Partners and The Legal 500. He has been commended by the former as being **“bright and engaging”, “highly supportive”,** impressing clients for his **“responsiveness, pragmatism and thorough preparation”** as well as being a **“highly competent and clear adviser”**. Stuart **“... is able to analyse complex matters in an extremely practical and commercial way”** and is someone who **“thinks ten paces ahead and is very good on his feet.”**

He has been instructed to conduct grievance investigations into bullying and harassment in the education, financial, and sporting sectors; supported disciplinary and grievance investigations undertaken in house; acted as chair in internal appeals against dismissal, and has also acted as adviser to internal disciplinary panels. Stuart has on numerous occasions presented the Management Case in the health and HEI sectors.

He is an *ad hoc* panel member on the International Paralympic Committee (IPC) Anti-Doping Committee which involves adjudicating upon anti-doping rule violations and determining sanctions (ADRV).

Stuart has provided training on investigations and disciplinary procedures (to NHS Trusts and the Probation Service), and has published extensively on both disciplinary and grievance procedures (Employment Precedents Grievance and Disciplinary procedures; and Westlaw Insight). He is able to accept public access instructions.

## Recent and current work

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- *Kostal UK Ltd v Dunkley & Ors* [2022] ICR 434; [2022] IRLR 66: Supreme Court, seminal decision on scope of s. 145B (inducements relating to collective bargaining)(junior counsel to [Oliver Segal KC](#));
- *R on the application of Unison & Ors v Secretary of State for BEIS*: instructed by UNISON to challenge the lawfulness of The Conduct of Employment Agencies and Employment Businesses (Amendment) Regulations 2022 - repeal of prohibition on use of agency labour during industrial action (junior to [Michael Ford KC](#));
- Instructed by RMT in relation to mass redundancies at P&O Ferries;
- *Mercer v Alternative Future Group Ltd & SoFS for BEIS* [2022] ICR 1034 CA:



Article 11 ECHR, section 146 TULRCA 1992 detriment short of dismissal for participation in industrial action (junior counsel to [Michael Ford KC](#)). Application for permission to appeal to the Supreme Court pending;

- *Great Ormond Street Hospital NHS Foundation Trust v United Voices of the World & Anor*: interim injunction, right to protest, Articles 10 and 11 ECHR (freedom of expression and expression) (junior counsel to [Michael Ford KC](#));

- *USDAW & Ors v Tesco Stores Ltd* [2022] ICR 1034 CA: application declaratory relief and permanent injunction to restrain practice of fire & re-hire to remove permanent entitlement to retained pay (junior counsel to P. Gilroy KC). Application for permission to appeal to the Supreme Court pending;

- *Ryanair DAC v Morais and others* [2022] ICR 565; [2022] IRLR 104: Employment Relations Act (Blacklists) Regulations 2010 - whether participation in official industrial action constitutes activities of trade unions and is protected under reg. 3 (junior counsel to Bruce Carr KC);

- *Carillion Services Ltd (in compulsory liquidation) and others v Benson and others* [2022] IRLR 39: collective redundancies, special circumstances defence;

- *Dobson v North Cumbria Integrated Care NHS Foundation Trust (Working Families intervening)* [2021] ICR 1699; [2021] IRLR 729: indirect sex discrimination, childcare, working patterns, group disadvantage (junior counsel to [Mark Sutton KC](#));

- *R on the application of UNISON & Ors v Minister of Housing Communities and Local Government & Ors*: instructed by UNISON in successful challenge to the public sector pay cap introduced by the Restriction of Public Sector Exit Payments Regulations 2020 (junior counsel to [Michael Ford KC](#));

- *Kelly v Musicians' Union* [2020] IRLR 809 CA: trade union rulebooks, construction, disciplinary procedures (junior counsel to [Oliver Segal KC](#));

- *Harris & Ors v Kaamil Education Ltd*; *Diligent Care Services Ltd*; *Premier Carewaiting Ltd* - home carers, national minimum wage test litigation (£100,000 award);

- *Carluccio's Ltd (In Administration)* [2020] EWHC 886 (Ch) [2020] IRLR 510: first case on COVID-19 Job Retention Scheme;

- *Ryanair DAC v BALPA* [2020] IRLR 698: industrial action, injunctions;

- *Royal Mail Group Ltd v CWU* [2020] EWHC 842 (QB): resisting summary judgment application;

- *Secretary of State for Justice v Prison Officers Association* [2020] IRLR 196 Div Ct: contempt; Art. 11 ECHR;

- *Royal Mail Group Ltd v CWU* [2020] IRLR 213 CA; [2020] ICR 940; *The Times*, March 12, 2020: industrial action;

- *Mears Homecare Ltd v Bradburn* [2020] ICR 31; [2019] IRLR 882 EAT: NMW production notices, TUPE;

- *Birmingham City Council v Unite the Union and UNISON* [2019] IRLR 423 (junior counsel to [Oliver Segal KC](#));

- *Reading Borough Council v James and others* [2018] ICR 1839; [2018] IRLR 790: equal pay; choice of comparator, operation of equality clause;

- *Ministry of Justice v Prison Officers' Association* [2018] EWHC 3672 (QB): - collective agreements (junior counsel to [Oliver Segal KC](#));

- *Coyne & Brooks v Unite the Union D/12-20/18-19*;

- *London Care Ltd v Henry & Ors* UKEAT/0219/17/DA - TUPE, largest group NMW litigation in social care sector;

- *Blakely v On-Site Recruitment Solutions Ltd* UKEAT/ 0134/17/DA - test litigation on worker status; service companies; construction sector;

- *Fleming v East of England Ambulance Service NHS Trust* UKEAT/0054/17/BA- admissibility of covert recordings, legal professional privilege;

- *Ministry of Justice v Prison Officers' Association* [2018] ICR 181- inducement of prison officers to withhold their services, s. 127 CJPOA 1994; withdrawal from non-contractual duties did not constitute actionable inducement at common law (junior counsel to [Lord Hendy KC](#));

- *Thomas Cook Airlines Ltd v BALPA* [2017] EWHC 2253 (QB); [2017] IRLR 1137- successfully represented the pilot union in the first decision under s. 229 (2D) TULR(C)A 1992 concerning the amount of information which needs to be included within ballot paper (junior counsel to [Oliver Segal KC](#));

- *Govia Thameslink Railway Ltd v ASLEF* (No. 3) [2017] 2 CMLR 24; [2017] ICR 497; [2017] IRLR 246 CA: art 49, 56 TFEU - seminal decision examining the reach of the TFEU fundamental freedoms to industrial action, and the application of Viking, Laval, Holship to industrial action on Southern (junior counsel to [Oliver Segal KC](#));

- *BALPA v Jet2.com Ltd* [2017] EWCA Civ 20; [2017] ICR 457; [2017] IRLR 233 CA- instructed by BALPA in the Court of Appeal successfully overturning the High Court ruling [2015] IRLR 543 as to the scope of negotiating rights for the purposes of para 3(3) Sch A1 of the 1992 Act in respect of pay, hours and holidays (junior to Bruce Carr KC);

- *Govia Thameslink Railway Ltd v ASLEF* (No. 2) [2016] EWHC 1320 (QB); [2016] IRLR 686 (Supperstone J): 'prior call' (s. 233), ballot constituency (s. 228A), trade dispute (s. 244) (junior counsel to [Lord Hendy KC](#));

- *Govia Thameslink Railway Ltd v ASLEF* (No. 1) [2016] EWHC 985 (QB) (Langstaff J): - inducement to breach contract (junior counsel to [Lord Hendy KC](#));

- *Secretary of State for Education v NUT* [2016] EWHC 812 (QB); [2016] IRLR 512 (Kerr J): seminal decision on trade dispute with Minister of the Crown (s. 244(2)(b)), interim declarations (junior counsel to [Lord Hendy KC](#));

- *McFarlane & Ambacher v EasyJet Airline Co Ltd* [2016] IDS Brief 1058: test

litigation concerning adjustments to rostering arrangements to permit breastfeeding mothers to express milk, indirect sex discrimination, H&S, s. 63 ERA 1996;

- *Plumb v Duncan Print Group Ltd* [2016] ICR 125: accrual of right to paid annual leave during long-term sickness absence – EAT held that the carry over period was subject to an 18 month temporal limit;
- *Land Registry v Houghton* [2015] IDS Brief 128: one of the first EAT decisions to examine the scope of s. 15 EqA 2010 (unfavourable treatment arising in consequence of disability; withholding of bonus payments; sickness absence);
- *Mosekari v Lewisham LBC* [2015] ELR 31 (Admin): successfully represented Lewisham resisting a judicial review challenge brought by a teacher seeking exemption from mandatory induction period following award of QTS;
- *Virulite LLC v Virulite Distribution Ltd* [2015] 1 All E.R. (Comm) 204 (QBD): represented defendant in multi-million pound commercial action – wrongful repudiation of distribution agreement for cold sore treatment; promissory estoppel; repudiation; termination; variation clauses; waiver (junior to [Oliver Segal KC](#));
- *Thorne v House of Commons Commission* [2014] EWHC 93 (QB); [2014] IRLR 260: public sector pay freeze; breach of contract – progression payments; incorporation;
- *Vaughan v London Borough of Lewisham* [2013] IRLR 720: concurrent ET and High Court proceedings; refusal to stay High Court proceedings; defamation – justification defence;
- *Anderson & Ors v LFEPA* [2013] EWCA Civ 321; [2013] IRLR 459 CA: collective agreement 3 year pay deal; construction; incorporation (junior to [Oliver Segal KC](#));
- *Dunn v Basildon & Thurrock University Hospitals NHS Foundation Trust* [2013] EWHC 3636 (QB): successfully represented Trust to resist application for interim relief; alleged breach of disciplinary procedure;
- *Working Links (Employment Ltd) v PCS UKEAT/0305/12/RN*; [2013] IDS Brief 971: collective redundancy consultation; trade union recognition for collective bargaining; s. 188;
- *Vaughan v LB Lewisham UKEAT/0534/12/SM*: admissibility of covert recordings;
- *HM Land Registry v Benson* [2012] ICR 627; [2012] IRLR 373: early retirement; age discrimination; justification.

## Professional Recommendations

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“Stuart gets the full picture and is a strong tactician and very easy to work with. He will drill into necessary detail, which is often the clincher in a successful outcome.”

### Chambers & Partners 2024

“Stuart is brilliant at the law and superb with clients. He is very much the team player. Nothing is too much trouble.”

### Chambers & Partners 2024

“Stuart is one of the best juniors at the employment Bar. He is outstanding in every respect.”

### Chambers & Partners 2024

“Stuart is an incredibly hard-working junior with an attractive advocacy style.”

### The Legal 500 2024

“He is an expert advocate: witnesses are put to the test with Stuart and his friendly demeanour belies a heavyweight in cross-examination.”

### Chambers & Partners 2023

“Stuart provides excellent all-round advice on complex issues.”

### **Chambers & Partners 2023**

"A true specialist on trade union-related claims, whistle-blowing and complex discrimination claims."

### **Chambers & Partners 2023**

"Stuart is the best junior at the employment Bar. He is fiercely intelligent, hugely responsive, and always willing to go the extra mile for clients. It is also hard to think of many recent leading cases in the industrial relations arena that he has not been involved in."

### **The Legal 500 2023**

"The best junior in the business by a distance. Always mucks in, is incredibly speedy and always right – a go-to for difficult issues."

### **The Legal 500 2022**

"He is absolutely outstanding – he cuts through the chaff, he is very analytical, he has a good client manner, he is quick in turning around work, he is strategic and he is an excellent cross-examiner so it is a joy to watch him filleting someone on the other side." "He is very good with an employment tribunal and he has a real knack of explaining things to non-lawyers."

### **Chambers & Partners 2022**

"He combines his high intellect and sharp mind with a warm and approachable manner." "He's very approachable, great with clients, very bright and clever – the go-to barrister for complex matters."

### **Chambers & Partners 2021**

"The best junior at the employment bar, without exception. He is intelligent, pragmatic and you could not find a more responsive barrister, who is ready to roll his sleeves up and become an integral extension to your own team."

### **The Legal 500 2021**

"Rare breed of barrister who is extremely good both legally and also in dealings with clients."

### **The Legal 500 2020**

"Incredibly clever, hard-working, inventive and very, very good with clients." "Stuart is like an encyclopaedia of case knowledge, who always provides great advice and guidance whenever needed."

### **Chambers & Partners 2020**

"He is able to analyse complex matters in an extremely practical and commercial way" "thinks ten paces ahead and is very good on his feet." "Excellent advocate with an eye for detail and commercially astute." "an academically terrific opponent."

### **Chambers & Partners 2017**

"WWL acknowledges "his strong expertise in the equality act 2010 and equal pay matters."

### **Who's Who Legal 2018**