**Lord Hendy KC**

**of**

**Hayes and Harlington**



**Old Square Chambers[[1]](#footnote-1)**

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**Chambers & Partners** 2024**:** *“You couldn’t find better representation. I hold him in the highest esteem.”*

*“He is one of the outstanding employment lawyers of this, or any other, generation.” “John is the best at client service and is a class act.”* **The Legal 500** 2024**:** *“A giant in the field of industrial relations law.”*

**Chambers & Partners** 2023: *“Lord Hendy is a true dean of the Employment Bar.”* **The Legal 500** 2023: *“John is one of the country’s leading employment silks. Very strong on all collective labour issues, particularly the relationship between UK law and human rights jurisprudence. A gifted advocate who speaks with authority in court.”* **Chambers & Partners** 2022: "*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*. **Chambers & Partners** 2021**:** *“He’s the claimant trade union lawyer without any equal.” “He is a great courtroom advocate with a wealth of experience.”* **The Legal 500** 2021: *“Has the ear of the senior judges and the total respect and admiration of his peers. He is the most gifted of draftsmen, an ingenious lawyer and a compassionate and empathetic adviser. If there is a real fight to be had, you go to John.”* **Legal 500** 2020: “*He is a Rolls-Royce amongst the senior echelons of the Bar*.” **Chambers & Partners** 2020**:** "*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.*" **Chambers & Partners** 2019: *“His knowledge of the area is second to none and he is extremely dedicated to the cause” “a very good and level-headed advocate”.* **Legal 500** 2018: he *‘combines exceptional powers of reasoning with compassion and humanity”*; *“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*”. **Chambers & Ptners** 2017: *“One of the all-time greats in employment and industrial relations law;” “A forceful and robust advocate, and tremendously authoritative;” “An exceptional advocate in a class of his own. Well prepared, approachable and client-friendly;” "Authoritative, patient and persuasive. He inevitably holds the attention of the court;" "The qualities he brings are his experience and in-depth knowledge of the field."*’ **The Legal 500** 2017: ‘*He has excellent client care skills and is extremely well prepared.’* **The Legal 500** 2015: ‘*One of the best advocates at the Bar; supreme in the field of collective labour law’*. **Chambers** 2015: *Recognised as the leading silk at the Employment Bar when it comes to handling industrial relations cases ... His experience and skill in this area are lauded by clients and peers alike, who also praise him for his straightforward and effective advocacy’*and **Chambers** 2014: ‘*A major figure in cases involving industrial relations, and a go-to barrister for a number of unions. He is well known for his work on high-profile, precedent-setting cases, and is an expert on injunctive restraints to industrial relations.’* “*He is an incredibly calm advocate who is very creative in looking at cases and taking them to the appellate level."* **Chambers** 2013: ‘*the absolutely excellent John Hendy QC, who is a terrific fighter and an authoritative silk respected by opposing counsel, instructing solicitors and members of the judiciary.*’ ‘*A leading specialist in industrial relations cases, market sources say he superbly handles work of the utmost complexity and he continues to be a favoured choice of many notable solicitors for cutting-edge cases*.’ **The Legal 500** 2013: ‘*Star performer John Hendy QC* as *an extremely versatile advocate who can master any area of law.’* **Chambers** 2012: recorded that he ‘*has the gravitas to pull off difficult arguments*’ and **Chambers** 2011: ‘*capable at looking at cases from angles others might not, he is a very through advocate who certainly captures the attention of the court’*; he is ‘*a delight to deal with*’, ‘*has a really nice touch with clients’* and ‘*advocacy skills that simply knock opponents out*.’ It said that ‘*solicitors favour him as he is always thorough and well prepared, and has total command of the documents in front of him*’. **The Legal 500** (2011) described him as an ‘*outstanding leader with unrivalled knowledge of trade union law*’

John 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, started practice in 1977 and took silk in 1987. Without doubt, he is 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 47 years. He is now on the verge of retirement.

He has appeared in the European Court of Human Rights and in the European Court of Justice. He has appeared in 13 cases in the Supreme Court (including the House of Lords and the Privy Council), and has 75 reported cases in the Court of Appeal and 93 in the High Court. He has drafted applications to the supervisory committees of the International labour Organisation and of the European Social Charter.

He has also appeared in many high-profile inquests and inquiries, including:[[2]](#footnote-2)

* 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
* The Inquiry into Under-Cover Policing (for various trade unions) from 2017
* The Grenfell Tower Inquiry (in an advisory capacity only for the Fire Brigades Union) from 2019-23

In the past his practice included:

* personal injury work, predominantly claimant work injuries, disease and death
* representing doctors in disciplinary and employment cases (starting with Wendy Savage in 1986).

Until 2023 he was Standing Counsel to

* Associated Society of Locomotive Engineers and Firemen
* Communication Workers’ Union
* National Union of Journalists
* National Union of Mineworkers
* National Union of Rail, Maritime and Transport Workers
* Prison Officers’ Association
* UNITE the Union
* University and College Union

In 2011 he received the **Liberty** *Lifetime Achievement Award* forservices to trade union and workers’ rights and, in 2017, the **Chambers & Partners** Lifetime Achievement Award.

He was also:

**Legal 500** Employment Silk of the Year 2013  
**Chambers & Ptners** Employment silk of the Year, runner up, 2012  
One of **The Lawyer’s** ‘Hot 100’ for 2012  
***Legal Business’s*** Lawyer of the Year, runner up, 2012  
***The Lawyer’s*** Barrister of the Year, runner up, 2011

**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 QC, of Hayes and Harlington

**Positions currently held**

John is an Honorary Professor in the Faculty of Law, University College, London (since 2014) 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

**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

With Professor Keith Ewing, 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.

He was the primary draftsperson (on behalf of the TUC) of the Trade Union Rights and Freedom Bill in 2007, and the Lawful Industrial Action (Minor Errors) Bill in 2010. Both Bills were moved by John McDonnell MP as private members’ bills. His own private member’s bill on the Status of Workers passed all stages in the House of Lords in 2021 but was lost on the prorogation of Parliament in 2022 (see the full debate at Second Reading on 10 September <https://parliamentlive.tv/event/index/49a4d640-17ff-4675-9d63-e2e88514fb20>). Having won the ballot for private members’ bills again in 2023 he has reintroduced the Status of Workers Bill (6 December 2023) which can be seen here: [Status of Workers Bill [HL] (parliament.uk)](https://bills.parliament.uk/publications/53285/documents/4124).

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.

A video of his lecture ‘*The McGowan judgment and Collective Bargaining in Ireland*’ given at Trinity College, Dublin, 30 January 2014, is at <http://www.ictu.ie/press/2014/02/06/congress-makes-collective-bargaining-complaint-to-court-of-human-rights-supreme-court-ruling-flawed-says-legal-expert/>; and in discussion with Prof Keith Ewing on the subject of the Trade Union Bill 2015 at: <https://www.youtube.com/watch?v=FZsS9tG9TgA&feature=youtu.be>

See also: <https://www.youtube.com/watch?v=n8iqkDaQFYI>

**International**

John’s interest in international affairs permeates his practice and other activities.

He acted as observer for the International Commission of Jurists in South Africa during the apartheid regime and consequently established and maintains strong links with leading labour lawyers there. In consequence he was able to do some work for the National Union of Namibian Workers on the Labour Code of Namibia in the 1990s.

Practising as a barrister in the field of industrial relations in New South Wales in 1998 provided a deep insight into comparative labour law and comparative industrial relations. He was instrumental in establishing the Australian Section of the International Centre for Trade Union Rights.

From 1987 to 1990 he was President of the International Centre for Trade Union Rights and from 1990 was a Vice-President until re-elected President in 2011. In this connection he has visited and established links worldwide with other labour lawyers.

He has frequently attended the (annual) International Labour Organisation Conference in Geneva and has drafted many applications to the ILO on behalf of British trade unions.

In 1998 and 2002 he was invited to address the Conference of the Canadian Association of Labour Lawyers and retains links there.

He has three times addressed the Academy of European Law (in Trier and Strasbourg). He has spoken several times at the annual meetings of NETLEX, the legal experts of the European Trades Union Council.

Apart from appearances in the Court of Justice of the European Union and the European Court of Human Rights, he has appeared in the Industrial Relations Court of New South Wales and the Federal Industrial Relations Court of Australia, the Irish Labour Court and the Industrial Court of Trinidad and Tobago.

He has a particular interest in international labour law (particularly in relation to freedom of association) and in the International Labour Organisation, European Social Charter, the European Convention on Human Rights and Fundamental Freedoms and the International Covenant on Economic, Social and Cultural Rights.

**Interests**

His family

Labour history

Cycle racing (only as a spectator alas)

Blues (listens well, plays badly)

Dutch barges and gaff-rigged ketches

**Cases**

A list of cases in the law reports in which he has appeared follows. Cases reported in lower courts are not usually referred to if they have subsequently been reported in higher courts unless the latter cannot be read without the former:

***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 U****K* [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***

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

***Supreme Court/ House of Lords/ 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.

(13) ***Independent Workers Union of Great Britain v Central Arbitration Committee, Roo Foods Ltd (t/a Deliveroo), SoS Business and Trade (intervening)*** [2023] UKSC 43.

***Court of Appeal***

(1) ***Methven v Cow Industrial Polymers Ltd*** [1980] ICR 463; IRLR 289 (CA) - Sex discrimination - Equal pay

(2) ***Savoia v Chiltern Herb Farms*** [1982] IRLR 166 (CA) - Unfair dismissal - constructive dismissal

(3) ***Lotus Cars Ltd v Sutcliffe and Stratton*** [1982] IRLR 381 (CA) Contract of employment - hours of work

(4) ***Beal v Beecham Group Ltd*** [1982] ICR 460; IRLR 192 (CA) - Industrial Relations - Trade union activities - time off work

(5) ***Varndell v Kearney & Trecker Marwin Ltd*** [1983] ICR 683; IRLR 335 (CA) - Industrial tribunals - Reasons for decision

(6) ***Birch and Humber v University of Liverpool*** [1984] IRLR 87 (CA) - Redundancy

(7) ***Spencer and Griffin v Gloucestershire CC*** [1985] IRLR 393 – reasonable refusal of offer of alternative employment

(8) ***Clarke v Heathfield***[1985] ICR 203 (CA) – Miners’ Strike, Contempt of Court, Removal of trustees of NUM Area

(9) ***Keir, Williams v Hereford & Worcester CC*** [1985] IRLR 505 (CA) – variation of employment contract

(10) ***National Coal Board v Ridgway*** [1987] ICR 641; 3 AER 582; IRLR 80 (CA) - Trade union activities - Action short of dismissal

(11) ***Dietman v Brent LBC (No.1)*** [1987] IRLR 146 – industrial tribunal procedure

(12) ***Dietman v Brent LBC (No.2)*** [1987] ICR 176; IRLR 299 (CA) - Wrongful dismissal - Breach of contract

(13) ***Rolls-Royce PLC. v Doughty*** [1987] ICR 932 (CA) - Sex discrimination - whether R was emanation of the State

(14) ***Powell v Brent London Borough Council***[1988] ICR 176; IRLR 466 (CA) - Breach of contract of employment - Interlocutory injunction

(15) ***Rayware Ltd. v Transport and General Workers' Union*** [1989] ICR 457; 3 AER 583; IRLR 134 (CA) - Trade dispute - Pickets

(16) ***Wiluszynski v Tower Hamlets LBC*** [1989] ICR 493; IRLR 259 (CA) – wage deduction during industrial action

(17) ***Clifford v Union of Democratic Mineworkers*** [1991] IRLR 518 (CA) - Identity of employer

(18) ***Tanks & Drums Ltd v Transport and General Workers' Union*** [1992] ICR 1; IRLR 372 (CA) – authority to call strike

(19) ***R v Silcott; R v Braithwaite***  1991 Times 9 December (CA) – evidence in murder case

(20) ***Newns v British Airways PLC*** [1992] IRLR 575 (CA) - Contract of employment - transfer of employee

(21) ***Osman v Ferguson and Cmr for Met Pol*** [1993] 4 All E.R. 344; [1992] EWCA Civ 8 – police immunity, subsequently overturned in *Osman v UK*

(22) ***Port of London Authority v Payne*** [1993] ICR 30; [1994] IRLR 9 (CA) - Unfair dismissal - Re-engagement

(23)  ***Wilson v Associated Newspapers Ltd*** [1994] ICR 97 – anti-union discrimination

(24) ***Department of Transport and ors. v Williams and ors*** [1993] TLR 627 - Twyford Downs injunction – breach of s.303 Highways Act 1980 constitutes unlawful means in tort.

(25) ***Newham London Borough Council v National and Local Government Officers Association*** [1993] ICR 189; IRLR 83 (CA) - Trade Dispute - Act in furtherance of - Procuring breach of contract

(26) ***Port of London Authority v Payne*** [1994] ICR 555 (CA) - Employment - Unfair dismissal - Re-engagement

(27)***Dines v Initial Healthcare Services Ltd***[1995] ICR 11; IRLR 336 (CA) - Employment - Transfer of undertaking

(28) ***RJB Mining (UK) Ltd v National Union of Mineworkers (No.1)*** [1995] IRLR 556 (CA) - strike notice

(29) ***Intercity West Coast v RMT*** [1996] IRLR 583 (CA) – strike ballot

(30) ***Armstrong v British Coal Corp. (No.1)*** 1996 Times, 6 December; [1997] 8 Med LR, 259; [1997] JPIL 50 (CA) - liability for VWF in coal mineworkers group action

(31) ***Binks v Maken and Avon Health Authority***[1998] PIQR P1 (CA) - Medical negligence - amendment of pleading

(32) ***Armstrong v British Coal Corp*. *(No.2)*** [1998] JPIL 320; [1998] CLY 2842 (CA) - Personal injury - VWF group action – foreseeability, measure of damages

(33) ***British Broadcasting Corporation v. Kelly Phillips*** [1998] ICR 587; IRLR 294; 2 AER 845 (CA) - Fixed term contracts of employment

(34) ***University College London Hospital NHS Trust v. UNISON*** [1999] ICR 204; IRLR 31 (CA) –trade dispute issue

(35) ***Lubbe v Cape plc*** [2000] 1 Lloyds Rep 139; CLC 45; ILPr 438 – forum conveniens

(37) ***UNISON v Westminster City Council***[2001] ICR 1046; IRLR 524 - Trade dispute; pre-strike notices

(38) ***RMT v Midland Mainline***[2001] IRLR 813 (CA) - Trade dispute – balloting constituency

(37) ***Chaudhary v Royal College of Surgeons etc*** [2003] ICR 1510 - Race discrimination – s.54(7) jurisdiction of employment tribunal

(39) ***BMA v Chaudhary*** [2003] EWCA Civ 645 - Race discrimination, measure of compensation

(40) ***English, Welsh & Scottish Railway v RMT*** [2004] EWCA Civ 1539; 148 SJLB 1246 - Delivery of notice of industrial action

(41) ***Bamsey v Albon Engineering and Manufacturing Lt****d* [2004] ICR 1083; IRLR 457 - Working Time – holiday pay

(42) ***Chaudhary v Specialist Training Authority Appeal Panel & Ors*** [2005] EWCA Civ 282; [2005] ICR 1086 - Race discrimination – s.54(7) jurisdiction of employment tribunal

(43) ***Dept. for Work and Pensions v Webley*** [2005] ICR 577, IRLR 288 - Fixed-term Employees Regs

(44) ***R(NUJ) v CAC, Sec. of State, MGN Ltd, BAJ***[2006] ICR 1; IRLR 53 - Recognition: pre-existing voluntary collective agreement

(45) ***AB &ors. v DTI t/a British Coal Corpn*** [2006] EWCA Civ 1357; [2007] PIQR P8; - Powers of supervising judge in group litigation compensation scheme (mineworkers’ vibration white finger)

(46) ***Wain v Guernsey Ship Management Ltd***[2007] 1 ICR 294 - TUPE – economic entity

(47) ***Mezey v SW London & St George’s Mental Health NHS Trust******(No.1)***[2007] EWCA Civ 106; [2007] I.R.L.R. 244; (2007) 94 B.M.L.R. 25 - Injunction to restrain suspension from employment upheld

(48) ***British Medical Association v Chaudhary*** [2007] IRLR 800; 97 BMLR 15 – Race discrimination

(49) ***Rice and Thompson v S of S for Trade and Injury*** [2007] ICR 1469; PIQR P23 - Proximity in tort; National Dock Labour Board liable to dockers not employed by Board

(50) ***McConnell v Bombardier Aerospace Short Bros plc*** [2009] IRLR 201 (Northern Ireland Court of Appeal) – Availability of interim relief for active trade unionists selected for that reason in a genuine redundancy

(51) ***Kulkarni v Milton Keynes NHS Foundation Trust*** [2009] EWCA Civ 789; [2010] I.C.R. 101; [2009] I.R.L.R. 829; [2009] LS Law Medical 465; (2009) 109 B.M.L.R. 133 – Injunction: employing Trust to permit legal representation of doctor in disciplinary hearing; contractual term and Art.6 ECHR

(52) ***Metrobus Ltd v UNITE the Union*** [2009] IRLR 851, [2010] ICR 173 – Injunction, right to strike and Article 11, ballots and notices

(53) ***Mezey v SW London & St George’s Mental Health NHS Trust (No.2)*** ­ [2010] EWCA Civ 293; [2010] I.R.L.R. 512; [2010] Med. L.R. 190; (2010) 154(13) S.J.L.B. 28 – injunction to restrain disciplinary proceedings

(54) [***Deman v The Commission for Equality & Human Rights*** [2010] EWCA Civ 1279](http://www.employmentcasesupdate.co.uk/site.aspx?i=ed6852); [2011] EqLR 36; CP Rep 12; (2010) 107(46) L.S.G. 15 – assessors not required to sit with judge in race discrimination case

(55) ***Milford Haven Port Authority v UNITE the Union*** [2010] EWCA Civ 400 – strike injunction, requirements of notice of industrial action

(56) [***National Union of Rail, Maritime and Transport Workers* *v EDF Energy Powerlink Ltd*** [2010] EWCA Civ](http://www.lexisnexis.com:80/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21_T8586167177&format=GNBFULL&sort=BOOLEAN&startDocNo=1&resultsUrlKey=29_T8586167184&cisb=22_T8586167183&treeMax=true&treeWidth=0&csi=279841&docNo=2) 173 - Injunction to restrain strike – notice of ballot challenged

(57) ***British Airways v UNITE the Union*** [2010] ICR 1316; IRLR 809 – strike injunction – notice of ballot result to members

(58) ***Malone v British Airways*** [2011] IRLR 32;[2011]ICR 125;[2010] EWCA Civ 1225 – claim for damages and injunction for changes to crew levels on aircraft – whether collective agreements incorporated and enforceable

(59) ***RMT v Serco Ltd; ASLEF v London & B’ham Rly*** [2011] EWCA Civ 226; [2011] 3 All E.R. 913; [2011] I.C.R. 848; [2011] I.R.L.R. 399 – strike injunction – de minimis errors

(60) ***Mattu v University Hospitals of Coventry and Warwickshire NHS Trust*** [[2012] IRLR 661](http://www.lexisnexis.com:80/uk/legal/search/enhRunRemoteLink.do?ersKey=23_T15101819385&langcountry=GB&backKey=20_T15101819391&linkInfo=F%23GB%23IRLR%23year%252012%25page%25661%25sel1%252012%25&service=citation&A=0.5705960326964048); **[**2013] ICR 270**;** [2012] EWCA Civ 641 – Contract of employment, doctor, disciplinary procedures; Art.6 ECHR

(61) ***R (Associated Newspapers) v Leveson*** [2012] EWHC 57 (Admin); [2012] A.C.D. 23– JR attempt to prevent NUJ giving anonymous evidence to the Leveson Inquiry into press practices and ethics

(62) ***Graham v Dept Work and Pensions*** [2012]EWCA Civ 903; [2012] IRLR 759– unfair dismissal; role of EAT

(63) ***Quashie v Stringfellows Restaurants Ltd*** [2013] IRLR 99; [2012] EWCA Civ 1735 , [2013] NLJR 21, (2013) 157(1) S.J.L.B. 31, [2012] All ER ( D) 229 – whether club dancer was self-employed or an employee

(64) ***George v Ministry of Justice*** [2013] EWCA Civ 324, [2008] All ER (D) 52; - incorporation of collective agreement into contract of employment

(65) ***East Midlands Trains Ltd v RMT*** [2013] EWCA Civ 1072, [2013] All ER (D) 163 (Aug) – construction of collective agreement, action short of strike, injunction.

(66) ***R (URTU) v Sec of State for Transport*** [2013] EWCA Civ 962; [2013] I.R.L.R. 890 - whether lack of provision for civil enforcement of Road Transport (Working Time) Regs 2005 made pursuant to EU Regulation was permissible

(67) ***R (Mehey & ors) v Bar Standards Board*** [2014] EWCA Civ 1630; - challenge to composition of disciplinary panels, time expired members, *de facto* judge doctrine, Art.6 ECHR

(68) ***Smith v Carillion (JM) Ltd*** [2015] EWCA Civ 209, [2015] IRLR 467 – agency worker blacklisted for trade union activities, no remedy against end-user

(69) ***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

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1. Also at H.B. Higgins Chambers, 6th floor, 82 Elizabeth Street, Sydney, NSW 2000, Australia. Tel: +6129 223 3633. [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)