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## Peter Edwards

CALL 1992



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## Areas of Expertise

- Personal Injury • Employment • Neurotrauma • Employers' Liability • Spinal Injury • Dismissals & Employment Rights • Equality • Industrial Relations • Pay, Incentives and Pensions • Restrictive Covenants & Injunctions • Clinical Negligence • Judicial Review • Mediation • ADR in injury cases
- Alternative Dispute Resolution (ADR) • Administrative and Public Law

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Peter Edwards is a rare breed of senior junior who continues to perform at a high level across a diverse range of practice areas, with a strong following in the areas of personal injury (including sexual abuse), human rights, employment and industrial relations/trade union law.

For decades, Peter has been recommended as a leading barrister, in both Personal Injury and Employment, in the leading legal directories, Chambers UK and Legal 500. His key strengths are summed-up in his profile in Chambers & Partners: "He is a supreme tactician and knows his law inside-out. He is down-to-earth, has an excellent rapport with clients, is always prepared to go the extra mile and quickly gets to the heart of the legal issues." "He's a great choice for employment and personal injury crossover claims." "He is very effective in cross-examinations and is a good communicator with clients." "He has a fantastic client manner and can cut through complex reports and get to the heart of the issue really quickly."

The diversity of his practice allows Peter to take full advantage of the increasing overlap between the fields of personal injury, human rights, data protection and employment law and to take on complex cases involving issues spanning more than one of those fields. Employment and discrimination cases involving psychiatric injury suffered by workers/employees are a key example.

In the last 10 years, largely in conjunction with Mark McGhee, the leading human rights solicitor, and his expert team at Lexent Partners, Peter has developed a specialism in complex human rights and data protection cases involving psychiatric injury, successfully pursuing claims against Police Forces, local authorities, NHS Trusts and private mental healthcare facilities in respect of

breaches of Articles 2, 3, 5, 6, 8 and 14 of the Human Rights Act and/or breaches of the Data Protection Acts and GDPR.

Peter's personal injury practice is primarily of a High Court and appellate level with specialism in catastrophic injury, including spinal injury, multiple injury, and brain injury cases. He is a contributor to Lexis PSL online Personal Injury Service and author of a textbook on Deafness Claims.

Peter is an expert on all aspects of employment law, including discrimination (all the protected characteristics), restrictive covenants, injunctions, wrongful dismissal, unfair dismissal, equal pay, TUPE, trade disputes, trade unions and commercial agents. He has particular experience of claims involving large banks and financial institutions. He has an exceptional appellate-level practice, including two appearances in the Supreme Court.

Throughout his career, Peter has been the go-to junior for a range of trade union work having advised and represented both large employers and Trade Unions on all aspects of industrial relations law and practice.

Peter also has substantial experience of judicial review challenges in the Administrative Court. These have often arisen from industrial relations matters and/or Human Rights Act breaches associated to other areas of his practice.

His most notable cases include:

- ATX (A Child by her Litigation Friend ATY) v CRS and DPS [2018] – The highest ever personal injury award, including a £950,000 per annum Periodical Payment Order, secured by Peter, led by Steve Killalea K.C. for a catastrophically injured 7-year-old Claimant.
- Ian Garth Workman v. Carol Ann Forrester & Others [2017] EWCA Civ.73 – The Court of Appeal upheld Judgment of £1.5 million damages against a man who murdered his wife during divorce and financial relief proceedings, thereby avoiding an award against him in the Family Courts. The judgment represented the sum that Mr Workman would have had to pay his ex-wife had he not murdered her.
- Begley v. Chief Constable of Greater Manchester/IPCC [2016] Inquest LR 302 – Represented the family of a teenager who was tasered and assaulted by Officers of Greater Manchester Police at a 5-week Inquest. First narrative verdict of a Jury which has partly attributed a death to the use of a taser. Subsequently recovered civil damages in a High Court claim on behalf of the family. The Jury's verdict resulted in a Judicial Review claim against the IPCC in respect of the flawed investigation that had led to the exoneration of the Officers responsible for Mr Begley's death. The IPCC's Report was set aside, and the disciplinary investigation was re-opened. This is one of a series of taser and Police abuse cases successfully pursued by Peter, instructed by Mark McGhee.
- Russell & Others v. Transocean International Resources Ltd [2012] IRLR 149 (Supreme Court) – Entitlement to "leave" pursuant to the Working Time Regulations, 1998, for workers in the offshore sector. Whether breaks in the natural shift pattern constitute "leave" for the purposes of the WTR.
- Autoclenz Limited v. Belcher & Others [2011] IRLR 820 (Supreme Court) – Employment/worker status under the Employment Rights Act, 1996, the Working Time Regulations and the National Minimum Wage Act, 1998. This is, undoubtedly, the leading case on 'sham' clauses in employment contracts.

- Albion Automotive Ltd v. Graham Walker & 20 Others (CA, 2002) LTL 21/6/2002, successfully represented 21 Claimants in the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lords (resisting the respondents' application for permission to appeal) in a case involving rights to enhanced redundancy and pension payments derived from custom and practice. This remains the leading authority on the implication of contractual terms through custom and practice.

In addition, Peter was Junior Counsel to Sir Richard Scott's Inquiry into the Export of Arms and Dual-Use Equipment to Iraq (aka Arms to Iraq) from 1992 to 1995.

He sits, part-time, as a Judge of the First-Tier Tribunal of the Social Entitlement Chamber.

He is an active member of the Personal Injury Bar Association, Employment Law Bar Association and the ELAAS scheme at the Employment Appeal Tribunal.

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## Recommendations

**"He is approachable, user-friendly and an exceptional barrister."** - Personal Injury, Chambers UK 2025

**"Peter helps us successfully navigate complex discrimination claims."** - Employment, Chambers UK 2025

**"An extremely dedicated and personable barrister."** - Employment, Legal 500 2025

**"Approachable, Peter shows major ability to grasp complex legal issues and work them to the clients advantage."** - Personal Injury, Legal 500 2024

**"A phenomenal junior."** - Employment, Legal 500 2024

**'Peter is a brilliant advocate, running rings around KCs and explaining complicated legal arguments in a simple and compelling way. He knows his cases inside out, meaning that instructing solicitors and clients have complete faith in him.'** - Employment, Legal 500 2023

Ranked as a Leading Junior - *Personal Injury, Legal 500 2023*

Routinely appears in high-profile inquests and maximum severity catastrophic injury cases. His employment law practice complements his personal injury offering, especially in complex EL/PL disputes and quantum calculations. He acts for both defendants and claimants in cases which often have a human rights angle. He is noted for his expert handling of psychiatric injury matters, including harassment, bullying and sexual abuse claims. **"He is absolutely fantastic with clients and has a good instinct in tough cases. He is an approachable and gifted advocate with a caring and sensible approach in litigation."** **"An excellent negotiator who is incredibly approachable and has fantastic client skills."** - *Personal Injury, Chambers UK Bar 2022.*

Has a broad employment law practice, with extensive experience of High Court litigation and complex Employment Appeal Tribunal cases. He specialises in industrial relations work and is often instructed by high-profile trade unions. He also leverages his experience in personal injury

litigation to tackle disability discrimination matters. "Peter is an absolute joy to deal with and he is my first point of contact whenever I have a complex Employment Tribunal claim to defend. His knowledge of the law is second to none, he is strategic in his advice and approach, and he is keen to work collaboratively to ensure the client's needs are met effectively and efficiently. He is also extremely down to earth, he is able to communicate complex legal points in easy to understand terms and he is great with clients and witnesses alike, putting them at ease with his confidence and charm." - *Employment, Chambers UK Bar 2022.*

"Peter is an absolute joy to deal with and he is my first point of contact whenever solicitors have a complex ET claim to defend. His knowledge of the law is second to none, he is both shrewd and strategic in his advice and approach, and keen to work collaboratively to ensure the client's needs are met effectively and efficiently." - *Employment, Legal 500 2022.*

Ranked as a Leading Junior - *Personal Injury, Legal 500 2022.*

"He is very effective in cross-examinations and is a good communicator with clients." "He has a fantastic client manner and can cut through complex reports and get to the heart of the issue really quickly." Acted for the widow and dependants of a man who was allegedly assaulted and killed by officers of the Greater Manchester Police - *Personal Injury, Chambers UK Bar 2021*

Has a broad employment law practice, with extensive experience of High Court litigation and complex Employment Appeal Tribunal claims. He specialises in industrial relations work and is often instructed by high-profile trade unions. He also leverages his experience in personal injury litigation to tackle disability discrimination matters. "He is a supreme tactician and knows his law inside-out. He is down-to-earth, has an excellent rapport with clients, is always prepared to go the extra mile and quickly gets to the heart of the legal issues." "He's a great choice for employment and personal injury crossover claims." Represented the former Chief Executive Officer of the FICC Market Standards Board, defending whistle-blowing and unfair dismissal claims brought by the former Technical Adviser, Craig Beevers - *Employment, Chambers UK Bar 2021*

'Has a great understanding of the medical and legal complexities in high value cases which ensures exceptional results.' - *Personal Injury, Legal 500 2021*

"He is very thorough and has an exceptional level of knowledge." - *Employment, Legal 500 2021.*

"He is very, very thorough and very hard-working. He's hands-on and will go the extra mile for his clients." - *Personal Injury, Chambers UK Bar 2020*

'Very diligent, client-friendly and commercial.' - *Personal Injury, Legal 500 2020*

"An excellent advocate who always provides sound and pragmatic advice based on his deep knowledge of the law." "He is very hard-working and has a real commitment to getting the best for the client." - *Employment, Chambers UK Bar 2020*

'His experience on trade union matters and related legal issues is invaluable.' - *Employment, Legal 500 2020*

"He has an impressive rapport with vulnerable clients." Handled a claim of psychiatric injury caused by alleged false imprisonment of the claimant by officers acting for the National Crime Agency. - *Personal Injury, Chambers UK Bar 2019*

**"Excellent on his feet and very thorough." "An absolute master in tribunal."** Acted for Paul Allen in a disability discrimination claim against Tullett Prebon Group, an inter-dealer money broker. - *Employment, Chambers UK Bar 2019*

**'He gives sensible and well-thought advice.'** - *Personal Injury, Industrial Disease and Insurance Fraud, Legal 500 2019*

**'He is approachable and works well with vulnerable clients.'** - *Employment, Legal 500 2019*

**"Has a brilliant mind. Very clever." "Equally skilled at cross-examination and complex legal submissions. He also has an impressive rapport with vulnerable clients."** Acted in a multimillion-pound claim on behalf of the family and dependants of two friends who were killed in a road traffic accident involving a drunk driver. - *Personal Injury, Chambers UK 2018*

**"His attention to detail and ability to get to the crux of a case are second to none." "Decisive, down-to-earth and robust."** Acted for the claimant in a disability discrimination claim for more than £2 million against a large inter-dealer money broker. - *Employment, Chambers UK 2018*

**"Noted for cases at the intersection of personal injury and employment law."** - *Personal Injury, Legal 500 2017*

**"An experienced advocate."** - *Employment, Legal 500 2017*

**"He's excellent. If it's a difficult case he'll handle it with absolute aplomb."** Acted for the claimant in a 25-day inquest investigating whether the police used excessive force when arresting the deceased in Jordan Begley (deceased) v Greater Manchester Police. - *Personal Injury, Chambers UK 2017*

**"He is very experienced across the whole employment field and good to work with - he gives helpful advice."** Instructed in O'Sullivan v TfL, a complex EAT case trying to ascertain whether a death in service benefit can be considered a loss following the redundancy and death of the claimant before the remedy hearing. - *Employment, Chambers UK 2016*

**"His case preparation, eye for detail and cross-examination are second to none."** - *Employment, Legal 500 2016*

**"He is able to give to provide accurate, focused and succinct advice."** - *Personal Injury, Legal 500 2016*

Practises personal injury, employment and trade union law, and he is known for the strength of his performances in court. **"A barrister with an excellent cross-examination technique, who is always willing to assist."** **"He brings a thorough and practical approach to his cases."** Acted in a case brought by a former senior broker at BGC International, alleging bullying, harassment and claims relating to unpaid bonuses and provision of health insurance. - *Employment, Chambers UK 2016*

Covers the full breadth of personal injury litigation, including catastrophic injury, industrial disease and psychiatric injury claims. He is frequently instructed on cases involving serious orthopaedic, spinal cord and head injuries. **"He is particularly good with clients and despite his seniority he retains that personal touch."** Acted in Gallagher v Simpson, a High Court case where three family members were fatally injured in an RTA. - *Personal Injury, Chambers UK 2016*

**"A fine advocate with an excellent legal mind."** - *Employment, Legal 500 2015*

**"He has a good grasp of the technical issues, yet his advice is delivered in a way that is easily understood by clients."** - *Personal Injury, Legal 500 2015*

**"...the Judge struck out his claims (influenced yet again by Peter's brilliance). Peter has been such a wonderful barrister and we are very lucky to have him on our side - he is almost like a friend to us and I think that he gains just as much as we do when things go our way or put it another way – when justice prevails."** – *Lay client, March 2015*

A skilled personal injury and employment specialist who is part of a select group of barristers singled out for cases that straddle the two areas. He is also renowned for his experience in trade union issues, and he regularly represents some of the largest unions in their most critical employment issues. **"Engaging, energetic and hard-working, he is adept at marshalling huge amounts of information very quickly."** **"He gets right to the heart of the issue, explains things very quickly and clearly, and comes down on one side or the other."** Advised TFL on an appeal against an earlier decision in the EAT, centring on the test for a postponement application owing to ill health. - *Employment, Chambers UK 2015*

Has a practice strong in catastrophic injury, industrial disease and psychiatric injury cases. He regularly handles cases involving severe injuries to the spine, brain damage and fatalities. **"He is energetic, hard-working and adept at marshalling huge amounts of information very quickly. He is also a very engaging guy who can make quite boring things lift off the page, so that a lay person, judge or client can see how they work."** Worked on behalf of a claimant who was paralysed and severely brain damaged following an RTA in the Vatican. - *Personal Injury, Chambers UK 2015*

**"First-class cross-examination skills" and "Extremely personable"** - *Legal 500 2014*

Has a thriving appellate practice in employment and industrial relations matters. He was recently involved in Transocean International Resources v Craig in the Supreme Court, the final stage of the Offshore Workers, Working Time Regulation litigation. - *Employment, Chambers UK 2013*

A go-to junior for trade union work and has **"done a huge amount of brilliant work in this area."** He represented Unite in a number of the actions brought by, and against, British Airways arising out of the highly publicised industrial action by cabin crew members. - *Employment, Chambers UK 2012*

**"A very persuasive negotiator"** - *Legal 500 2012*

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## Expertise

### Personal Injury

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Mainly High Court practice with particular specialism in catastrophic injury (spinal injuries, multiple injuries and head/brain injuries), disease litigation and psychiatric injury arising from bullying/harassment at work.

Has a thriving practice in sexual abuse cases, including abuse perpetrated in schools, religious institutions, care facilities and sports clubs. Represented high-profile victims of such abuse, recovering up to seven-figure awards. Has an empathy and rapport with the Claimants that puts them at ease during the stressful litigation process. Excellent working relationship with many of the leading Consultant Psychiatrists and Psychologists in the field of sexual abuse (including Peter Higson OBE, Professor Gournay, Dr Maden and Dr Oscar Daly). Has an expertise in Human Rights law that has proved exceptionally useful in pursuing the abuse claims.

In an almost unique position to take advantage of the increasing overlap between the fields of personal injury and employment law (in which he is already ranked in *Chambers & Partners*). Regularly instructed by top-ranked firms including Irwin Mitchell (London and Birmingham offices); Thompsons; Mishcon de Reya; Russell Jones & Walker and Slater and Gordon.

Expertise in occupational illness and disease litigation, including stress at work, dermatitis, asthma, asbestos exposure, vibration white finger and deafness.

Author of the occupational illness/disease sections (deafness and asbestos exposure) in the recently launched online reference work, *Lexis PSL, Personal Injury Service* which was the winner of the *Online Product of the Year* at the *Legal Technology Awards*. Member of the *LexisAsk Panel* for both Employment Law and Personal Injury.

Regularly conducts lectures/seminars on a diverse range of personal injury and health and safety topics for professional associations, solicitors and commercial training providers. Recent seminars include *res ipsa loquitur*, *novus actus*, case-law developments on limitation (particularly in the context of sexual abuse cases), contributory negligence, Part 36 Payments, Periodical Payments, Asbestos Exposure Cases, Ice and Snow Cases, Stress at Work Claims, Bullying and Harassment Claims and Maximising Schedules of Special Damages.

Regular contributor to the *Journal of Personal Injury Law*.

#### **Recent notable cases include:**

- *Forrester v. Workman [2017] 2 FLR 76 (CA)* - Appeared in the Court of Appeal representing the family of a wife murdered by her husband, thereby avoiding payment of financial relief in divorce proceedings. First reported recovery of a damages award – in excess of £1.5 million – in those circumstances. Consideration of applicable principles of Judgment in default of an award of damages for breach of the terms of a Freezing Order.
- *Begley v. Chief Constable of Greater Manchester/IPCC [2016] Inquest LR 302* – Represented the family of a teenager who was tasered and assaulted by Officers of Greater Manchester Police at a 5-week Inquest. First narrative verdict of a Jury which has partly attributed a death to the use of a taser. Subsequently recovered civil damages in a High Court claim on behalf of the family. The Jury's verdict resulted in a Judicial Review claim against the IPCC in respect of the flawed investigation that had led to the exoneration of the Officers responsible for Mr Begley's death. The IPCC's Report was set aside and the disciplinary investigation was re-opened.
- In 2017/2018 - Represented a high-profile TV Nutritionist who was sexually abused by a teacher at the St. Paul's School, recovering a substantial out-of-Court settlement. Tackled difficult issues relating to limitation (with the sexual offences having taken place some 30 years ago) and quantification of losses (given the Claimant's age at the time of the offences, such that his career had not yet commenced)

- *Zarrabi v. National Crime Agency [2017] HC/01CL648* – Recovered substantial damages for a Solicitor who was falsely imprisoned by Officers working for the National Crime Agency. Finding by the Court that 2 serving Police Officers had lied under oath about the circumstances of the Police raid and what the said to the Claimant, who was not suspected of any offences (including the statement that she could be handcuffed to the chair if she attempted to leave). Disciplinary proceedings are now pending directly attributable to the Court's findings.
- *Schwartz v. Pennine Care NHS Trust [2017]* – Claim on behalf of an Orthodox Jewish Claimant who was suffered psychiatric injury and physical self-harm as a result of being placed on a mixed hospital ward and subjected to abuse relating to his religious beliefs. Claims of clinical negligence, religious discrimination and pursuant to the Human Rights Act.
- *Fidler/Lindsay v. Richard Blenkin [2017] D90MA020* – Represented 2 families in which the father/partner was killed in a road traffic accident when they were cycling to work. The bereaved partners had attended Downing Street to meet David Cameron, when he was Prime Minister, to campaign for changes to sentencing in death by dangerous driving cases.
- *ZXA v. Priory Hospital [2017] HQ15X01471* – Claim on behalf of a mentally-impaired Claimant who was detained at the Defendant's care facility. The Claimant was physically and verbally abused by his carers, the abuse being detected through a Nanny-Cam hidden in a teddy bear. The abusers were imprisoned. Important principles established and endorsed by the Court in respect of awards of aggravated and exemplary damages in abuse cases.
- *Bankole v. Arnal/Allen [2017]* - Representing the infant Claimant who suffered catastrophic spinal and traumatic brain injuries as a result of a road traffic accident. The claim is likely to result in the highest ever personal injury settlement/award given the Claimant's ongoing and permanent care needs (double up, 24-hour waking care) and her pre-accident earning potential.
- *X & Y v. Tameside MBC [2017]* – Claim against a Local Authority, pursuant to the Data Protection Act and Human Rights Act, in respect of the unlawful disclosure of details relating to the sexual abuse suffered by the Claimants in childhood. First reported case in which damages for psychiatric injury have been recovered for a breach of the DPA.
- *Gallagher v. Simpson [2017] A90BM191* – Represented a family of Claimants who were involved in a road traffic accident when returning from a trip to Center Parcs. The husband/father was killed and all other family members were seriously injured. Total recovery of damages in excess of £1 million.
- *Cloutt v. Katsianis [2017]* – Successfully represented the Claimant family at the Inquest and, subsequently, in a Fatal Accidents Act claim brought following the death of a husband/father killed in a motorcycle accident. Court Approval of the liability and quantum settlement was granted in 2017.
- *Wilson v. Southgate/RSA [2016] B90BM075* – Multi-million pound claim by an adult Claimant who suffered from Mosaic Down's Syndrome, whose mother and carer was killed in a road traffic accident. Novel claims were successfully pursued for Court of Protection costs. Court Approval of the agreed settlement sum was granted in 2017.
- *James Kennedy v. Father Cole* – Successfully represented the Claimant who suffered catastrophic spinal and brain injuries when he was struck by a moped driven by a Catholic Priest in Rome. The Priest had been drinking Whisky and was substantially in excess of the drink-drive limit. Unusually, recovered damages for the installation of a hydrotherapy pool

at home. Multi-million pound settlement.

- A multi-million pound claim against the MIB in respect of a Claimant rendered paraplegic following a road traffic accident. The MIB was disputing liability on the basis that the Claimant was aware that the driver was uninsured and intended to use the vehicle for a criminal purpose
- *Scragg v. Denso Manufacturing Ltd* – Successfully represented a Claimant who suffered a serious knee and back injury following an accident at work. The letter sent by the instructing solicitor following the trial is extracted above in the "Recommendations" section
- An Animals Act claim involving a Claimant who was charged by a bull sustaining a serious head injury
- A claim on behalf of an infant who sustained a serious spinal injury whilst using defective playground equipment (a death slide)
- *Healy v. Ministry of Defence* - Successfully pursued a claim in respect of a serious lumbar spine injury sustained by a soldier whilst in service and resulting in him being invalided out of the Army
- *Sunguard Homes Ltd v. Royal & Sun Alliance* - Defended an asbestosis claim on behalf of Defendant company. Successfully pursued a claim for an indemnity against the Royal & Sun Alliance despite the absence of a copy of the Employers' Liability Policy
- Fatal accident claim involving an employee struck by a train operated by South West Trains whilst working as sub-contractor to Carillion
- *McCracken v. The Quad Biking Centre* - Recovered substantial damages in respect of a catastrophic knee injury. Resisted an argument based on novus actus. Also resisted an argument that the recovery of damages in Employment Tribunal claim precluded any further recovery of loss of earnings/pension loss
- Fatal claim on behalf of Estate of motorcyclist killed in a head-on collision on a country lane. Involved detailed cross-examination of accident reconstruction expert instructed on behalf of the Defendant
- *Hines v. Governors of St. Edmunds School* - Successfully pursued a bullying/stress at work claim on behalf of a school teacher recovering substantial damages. Also successfully pursued Miss Hines' Tribunal claim for constructive unfair dismissal recovering the maximum award
- Case involving a print worker whose hand was traumatically amputated. Recovered damages in excess of £800,000
- *Sollitt v. DJ Broady Ltd & anr (CA)* [2000] LTL 23.01.00. Court of Appeal – principles for resiling from, and withdrawing admissions, of fact/liability

## Employment

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Junior Counsel of choice for employment law/industrial relations work for Unite the Union. Regularly instructed by large public sector employers, particularly the Metropolitan Police, and leading, ranked City firms: BDBF, DLA, Weightmans, Mishcon de Reya, Magrath & Co, Beachcrofts, Archon etc. Exceptionally strong client feedback and unusually high level of appellate work, having appeared in the Supreme Court (twice) and regularly in the Court of Appeal, the Employment Appeal Tribunal and, almost uniquely for English Counsel, once in the

Court of Session. Delivered Equality Act training to the Bar Council's Disciplinary Tribunals (including many KC's and Judges). Regular appearances against KC's. Strong publishing profile: contributor to *Tottel: Discrimination law*; *Jordans: Employment Law* and *Tottel's Employment Law Precedents*. Member of the LexisAsk Panel for Employment Law.

Expert on all aspects of employment law, including all types of discrimination, restrictive covenants, injunctions, wrongful dismissal, unfair dismissal, equal pay, TUPE, trade disputes, trade unions and commercial agents.

Appointed in January 2011 as Member of the Panel of Counsel for the Commission of Equality & Human Rights.

Particular expertise in disability discrimination (using his knowledge in the Personal Injury field and his experience in cross-examining medical experts), whistleblowing, age discrimination and Working Time Regulation cases and in bullying/harassment and stress-at-work cases.

He successfully represented 21 Claimants in a 30-day case which resulted in the then highest ever recorded award in a disability discrimination claim being made to one of the Claimants.

Successfully represented employees in the offshore sector in a 25 day case in the Aberdeen ET involving claims for paid leave pursuant to the Working Time Regulations, 1998. The case subsequently proceeded to the EAT, Court of Session and Supreme Court (see below).

Represented the Claimants in the seminal case of *Autoclenz v. Belcher*, which was appealed to the Supreme Court and resulted in the revolutionary decision that 'sham' clauses could be excised from an 'employment' contract if the clauses did not reflect the true reality of the relationship between the parties.

Has a balanced Claimant/Respondent practice.

Advises and represents some of the largest and highest profile employers in the country and is instructed by many of the major City and provincial solicitors. He is also regularly instructed by and on behalf of public bodies including numerous local authorities, Royal Mail, Transport for London, the Greater London Authority and the Metropolitan Police Service.

Also frequently instructed by Trade Unions including Unite, the Communication Workers Union, UNISON, URTU, the Prison Officers Association, the Professional Rugby Players Association and the Association of Teachers and Lecturers.

Conducted equal opportunities training for many high profile employers, including the Law Society's Compliance Officers. Recent seminars on the forthcoming Data Protection Regulation.

**Below is a list of recent notable cases:**

- *Chloe Benson v. Goldman Sachs [2017]* – Multi-day Employment Tribunal claim for disability discrimination involving the conduct of a performance management process and the application of a Permanent Health Insurance Policy. The Respondent was represented by **Bruce Carr KC**. Claim settled on terms that were approved by HMRC for tax purposes.
- *Allen v. Tullet Prebon [2017]* – Multi-day Employment Tribunal claim for disability discrimination involving the City-wide practice of reducing salary when targets are not met. The Respondent was represented by James Laddie KC. Claim settled on terms that were approved by HMRC for tax purposes.

- *ATB v. Commissioner of Police of the Metropolis [2017]* – High Court claim involving the rape of a serving Police Officer by a fellow Officer.
- *Martin Christie v. Bar Standards Board [2016] LTL 21/03/2016* – Regulatory proceedings in which Mr Christie was subject to a sanction of disbarment. Application of Rule 202 of the Disciplinary Tribunal Rules, 2014. Review Application in the High Court.
- *Brown & Others v. Commissioner of Police of the Metropolis [2016]* – Represented the Commissioner on a complex case involving the assault of members of the public by serving Officers. For the first time ever, the Commissioner made the decision to join the serving Officers as Third Party Defendants. Application of principles of issue estoppel in the Employment Tribunal proceedings issued by the Officers.
- *Juneja v. BGC International [2015]* – High Court stress-at-work/bullying claim by a Senior Trader. The Defendant was represented by Caspar Glynn KC. Resulted in a substantial (confidential) settlement just prior to the Trial.
- *Re: The liquidation of Comet PLC [2014]* – Successfully represented the 3,000 + employees who were made redundant following the liquidation of the High Street electrical giant. Comet was represented by David Read KC. Recovered protective awards on behalf of all employees. The total award amounted to tens of millions of pounds.
- *O'Cathail v. Transport for London [2013] IRLR 310* (Court of Appeal) – Circumstances in which cases can proceed in the absence of the Claimant who has been medically certified as unfit to attend
- *Russell & Others v. Transocean International Resources Ltd [2012] IRLR 149* (Supreme Court) – Entitlement to "leave" pursuant to the Working Time Regulations, 1998, for workers in the offshore sector. Whether breaks in the natural shift pattern constitute "leave" for the purposes of the WTR.
- *Autoclenz Limited v. Belcher & Others [2011] IRLR 820* (Supreme Court) – Employment/worker status under the Employment Rights Act, 1996, the Working Time Regulations and the National Minimum Wage Act, 1998; 'Sham' clauses in employment contracts
- *Unite & Others v. Government of the United Kingdom [2012] (European Court of Human Rights)* - Instructed to represent Unite the Union in its claim to the European Court of Human Rights alleging a breach by the UK Government of Article 11 of the European Convention on Human Rights. Unite is challenging the failure of the UK Government to provide any protection for employees who are penalised – short of dismissal – for taking lawful strike action
- *Scottish Ambulance Service v. Truslove & Others [2012] LTL 08112 (EAT (Scotland))* – Entitlement to daily rest periods pursuant to Regulation 10(1) of the WTR. Time limit for limitation period runs from each occasion when the employee is not permitted to exercise the right to a rest period
- *Patel v. Unite the Union [2012] UKHC 92 (High Court)* – Circumstances in which the High Court will order a forensic computer expert to test the veracity of an assertion that computer records no longer exist
- *Patel v. Unite the Union [2011] UKHC 1021 (High Court)* - Represented Unite in an injunction application in the High Court (HHJ Lindblom) based on Norwich Pharmacal principles. Case arises out of the British Airways cabin crew dispute. Application to compel Unite to reveal the names of members who had posted allegedly defamatory messages on a member forum during the industrial action. High profile and important case for Unite. It has received

extensive media coverage and will continue to do so

- *Craig & Others v. Transocean & Others* [2011] Scottish Court of Session - *Entitlement to "leave" pursuant to the Working Time Regulations, 1998, for workers in the offshore sector. Whether breaks in the natural shift pattern constitute "leave" for the purposes of the WTR.* See the entry for the Supreme Court above
- *Lyons v. Mitie Security Limited* [2010] ICR 628 (EAT) - *Successfully represented the Claimant on his appeal to the EAT on an important case involving the proper construction of the European Working Time Directive (WTD) and the Working Time Regulations, 1998 (WTR). The issue was whether it was a requirement for employers to ensure that workers take the leave to which they are entitled pursuant to the WTD/WTR, applying the decision of the ECJ in *Stringer v. HM Revenue & Customs* [2009] All ER(EC)906. The appeal also considered the proper construction of the notice provisions contained in Regulation 15 of the WTR. The outcome of the appeal impacts on the leave entitlement of all workers and employees. It is the leading authority on the issue*
- *Autoclenz v. Belcher & Others* [2010] IRLR 70 (Court of Appeal) – *Employment/worker status under the Employment Rights Act, Working Time Regulations and National Minimum Wage Act. 'Sham' employment clauses. See Supreme Court entry above*
- *Rolls Royce plc v. Unite* [2009] IRLR 576 (Court of Appeal) - *Use of the Part 8 procedure to obtain declarations on the lawfulness of contractual terms. Whether a redundancy selection criterion based on length of service was a "proportionate means of achieving a legitimate aim" for the purposes of the Employment Equality (Age) Regulations, 2006*
- *Craig & Others v. Transocean International Resources Ltd & Others* [2009] IRLR 519 (EAT) – *Entitlement of workers in the offshore sector to paid annual leave taken from periods when they would otherwise be working. As above*
- *OCS Group plc v. Jones* [2009] EAT 04.08.09 – Proper interpretation of "service provision change" in the Transfer of Undertakings (TUPE) Regulations, 2006. This was the first case considering the definition of service provision change in the new TUPE Regulations
- *Patel v. Walkers Snacks plc* [2009] EAT 2.07.09 – Withdrawal of contractual entitlement to part-time working when reaching age 64. Whether discriminatory on grounds of age. Principles on which costs should be awarded by ET
- *Agnew v. Cummins Ltd* [2009] EAT 19.05.09 – Circumstances in which it is appropriate to use a Multiple Claim Form for commencing ET proceedings
- *Rolls Royce plc v. Unite* [2009] IRLR 49 (HC) – Legitimacy of redundancy selection criterion based on length of service. See entry for Court of Appeal above.
- *Autoclenz v. Belcher* [2008] EAT 04.06.08 – Principles to be applied to "sham" clauses in employee/worker contracts. Also represented the employees in the Court of Appeal and Supreme Court
- *Bost Logistics v. Gumbley* [2008] EAT 20.05.08 – Time limits for lodging appeal to EAT
- *Parker v. Northumbrian Water* [2008] EAT 12.05.08 - Circumstances in which a Statement of Particulars of Employment constitutes a contract of employment. Estoppel by conduct/implication
- *Hasan v. Commissioner of Police of the Metropolis* [2007] All ER(D)48 (EAT) - Absolute immunity in cases involving the dispensation of the services of a probationary police officer pursuant to Regulation 13 of the Police Regulations 2003
- *Beaumont v. Amicus* [2007] ICR 341 (EAT) - Alleged unjustifiable discipline of a union

member by sending a letter before action in respect of trademark infringement. Held that a letter before action can never amount to unjustifiable discipline

- *Anderson v. Corus UK plc* [2007] EAT 09.05.07 – Implication of contractual terms through custom and practice
- *Sanderson v. Exel Management Services Ltd* [2006] ICR 1337 (EAT) - Calculation of a week's pay for the purposes of the WTR; proper construction of section 224 of the ERA
- *Watson v. National Union of Teachers* [2006] (EAT) - Burden of proof and drawing of inferences in discrimination claims
- *Bray & Others v. Lambeth Serviceteam (ET)* [2006] - Successfully represented 21 Claimants in unfair dismissal/DDA claims. Recovered highest recorded award in a DDA case on behalf of one of the Claimants
- *Yarham v. Suffolk Constabulary (ET)* [2005] - Successfully pursued a claim pursuant to the Public Interest Disclosure Act on behalf of police officer who had alleged corruption on the part of fellow officers. Recovered the then highest recorded award in a PIDA case
- *Offshore Workers Litigation (ET)* [2005] - Successfully represented the Claimants in the first of a series of high profile cases regarding the application of the Working Time Regulations to the offshore sector
- *Manpower UK v. Vjestica (EAT)* [2005] - Incorporation of Collective Agreements. Construction of contractual terms relating to pay
- *Grady v. MTL Commercials Limited* (EAT 10.09.03) assessment of compensatory award in unfair dismissal case. Contractual construction of a Pay Protection Scheme
- *Hines v. Governing Body of St. Edmund of Canterbury School* (EAT 20.06.03) breach of implied duty of trust and confidence
- *Hines v. Governing Body of St. Edmund of Canterbury School* (EAT 02.05.03) tribunal bias
- *Tunde Apelogun-Gabriels v. London Borough of Lambeth (CA)* [2002] IRLR 116 [2002] ICR 713, race discrimination. Application of time limits for bringing a claim. Awaiting outcome of internal grievance hearing. Application of principles of res judicata and issue estoppel in Employment Tribunals
- *Albion Automotive Ltd v. Graham Walker & 20 Others* (CA, 2002) LTL 21/6/2002, successfully represented 21 Claimants in the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal and House of Lords (resisting the respondents' application for permission to appeal) in a case involving rights to enhanced redundancy and pension payments derived from custom and practice
- *Surrey Heath Borough Council v. Crooks* (EAT 25.01.00) employer's failure to protect identity of female employee in proceedings alleging sexual harassment
- *Dench v. Flynn & Partners* [1998] IRLR 653 (CA) - Whether employment obtained after dismissal broke the chain of causation for the purposes of assessment of compensation

## Industrial Relations

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'Peter Edwards is a go-to junior for trade union work and has done a huge amount of brilliant work in this area. He represented Unite in a number of the actions brought by, and against, British Airways arising out of the highly publicised industrial action by cabin crew members' Chambers

***"[Peter] is particularly recommended for complex trade union issues"*** Chambers UK

Junior Counsel of choice for industrial relations work for Unite the Union. Advises and represents both large employers (including Coca Cola, Royal Mail and London Underground) and Trade Unions (including Unite, Unison and the FBU) on all aspects of industrial relations law and practice. Conducted and defended a number of multi-party actions up to EAT/Court of Appeal level on industrial relations issues.

Advised Unite on its internal Industrial Action Ballot Guidelines following the decision of the Court of Appeal in *Metrobus UK*. Also advised Unite on the contents of its Rule Book following the merger between the TGWU and Amicus.

Frequently involved in injunction applications based on industrial relations issues, including unofficial industrial action and balloting requirements.

Provides seminars, lectures and training to employers/unions on industrial relations issues, including a televised seminar to a commercial training organisation on collective redundancy consultation.

**Notable recent cases in this area include:**

- Advising the Prison Officers Association on the Rules relating to whether the former General Secretary, who stood as a Labour-party candidate in the last General Election, could return and stand for re-election. Case listed for Hearing before the Certification Officer in March 2018.
- Advising the Professional Rugby Players Association – the body representing all Aviva Premiership and Home Nations International players – on the Rules of the Association and the forthcoming General Secretary elections.
- Conducted a number of internal disciplinary hearings on behalf of URTU, leading to the exclusion of former members of the National Executive Committee, in 2017.
- Advised the Prison Officers Association in 2016 on a potential Judicial Review Application to prohibit smoking in UK Prisons. The Pre-Action Protocol letter resulted in a firm commitment from HMG to ban smoking in all UK Prisons by 2019.
- *BALPA v. Jet2.Com [2015] IRLR 543 (Court of Appeal)* – First case involving the construction of collective bargaining rights imposed by the CAC.
- *Skyshare the Union v. Netjets [2012] IRLR 986* – Claim for collective bargaining recognition by Skyshare the Union. Appeared against John Bowers Q.C. The issue was territorial jurisdiction given that Netjets pilots (Skyshare members) were based all over Europe. Application of the Supreme Court decision in *Lawson v. Serco*
- *Patel v. Unite the Union [2012] UKHC 92 (High Court)* – Circumstances in which the High Court will order a forensic computer expert to test the veracity of an assertion that computer records no longer exist
- *Unite & Others v. Government of the United Kingdom [2012]* (European Court of Human Rights) - Instructed to represent Unite the Union in its claim to the European Court of Human Rights alleging a breach by the UK Government of Article 11 of the European Convention on Human Rights. Unite is challenging the failure of the UK Government to provide any protection for employees who are penalised – short of dismissal – for taking lawful strike

action

- *Ross v. Fire Brigades Union* [2012] D/80-83/11-12 (Certification Officer) – The Claimant alleged breaches of section 51(4) of the Trade Unions and Labour Relations (Consolidation) Act, 1992, in respect of the elections to the Executive Committee
- *Beaumont; Smith v. Unite the Union* [2011] D/50-54.11-12 (Certification Officer) – The Claimant alleged breaches of section 47(1) of the Trade Unions and Labour Relations (Consolidation) Act, 1992, in respect of the elections to the 2011 National Executive Committee
- *Kruger v. Unite the Union* [2011] D/41/10-11 (Certification Officer) – The Claimant alleged breaches of the Union's Rules in relation to elections to the position of Operating Convenor to the London Advisory Committee
- *Patel v. Unite the Union* [2011] UKHC 1021 (High Court) - Represented Unite in an injunction application in the High Court (HHJ Lindblom) based on Norwich Pharmacal principles. Case arises out of the British Airways cabin crew dispute. Application to compel Unite to reveal the names of members who had posted allegedly defamatory messages on a member forum during the industrial action. High profile and important case for Unite. It has received extensive media coverage and will continue to do so
- *Parkhill v. Unite the Union* [2011] D/30/10-11 (Certification Officer) – The Claimant alleged breaches of Union Rules in relation to payments to the political fund as a condition of admission to the Union
- *Lyons v. Unite the Union* [2010] D/48-50/09 (Certification Officer) – The Claimant alleged breaches of sections 48(6) and 52(2) of the Trade Unions and Labour Relations (Consolidation) Act, 1992, in respect of the election to the position of Joint General Secretary
- *Fleming-Cooney v. Unite* [2009] Certification Officer – Appeared on behalf of Unite at a hearing before the Certification Officer where the Claimant was seeking to challenge the legitimacy of the election result for the post of Joint General Secretary
- *Fitzpatrick v. Sayers Confectioners (in Administration)* [2009] EAT 28.01.09 – Correct procedure to be adopted when commencing a claim for a protective award against a company in administration when the consent of the liquidator has not yet been given
- *Hicks v. Unite the Union* [2008] D/18/08 (Certification Officer) – The Claimant alleged breaches of section 46(1) of the Trade Unions and Labour Relations (Consolidation) Act, 1992, in respect of Derek Simpson holding the position of Joint General Secretary beyond the age of 65
- *Simms v. Unite the Union* [2008] D/17/08 (Certification Officer) – The Claimant alleged breaches of section 55(1) of the Trade Unions and Labour Relations (Consolidation) Act, 1992, in respect of nominations for elections to the National Executive Committee
- *Amicus v. MacMillan Publishers Ltd* [2007] IRLR 885, EAT – First case before the EAT in which a fine was imposed for a failure to comply with the collective consultation requirements of the Information and Consultation of Employees Regulations, 2004
- *Beaumont v. Amicus* [2007] ICR 341, EAT - Alleged unjustifiable discipline of a trade union member by sending a letter before action in respect of trademark infringement. Held that a letter before action can never amount to unjustifiable discipline
- *Amicus v. GBS Tooling Ltd* [2005] IRLR 683 - Relevance of the futility of consultation to the proper assessment of the period for a protective award

- *Amicus v. Metrocab (EAT) [2005]* - Extent of obligations to inform/consult pursuant to section 188 of the TULR(C)A
- *TGWU v. Morgan Platts Ltd (In Administration) (EAT 10.03.03)* correct assessment of the length of the protective award payable pursuant to section 189 of the Trade Union and Labour Relations (Consolidation) Act, 1992. Whether the award was compensatory or penal
- *National Union of Rail, Maritime and Transport Workers v. London Underground Ltd [2001] IRLR 228 [2001] ICR 647*, injunction and associated claims in industrial dispute. Correct interpretation of section 234A of the Trade Union and Labour Relations (Consolidation) Act, 1992

## Judicial Review

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Peter has substantial experience in Public Law and Judicial Review cases, particularly those arising from Trade Union/industrial relations matters and Human Rights Act breaches leading to death or personal injury (i.e. arising from the core areas of his practice). He is a specialist on the Human Rights Act, frequently litigating cases involving alleged breaches of Article 2 (right to life), Article 3 (inhuman or degrading treatment), Article 8 (right to private and family life) and Article 11 (freedom of association – giving rise to the right to strike).

### Significant/Reported Cases:

- ***Angela Zarrabi v. (1) National Crime Agency; (2) Chief Constable of Bedfordshire Police*** – A false imprisonment claim on behalf of the Claimant. Peter's cross-examination resulted in the evidence of 2 senior Police Officers being disbelieved by the Judge on the key issue of whether the Claimant was detained. Both Officers were subsequently referred for Disciplinary action for perjury.
- ***Skyshare the Union v. Netjets [2012] IRLR 986*** – Judicial Review Application claiming collective bargaining recognition for Skyshare the Union. Appeared against John Bowers Q.C. Issues of territorial jurisdiction given that Netjets pilots (Skyshare members) were based all over Europe. Application of the Supreme Court decision in *Lawson v. Serco*. Engagement of the Article 11 right to freedom of association.
- ***Jordan Begley (Deceased); Dorothy Begley v. Independent Police Complaints Commission [2016] Inquest L.R. 302*** – Peter represented the Begley family at a 5-week Article 2 Inquest into the circumstances of the death of Jordan Begley, who died after being tasered and restrained by Officers of the Greater Manchester Police. Following the Jury's Narrative Verdict (the first in which the use of a Taser was linked to a death), a Judicial Review Application was successfully made to set aside the IPCC's Investigation Report, which was wholly inadequate and which had exonerated all Officers involved. This is thought to be the only occasion on which an IPCC Report has been set aside in that way.
- ***The International Bar Association – Issues arising from the Eyewitness to Atrocities App.*** Whether the information contained in the App constituted a breach of the European Convention on Human Rights.

# Appointments

Judge of the First-Tier Tribunal of the Social Entitlement Chamber

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## Memberships and Associations

PIBA, APIL, ELBA, ELA, ILS, BSB, Member of the ELAAS scheme at the Employment Appeal Tribunal

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## Personal Interests

The musical genius of Dolly Parton, unique jackets and narrow-boating (proud owner of a 65 foot beauty).

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## Awards



# For enquiries & instruction please contact



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