

## Stuart Brittenden



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### Profile

Stuart is an employment law specialist at Old Square Chambers with extensive experience acting for both sides in all aspects of individual and collective employment law at both first instance and appellate level. He is ranked in both Chambers & Partners and Legal 500 as an employment specialist. He has been commended for being **"bright and engaging"**, **"highly supportive"**, **"an academically brilliant opponent"** impressing clients for his **"responsiveness, pragmatism and thorough preparation"** as well as being a **"highly competent and clear adviser,"** who is **"an accomplished draftsman and advocate."** Stuart is regarded as **"an excellent employment law all-rounder, who is a joy to work with."** **"He 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 is regarded as an **"excellent advocate with an eye for detail and commercially astute."** **"He is a delight to work with - he is approachable, hard-working and he knows everything back to front. You are assured that he will fight your corner."** Stuart displays these attributes in his other specialisms which include Professional Regulation and Discipline; Industrial Relations; and Judicial Review (see Profiles).

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 and has published in the employment field.

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 for and on behalf of a number of trade unions.

He has experience of internal and professional disciplinary proceedings particularly involving matters of clinical law and practice, as well as clinical trials. Stuart frequently provides employment advice and representation within the health sector and is instructed by the leading firms of solicitors operating in this field. He has provided representation and advice in internal and professional disciplinary proceedings involving matters of clinical law and practice under Maintaining High Professional Standards in the Modern NHS (MHPS). He also has experience of acting for registrants before the Health Professions Council (HPC) and Nursing and Midwifery Council (NMC).

Please see Stuart's **Professional Discipline** profile for further information.

### Positions of Responsibility:

- 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

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## Professional Memberships:

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association (ELA)
- Institute of Employment Rights (IER)
- European Employment Lawyers Association (EELA)
- Industrial Law Society (ILS)
- Education Law Association (ELAS)
- Association of University Administrators (AUA)
- Constitutional & Administrative Law Bar Association (ALBA)

## Recent and current work

- *Govia Thameslink Railway Ltd v ASLEF* (No. 3) [2016] EWCA Civ 1309: art 49, 56 TFEU (application of Viking, Laval, Holship to industrial action on Southern)(junior counsel to O. Segal QC)
- *BALPA v Jet2.com*: 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 B. Carr QC).
- *Govia Thameslink Railway Ltd v ASLEF* (No. 2) [2016] IRLR 686 (Supperstone J): 'prior call' (s. 233), ballot constituency (s. 228A), trade dispute (s. 244) (junior counsel to J. Hendy QC)
- *Govia Thameslink Railway Ltd v ASLEF* (No. 1) [2016] EWHC 985 (QB) (Langstaff J): inducement to breach contract (junior counsel to J. Hendy QC)
- *Secretary of State for Education v NUT* [2016] I.R.L.R. 512 (Kerr J): seminal decision on trade dispute with Minister of the Crown (s. 244(2)(b)), interim declarations (junior counsel to J. Hendy QC)
- *McFarlane & Ambacher v EasyJet Airline Co Ltd* (Bristol ET)[2016] IDS Brief 1058: seminal decision concerning adjustment to rostering arrangements to permit breastfeeding mothers to express milk, indirect sex discrimination, H&S, s. 63 ERA 1996.
- *Vodafone Ltd v Winfield* [2016] EOR 271: EAT extension of time, discrimination.
- *Barnes v Lewisham LBC* [2016] EWCA Civ 582: successfully represented Lewisham in appeal against ET decision dismissing claim for constructive dismissal and whistleblowing detriment.
- *Plumb v Duncan Print Group Ltd* [2015] I.R.L.R. 711; [2016] I.C.R. 125 EAT: accrual of right to paid annual leave during long-term sickness absence. In a seminal decision the EAT held that the carry over period was subject to an 18 month temporal limit.
- *Land Registry v Houghton* [2015] IDS Brief 128: successfully represented employees in one of the first EAT decisions to examine the scope of s. 15 EqA 2010 (unfavourable treatment arising in consequence of disability).
- *Mosekari v Lewisham LBC*; [2015] E.L.R. 31: successfully represented Lewisham in resisting judicial review application brought by a teacher for exemption to mandatory induction period following award of QTS.
- *Virulite LLC v Virulite Distribution Ltd* [2015] 1 All E.R. (Comm) 204 (QBD): represented defendant in commercial action in multi-million pound claim for damages arising from wrongful repudiation of distribution agreement for cold sore treatment; promissory estoppel; repudiation; termination; variation clauses; waiver