

Employment Law Conference 2016

Wednesday 12th October 9.30am - 4.15pm 5.5 CPD

Venue: Weightmans, 100 Old Hall Street, Liverpool, L3 9QJ

9.00 Registration

9.30 Chair welcomes & opening address - Emyln Williams

9.35 **Associative Discrimination - David Flood**

- An introduction to the concept of Associative Discrimination
- A brief history of the development of Associative Discrimination from *Coleman v Attridge Law* [2008] to the Equality Act 2010
- An analysis of the most recent authorities on Associative Discrimination-
 - *Thompson v Central London Bus Co* [2016]
 - *EAD Solicitors LLP V Abrams* [2015]
 - *Hainsworth v M.O.D.*[2014]
- A discussion on the likely future development of this area of law

10.20 **'Brexit means Brexit'. Or does it? Plus ça change? Kevin McNerney**

- With Article 50 unlikely to be activated for 2 years do we need to panic or even do anything?
- What are the possibilities once exit has been accomplished?
- How will a Directive, Regulation or Treaty Article be effective in the UK post exit?

11.05 Refreshments

11.20 **Developments in the law of whistleblowing Rachel Wedderspoon**

This session will consider the recent case law in this area and how it impacts on litigating these claims in the Tribunal and will include:

- The diminishment of the distinction set out in *Cavendish Munro v Guld* between information and an allegation following *Kilrairie v Borough of Wandsworth*
- The nature of complaints *Morgan v Royal Mencap Society* and *Day v Lewisham and Greenwich NHS Trust*
- Reasonable belief in the public interest *Chestertons v Normohamed*
- Striking out claims *Morgan v Royal Mencap Society*
- It will also consider the changes made to the NHS following Sir Francis Mid Staff report and the Freedom to Speak up Review

12.00 **Employment Claims in the Civil Courts Julian Allsop & Douglas Leach**

- Setting out the case as to why it is necessary to diversify the areas of practice that are carried out by employment lawyers
- Exploring the employment related claims that can be brought in the Civil Courts as an alternative to the Employment Tribunal
- Considering the other types of work (other than employee competition cases) that employment lawyers are ideally placed to carry out in the Civil Courts, such as non-employment discrimination claims
- Explaining how to do it and pitfalls to avoid

12.45 Lunch

1.45 **Injunctions and other interim relief: everything you wanted to know (but were afraid to ask) - Dan Northall & Nick Siddall**

- A practical and user-friendly session on bringing and defending interim relief proceedings
- Guides users through the initial advisory stage to a contested hearing and beyond
- Particular focus on business protection and the prevention of competitive activity

2.30 **Faults and Fixes for Employment Tribunal advocates - a view from the chair Michael Malone**

Advice for advocates in the ET on how to avoid being cast by the Tribunal in any of the following roles:

- The irritating advocate
- The one who likes to 'wing' it
- The obsequious advocate; or the patronising one
- The advocate who can bore for England
- The humourless and petty one
- The robotic advocate
- One who can't be trusted

3.15 **What's in store for employment law 2016/2017? - Lindsey Knowles**

A taste of what's to come over the next 12 months in Employment Law including:

- Employment Tribunal Fees Review - still waiting?
- Lord Justice Briggs - full steam ahead with Online Court
- Forthcoming legislation and key case law - a roundup of some of the significant employment law decisions expected in 2016/2017

4.00 Chair summary & close - Emyln Williams

Less than 5 years qualified?

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Speakers

Julian Allsop has a specialist employment practice which covers all aspects of the Employment Tribunal and Employment Appeal Tribunal jurisdiction and employment and discrimination claims in the High Court. He is recommended in both Chambers UK 2014 (band 2) and Legal 500 2013 in the Employment category as having particular proficiency. He is also one of three members of the team to be appointed as Junior Counsel to the Crown (Regional Panel).

David Flood is an experienced employment law advocate having practised in the area of employment law for 19 years and represented both Claimants and Respondents in the Employment Tribunal, The Employment Appeal Tribunal and the Court of Appeal in cases covering all areas of employment law. He is a member of the Employment Lawyers Association.

Lindsey Knowles is an experienced advocate having specialised in Employment Law for 11 years working in private practice representing both Claimants and Respondents. She is an active member of the Liverpool Law Society Employment Law Committee and takes the lead in drafting responses to Government Consultations. Lindsey has recently joined Kirwans to launch and develop a full service Employment Law Department as the firm continues to expand its Commercial offering.

Douglas Leach is a specialist employment & discrimination barrister. He has a well-rounded practice which encompasses all areas of employment, discrimination and collective labour law, including County/High Court matters and injunctive relief, sports-related disputes and professional discipline. He further deals with discrimination issues arising outside the employment context. Douglas is experienced in conducting appellate work as well as complex and lengthy trials of up to three weeks in duration.

Michael Malone was a partner with Henry Fallows & Co, Bolton and then with Mace & Jones. He did ET advocacy for about 25 years, initially for claimants supported by the EOC and then increasingly for respondents. He appeared mainly in the Manchester Tribunal but fairly regularly in Liverpool, where clients included the HSE, BICC Cables and Sefton Council. He was a salaried EJ from 2006 to 2013, sitting in Newcastle, where his staple diet was equal pay work. He was one of the first batch of EJs to be trained in judicial mediation.

Kevin McNerney is an established senior member of the St John's Employment Group and practises only in Employment Law. Prior to joining Chambers, Kevin was the Senior Legal Officer at the Royal College of Nursing for the North of England.

Daniel Northall has developed an enviable reputation as an advocate and adviser in his core practice areas of employment law and commercial litigation. He has been praised by clients and commentators alike for his keen analytical skills, developed legal knowledge, pragmatism and client-friendly manner. Daniel entered the legal directories after only his second year of practice and has been a regular fixture since. He has variously been described as "incredibly hard working", a "rising star", giving a "first class performance in every case", having an "ability beyond his years", offering "strong intellectual analysis and pragmatic advice" and "excellent advocacy" in addition to being "very user-friendly and very popular".

Nicholas Siddall has gained an outstanding reputation as a leading employment junior practising in both statutory and High Court employment litigation. He has been listed in the leading directories since 2007. Examples of recent comments are as follows: "He was brilliant in managing a difficult client, he gave advice on injunctions and unfair dismissal claims, and he was great in conference." "Nicholas Siddall is a good advocate who gets the job done." Chambers UK 2016.

Rachel Wedderspoon has been appointed a Fee Paid Employment Judge sitting part-time in the Leeds Region. She has acted for employers and employees in a variety of cases in the Tribunals, County Court, High Court and the Employment Appeal Tribunal. She is listed as a leading junior in the employment field in Chambers and Partners directory of the Legal Profession and Legal 500. She has advised and represented individual Claimants, local authorities, NHS Trusts, police authorities, a number of well-known companies and Trade Unions in employment matters. She has been instructed on a range of industrial relations problems including multi party disputes concerning protective awards and whistle blowing claims. She has also been involved in cases concerning restraint of trade covenants, Transfer of Undertakings and the interpretation of contractual terms.

Emlyn Williams is Head of the Healthcare Employment and Healthcare Commercial teams at Weightmans LLP. He has over twenty years' experience as an employment law advocate and particular interests in TUPE, whistleblowing, equal pay and discrimination issues. Emlyn was the first Chair of the Employment Law Committee of Liverpool Law Society and held that position until 2013 when he stood down to become Vice President of Liverpool Law Society. He was President of Liverpool Law Society 2014 to 2015. Emlyn has been a member of the Employment Tribunal Users Group for the North West (representing Liverpool Law Society members) since 2005. He was also instrumental in the launch, in November 2006, of the Merseyside Employee Relations Forum, at which he remains a regular contributor and speaker.

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