DOUGLAS LEACH

Call 2003

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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, and Sports Law related disputes.

He further deals with discrimination issues arising outside the employment context (eg. in the provision of services, education and partnership settings).

Douglas has extensive experience in conducting appellate work in the Employment Appeal Tribunal (EAT) and Court of Appeal, as well as complex multi-week trials.

Expertise

Employment & Discrimination

Douglas is an experienced Employment & Discrimination specialist, dealing predominantly with substantial

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and higher value matters in both the Employment Tribunal and the High Court/County Court across the full range of employment, discrimination and commercial employment issues, including collective labour law.

He is consistently recommended at Band 1/Tier 1 in both Chambers UK Bar and the Legal 500 and features regularly in Who's Who Legal UK Bar. Highly regarded for his technical expertise, attention to detail and measured advocacy, Douglas is particularly sought after in complex TUPE, whistleblowing and discrimination matters, as well as employee competition cases involving breach of confidence, restrictive covenants and injunctive relief.

He regularly conducts long-running trials and appeals to the EAT, and has appeared in several significant cases in the Court of Appeal in recent years, usually unled (including against silks). Douglas acts for both claimants and respondents/defendants, and firmly believes in maintaining this balance.

He provides advice and representation in all areas of employment and collective labour law, including:

- Unfair and wrongful dismissal
- All forms of discrimination and equal pay
- Related human rights issues
- Whistle-blowing
- Redundancy, reorganisation and insolvency
- Matters relating to TUPE transfers
- Contractual disputes, wages and holiday pay
- Breach of confidence, database rights, restrictive covenants and injunctive relief
- Industrial action and Trade Union recognition
- Territorial jurisdiction and private international law
- Sports-related employment disputes
- Investigations

Featured Employment & Discrimination cases

Anyon & 120 ors v Secretary of State for Work and Pensions

Instructed for Cs. High Court breach of contract claims brought by Cs in various locations across the country. Claim alleged breach of various express and implied terms in the conduct of job evaluation exercises grading their role and another similar role in 2015, using the DWP's "JEGS" (Job Evaluation and Grading System). Settled on the eve of trial in November 2025. Successful contested applications for permission to amend ([2024] EWHC 326 (KB)) and for specific disclosure during the litigation.

Jallali v (1) Commissioner of Police of the Metropolis (1) Secretary of State for the Home Department [2025] EAT 137

Complex indirect sex discrimination, PTW Regs 2000 and equal pay claims on behalf of a female Inspector working part-time hours, concerning the construction of the Police Regs 2003. ET upheld claims for pay in respect of additional hours worked over and above "contracted" part-time hours up to a maximum of full-time hours, but dismissed claims for pay for additional hours worked above 40 in any single week, and that additional annual leave should accrue in respect of additional paid hours worked. The EAT allowed an

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appeal on the former, and an appeal to the CA on the latter will be heard in December 2026.

Bi v E-Act [2023] IRLR 498 (EAT)

Successful resistance of an appeal against an ET's refusal to set aside an unless order, and to reconsider that decision, despite after the event evidence of C's autism diagnosis. There was nothing in that evidence to suggest any unfairness in the ET making its decisions on the papers rather than at hearings. The ET was also entitled to find that the new evidence did not outweigh the impact of C's failure to provide consent to the disclosure of her medical records pursuant to the unless order, on the ability to conduct a fair trial of remedy.

Amdocs Systems Group Ltd v Langton [2022] EWCA Civ 1027

Successful high value unlawful deductions claim in respect of the failure to apply 5% annual increases to the payments due under a contractual income protection scheme, together with an order for costs of £20,000. Respondent's appeal to EAT on liability dismissed (with limited remission in relation to costs), and further appeal to CA on liability dismissed.

Commissioner of the City of London Police v Geldart [2020] ICR 920 (EAT); [2021] ICR 1329 (CA)

Successful claim of direct sex discrimination in respect of the reduction and cessation of a police officer's "London Allowance" because she was on maternity leave. London Allowance is separate and distinct from "London Weighting" and officers are entitled to continue receiving it in full except where the Police Regulations 2003 provide otherwise. Upheld by EAT, but Commissioner's appeal to CA partly successful: G was entitled to be paid LA at all times, but the failure to pay it was not direct discrimination. Cross-appeal seeking determination of alternative indirect discrimination claim allowed, and claim remitted to tribunal

Hextall v Chief Constable of Leicestershire Police [2018] IRLR 605 (EAT); [2019] IRLR 695 (CA)

Instructed for H. Successful appeal to EAT against a tribunal's conclusion that the Force's Shared Parental Leave policy did not discriminate indirectly against men, in only providing the statutory minimum level of pay for Shared Parental Leave. Overturned by CA, primarily on jurisdictional grounds that the claim was in truth an equal pay claim.

Martin v University of Exeter (30.8.18, UKEAT/0092/18/LA)

Instructed by the University. Successful resistance of an appeal against an Employment Judge's conclusion that the Claimant was only disabled from a point in time which meant that most of his discrimination claims could not succeed. Where it is asserted that a condition's effects are "long term" because they are "likely" to last at least 12 months, the test is predictive, and expert evidence will usually be required.

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Secretary of State for Business, Enterprise and Regulatory Reform v Parry and anor [2016] ICR 1140 (EAT); [2018] ICR 1807 (CA)

Instructed by the School trustees in the EAT and Court of Appeal. The procedure in Rule 12(2A) of the 2013 ET Rules of Procedure – whereby an Employment Judge is required to reject a claim form that "cannot sensibly be responded to" – is not ultra vires. However, on the facts, a claim form which mistakenly attached particulars for an entirely unrelated case, could sensibly be responded to because the box for "unfair dismissal" had been ticked.

NHS Business Services Authority v Young [2017] ICR 599 (CA)

Success in an unusual statutory appeal to the Chancery Division from a decision of the Pensions Ombudsman, concerning the correct construction of the NHS Injury Benefit Regulations 1995 in relation to the test of causation of loss of earning ability (an element of the entitlement to Permanent Injury Benefit). Successfully resisted NHS BSA's appeal to the Court of Appeal.

Griffiths v Secretary of State for Work and Pensions [2017] ICR 160 (CA)

Instructed for DWP. Successful resistance of a second appeal against the dismissal of a reasonable adjustments claim in relation to disciplinary action taken pursuant to the DWP attendance management policy. While the duty to make adjustments had arisen, it had not been breached. It will rarely be reasonable to have to make adjustments in respect of the wholly subjective disadvantage of "stress".

Coles v Ministry of Defence [2016] ICR 55 (EAT)

Instructed for C. Temporary agency workers have a right to be informed of permanent vacancies on an equal footing with permanent employees, but do not have a right to apply for those vacancies. Application for a reference to the ECJ on the meaning of the Temporary Agency Workers Directive refused. The tribunal had erred however, in finding that the chosen comparator was not a "comparable worker".

Personnel Hygiene Services Ltd & ors v Rentokil Initial UK Ltd & anor [2014] EWCA Civ 29

Successful substantial High Court (Bristol Mercantile Court) breach of confidence claim for final injunctions restraining use of customer information, including a springboard injunction and successful resistance of an appeal (led by Hugh Sims QC in the Mercantile Court and Court of Appeal).

Ajayi and anor v Aitch Care Homes (London) Ltd 03.02.12, EATPA/0262/11; Harvey Bulletin 406 (May 2012)

For a dismissal to be automatically unfair for the principal reason of the employee refusing (or proposing to

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refuse) to forego a rest-break under s.101A ERA 1996, that refusal must be explicit: implicitly purporting to refuse by sleeping was not enough.

Fulcrum Pharma (Europe) Ltd v Bonassera and anor 22.10.10, EAT/0198/10; Harvey Bulletin 389 (Dec 2010)

Instructed at appeal stage. Successfully resisted appeal against finding of unfairness in "pool of one" unfair redundancy dismissal claim. Assumption that the occupant of redundant post had to be dismissed was unfair.

Chief Constable of Gloucestershire Constabulary v Peters 14.07.10, EAT/0322; [2010] All ER (D) 192 (Nov)

No indefinite stay of tribunal proceedings pending outcome of potential criminal trial.

FIRST INSTANCE HIGHLIGHTS

Acting for a trainee nurse in Multi-Track County Court disability discrimination proceedings over her removal from her nursing degree, culminating in a favourable settlement;

Acting in Multi-Track County Court proceedings on behalf of three Welsh LHBs, defending claims by doctors moving from England to Wales and returning to training at the same time, concerning the correct construction of their contracts in relation to pay supplements;

Successfully acting for a minister of religion in a Multi-Track County Court claim against an unincorporated association in respect of a failure to pay the National Minimum Wage over a substantial period and wrongful dismissal from a three year fixed term contract. Judgment obtained for £62,500 and interim costs of £20,000 (Chandra v Mayor);

Achieving a finding of 100% contributory fault for a Local Health Board in Wales in an unfair dismissal claim, which involved establishing in cross-examination that the claimant had deliberately falsified clinical records;

Successfully defending a leading public school against whistle-blowing and constructive dismissal claims in a case which made national front page headlines;

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Advising a German merchant seaman as to the tribunal's jurisdiction to hear his claim;

Acting for a merged law firm in relation to a solicitor's claim of unfair dismissal and reliance on TUPE (settled on a commercial basis);

Business Protection & Injunctions

Douglas acts for both claimant/applicant employers and defendant/respondent employees alike in matters concerning alleged breaches of post-termination restrictive covenants and other contractual or fiduciary duties, breach of confidence, infringements of the database right and associated issues concerning garden leave and economic torts.

He has a related further interest in cases involving applications for injunctive relief seeking to restrain dismissal in breach of contractual disciplinary procedures and seeking to restrain industrial action.

Featured Business Protection & Injunctions cases

Personnel Hygiene Services Ltd & ors v Rentokil Initial UK Ltd & anor [2014] EWCA Civ 29

Successful substantial High Court (Bristol Mercantile Court) breach of confidence claim for final injunctions restraining use of customer information, including a springboard injunction, and successful resistance of an appeal (led by Hugh Sims KC in the Mercantile Court and Court of Appeal).

Obtaining undertakings to the Court on behalf of a Welsh IT support business, inter alia restraining its former sales director from working for a competitor for 12 months in breach of a shareholder agreement, at a short notice hearing at the Business and Property Courts (High Court) in Cardiff;

Advising a Lloyd's of London broker in relation to High Court injunction applications concerning two team moves.

Acting for a Defendant employee who counterclaimed in respect of the loss of new employment caused by negligent misstatements made by his former employer as to the scope of his post-termination restrictions (Claimant agreed settlement after defence and counterclaim filed and served).

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Acting for a South West wholesaler restraining former employees from misusing confidential information, soliciting the Claimant's clients and competing in breach of restrictive covenants (application settled upon Respondent giving undertakings to the Court).

Advising a leading electronics manufacturer on its response to a ballot amongst warehouse staff in favour of industrial action.

Advising a Welsh Local Health Board as to the lawfulness of a ballot in favour of industrial action concerning the banding of various clerical posts in different locations within the Agenda for Change framework.

Sports Law

Drawing on his Employment & Discrimination expertise, Douglas is able to provide specialist advice and representation in relation to claims for damages and/or injunctions arising out of the rights and obligations of players, managers, coaches and other staff of sports clubs, teams and other entities.

Featured Sports Law cases

Advising on an agent's breach of contract claim concerning complex arrangements for the transfer of a Premiership footballer (further involving issues of private international law), which was valued at €3m.

Advising on the contractual termination entitlements of a high profile director of a Formula One racing team.

Investigations & Discipline

As a natural extension of his expertise and experience in Employment & Disciplinary procedures (particularly in the health and education sectors), Douglas is able to assist with internal disciplinary and/or professional conduct matters in a variety of ways:

- Representation at internal disciplinary hearings and appeals (where legal representation is allowed).
- Advice for employers on disciplinary investigations
- Conducting investigations and preparation of reports.
- Applications for injunctions restraining suspension or dismissal in breach of contractual disciplinary procedures.

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- Advice and representation in regulatory proceedings

Writing & Lecturing

Prior to qualifying at the Bar, Douglas was Editor of Industrial Relations Law Bulletin (LexisNexis Butterworths IRS), going on to combine practice with a role as Senior Employment Law Writer/Editor for IDS Brief (IDS Thomson Sweet & Maxwell) and its related handbooks and supplements. He remains a regular contributor to various publications, including Tolley's Employment Law Service and ELA Briefing. He sits on ELA Briefing's Editorial Committee.

Douglas speaks regularly at seminars and webinars run by Chambers, the ELA, CLT and MBL Seminars. Requests for bespoke in-house training are welcomed.

Recent subjects have included:

- Equal pay (Guildhall Chambers, MBL Seminars)
- Redudancies, re-organisations and restructuring (Guildhall Chambers)
- Collective labour law (MBL Seminars, Guildhall Chambers)
- Witness statements (ELA "knowing the rules" course)
- COVID-19 and the return to work: problems, practice and pitfalls (Guildhall Chambers webinar)
- COVID-19, furlough and potential claims (Guildhall Chambers webinar)
- Business protection: what's new? (Guildhall Chambers)
- Shared Parental Leave pay and sex discrimination (ELA)
- Indirect discrimination (Guildhall Chambers, MBL Seminars)
- Atypical workers (Guildhall Chambers)
- Disability and attendance management (Guildhall Chambers, CLT, MBL Seminars)
- TUPE and insolvency (Guildhall Chambers)
- Dealing with employees who speak out (Bespoke in-house training)
- Employment law in the civil courts (ELA)
- TUPE update (Guildhall Chambers)
- Breach of confidence (Guildhall Chambers)
- Remedies (ELA)
- PCPs (bespoke in-house training)

Appointments

- Junior Counsel to the Crown, Regional Panel (2010-2015)

Education

- BVC (Very competent), Inns of Court School of Law, London
- LLM (Labour Law), University College London
- LLB (European Legal Studies), University of Southampton & Université de Nantes

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Memberships

- Employment Lawyers' Association
- Discrimination Law Association
- Industrial Law Society
- Employment Law Bar Association
- Editorial Committee, ELA Briefing
- ELAAS

Publications

- *Tolley's Employment Law Service* – Chapter on Temporary Workers (ongoing regular updates).
- Countless case reports and commentaries for *IRLB, XpertHR's Employment Law Bulletin, IDS Brief, Occupational Health Review, ELA Briefing* and *Jordans' Employment Law Portal*.
- "*When is treatment because of maternity absence, not because of maternity?*", ELA Briefing (June 2021).
- "*Witness statements: back to basics*", ELA Briefing (May 2021).
- **"Contributory negligence in discrimination cases"**, ELA Briefing (October 2019).
- **"The new normal? Spotlight on atypical working arrangements",** Jordans' Employment Law News and Comment (October 2015).
- **"Breach of confidence: A textbookcase",** Jordans' Employment Law News and Comment (August 2014)
- **"'Limited costs' orders in the Court of Appeal",**ELA Briefing (August 2014).
- **Employee competition: fact of breach of undertakings does not give automatic right to interim injunction,** Jordans' Employment Law News and Comment (April 2014).
- **"First appellate decision on discrimination 'arising from' disability"**, Jordans' Employment Law News and Comment (July 2013).
- **"Group disadvantage after Eweida"**, Jordans' Employment Law News and Comment (January 2013).
- **"Disability, attendance management and reasonable adjustments",** Jordans' Employment Law News and Comment (October 2012).
- **"TUPE and early retirement benefits: no smiling pensioners allowed"**, Jordans' Employment Law News and Comment (June 2012).
- **"TUPE, administration and minimising employee liabilities for transferees"**Jordans' Employment Law News and Comment (May 2012).
- **"Testing the limits of the service provision change"**, ELA Briefing (May 2012).
- **IDS Sex Discrimination Handbook** (IDS Thomson Reuters, 2008). Contributed/edited chapters on discrimination in recruitment, discrimination in employment, and compensation.
- **IDS TUPE Handbook** (IDS Thomson Reuters, 2007). Contributed chapters on employment contracts, continuity of employment and cross-border transfers.
- **"Territorial jurisdiction: the boundaries of the Lawson test"**, ELA Briefing (May 2008).
- **"Criminal records and recruitment: the legal issues"**(2008) IDS Brief852.
- **"Employee informants" (Parts 1 and 2)** (2007) IDS Brief 837 and 838.
- **"Workplace stress and avenues in litigation"** (2005) 767 IRLB 4 (reviewed by Robert Spicer, (2005) 118 Occupational Health Review 21).
- **"Developments in recoverable damages for wrongful and unfair dismissal – the search for coherence"** (2003) 725 IRLB 3.

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