

## KERRY GARDINER

CALL: 2006

"Provides very thorough and well-researched advice"  
*Chambers UK 2020*

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Kerry is a specialist employment barrister. She acts for both Claimants and Respondents in all matters relating to employment law including unfair, constructive & wrongful dismissal, redundancy, TUPE, whistleblowing, breach of contract and discrimination.

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### PRACTICE AREAS

- Employment & Discrimination
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### EMPLOYMENT & DISCRIMINATION

Kerry is a specialist employment barrister. She acts for both Claimants and Respondents in all aspects of employment law including unfair, constructive & wrongful dismissal, redundancy, TUPE, whistleblowing, breach of contract and discrimination.

As well as representing clients in employment tribunals and judicial mediations, Kerry is frequently instructed to appear in the EAT.

Kerry is regularly instructed to advise clients on the full spectrum of employment law matters involving both contentious and non-contentious issues and also draft pleadings for both Claimant and Respondent clients, as well as other employment-related documentation.

Kerry is pragmatic and down to earth, tailoring her approach to ensure that the service delivered to clients is bespoke, meeting individual requirements whilst offering practical solutions to cases that are often complex and sensitive.

Kerry also accepts instructions direct from the public. To find out more about how Kerry can help you [click here](#)

#### Recent cases

- Acting for the Respondent in a claim against them for unfair dismissal where the Claimant had taken steps to set up in competition;
- A claim for sex discrimination where the Claimant was dismissed on grounds of performance after announcing she was pregnant;
- Acting for the Respondent, a care home, in a claim for whistle-blowing and constructive dismissal where the Claimant had raised concerns regarding the care homes practices to CQC;
- Acting for a franchise of a multi-national fast food company, in a four day hearing in relation to claims brought by the claimant of constructive unfair dismissal and age discrimination;
- Acting for the Claimant in a four day race discrimination claim in respect of disciplinary action taken against the Claimant;
- Acting for three Claimants in a test case of age discrimination and unfair dismissal, following the Respondent's dismissal of all employees aged 67 and over, citing their inability to obtain motor insurance as the reason.

#### Reported Cases

- Lodge v Dignity & Choice In Dying [2015] IRLR 184- on the issue of territorial jurisdiction.
  - Pallet Route Solutions Ltd v Morris [2014] ICR 394 - regarding the right to be heard following a default judgment.
  - Symonds T/A Symonds Solicitors v Redmond-Ord UKEAT/0028/11/ZT - regarding findings of fact by the tribunal contrary to agreed evidence
  - UNISON v Staunton [2009] IRLR 418 - regarding the construction of the Union's rules in relation to excluding a member from standing for candidacy in its NEC elections.
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## RECOMMENDATIONS

### LEGAL 500 2020

*"Provides very thorough and well-researched advice."*

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### CHAMBERS UK 2019

*"She was really great and really organised. She made my client feel very relaxed at the hearing. Her analysis of the case was very strong, her attention to detail was excellent and she would not stop questioning until she got the desired answer."*

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### LEGAL 500 2018

*"Highly experienced in discrimination claims."*

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### CHAMBERS UK 2018

*Her advocacy is structured, sharp and effective"*

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### LEGAL 500 2017

*"She has a very good strategic brain."*

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### CHAMBERS UK 2017

*She is very quick to respond' 'She's very knowledgeable and is also good with clients'*

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### LEGAL 500 2016

*'A pure employment specialist'*

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### LEGAL 500 2015

*'She has sharp analytical skills'*

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## MEMBERSHIPS:

- Employment Lawyers Association
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## EDUCATION:

- LLM Commercial Law, Cardiff
  - BVC, UWE Bristol
  - LLB Hons, UWE Bristol
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## RECENT NEWS

- Employment & Discrimination Team Business Continuity and Support Arrangements – Covid-19
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