

EDWARD LEGARD

DATE OF BIRTH: 9th NOVEMBER 1966

CAREER HISTORY

BARRISTER (Called 1996)

Specialist **employment practitioner** covering all major aspects of employment law.

My caseload comprises a broadly even split of Respondent and Claimant work.

Recent cases include:

- Kimberley Group v. Hambley [2008] IRLR 682, EAT. A test case concerning principles relating to liability under TUPE where two companies take over a service provision contract previously performed by one.
- Flett v. Matheson [2006] IRLR 277. An interesting case concerning the status of a “modern” apprentice with far-reaching consequences. The Court of Appeal accepted the argument that, for employment law purposes, a “modern” apprenticeship and a traditional one could be one and the same.
- McCall and Northern Rail [2007] EAT, HHJ McMullen. A case concerning the interpretation and application of s.98A(2) ERA, the so-called ‘Polkey-reversal’ section. Successful on appeal.
- Ramsay v. Walkers Crisps [2004] IRLR 754, EAT. A case concerning the use of anonymous witness statements in the disciplinary process.
- Parker & Others v. Kvaerner Oil & Gas Limited EAT [2003] where I acted for the successful Applicants in a case concerning redundancy selection procedures.
- Rodium Limited v. McMillan EAT (Scotland), Lord Johnstone in which the ET’s refusal to consider Polkey reduction was upheld, the unfairness in the selection procedure for redundancy being ‘substantive’ as opposed to ‘procedural’.
- Campbell v. Leeds United Football Club in which I acted for the club in a case attracting widespread publicity and concerning race and sex discrimination.
- H v. Northumbria Health NHS Trust where I acted for the Trust in a race discrimination claim concerning a high profile member of staff.
- Berry v. Scottish Courage Limited, EAT. A complex claim concerning contractual redundancy provisions and incorporation of terms agreed collectively. Successful at both first instance and on appeal.
- Cunningham v. Glasgow City Council [2007] EAT (Scotland) Lady Smith. A contract “test” claim concerning bonus entitlements and collective agreements and affecting a large number of council employees.

- Harland & Others v. Teesside Port Authority [2002] EAT, Burton J. In this case I represented several applicants (both at first instance and on appeal) concerning their enforced dismissal/redundancy and the vexed question of what constitutes the ‘normal retirement age’ in any given set of circumstances. Successful at both stages.
- GMB v. Dewhirst [2003] EAT concerning large-scale ‘collective’ redundancies from clothing factory in the north-east.
- Duffy v. Leeds City Council. A DDA claim concerning an individual with debilitating bipolar disorder.
- Barresi v. Garnett & Sons Ltd & Others in which I represented an Italian national who succeeded in his claim alleging race discrimination.
- Singh v. Durham Racial Equality Council, EAT. A race and sex discrimination claim brought by a Sikh woman (again successfully) and upheld on appeal.
- Miller v. Durham County Council. A sex discrimination claim concerning selection for an internal post at senior manager level. Successful and resulting in substantial damages.
- Morgan & Others v. Middlesbrough Borough Council. Court of Appeal. An ongoing equal pay claim in which I represent a large number of female applicants (primary school staff paid on a ‘term-time only’ basis).
- I have acted on behalf of a number of Local Authorities and Health Trusts principally concerning claims alleging discrimination (of all types), “whistleblowing” and victimisation.
- I have also represented a number of Unions (together with their individual members) on ‘collective redundancy’ cases arising out of several high profile north east factory/site closures.
- I regularly lecture to groups of solicitors on a number of topics including ‘Collective Redundancies’, Age Discrimination, the introduction and effect of the 2002 Employment Act and on recent developments, both procedural and legal.

MEDIATOR (Trained and Accredited by CEDR)

- Qualified 1999
- For a typical example of mediation in the employment field, I was brought in as sole mediator in a sex discrimination/constructive dismissal case brought against the Police Force. This took place over two days and resulted in financial settlement and reinstatement.
- In other cases, I have mediated race, disability and sex discrimination disputes to successful conclusions, resulting in each case in financial settlement and reinstatement.

HM ARMED FORCES

Army Officer, The Light Dragoons (1989-94)

- I joined the army as a Short Service Officer in a Reconnaissance Regiment and was promoted to Captain after two years. I served in the UK, Norway, Germany and Bosnia-Herzegovina.

EDUCATION

1995 – 1996

The Inns of Court School of Law

Bar Vocational Court (Graded 'Very Competent')

1994 – 1995

The College of Law

Common Professional Examination

1989 – 1990

Royal Military Academy, Sandhurst

Officer Training

1985 – 1989

University of St Andrews

MA (Hons) English Literature