

Kenneth McGuire

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Introduction

Kenneth McGuire was called to the Bar in England and Wales in 2000 and in Scotland in 2010. He was previously a lecturer in the Law Department and the London School of Economics and Political Science. Kenneth specialises in all areas of employment and equalities law. He was appointed a Standing Junior Counsel to the Scottish Ministers in 2018 and undertakes work on behalf of the Scottish Government. He is on the panel of Counsel for the Equalities and Human Rights Commission (Scotland).

Employment Law

Kenneth is regularly instructed by employers in high value discrimination and whistleblowing cases. He frequently acts for financial institutions, local authorities, and the NHS. He appears in employment tribunals throughout the United Kingdom and in the Employment Appeal Tribunal. An increasing amount of his work is in the civil courts concerning claims made under the Equality Act 2010 where he is instructed in civil claims and judicial reviews under Part 3 (Services and Public Functions) and Part 6 (Education) of the Equality Act 2010.

Kenneth is ranked as a leading junior in employment law at the Scottish Bar in the Legal 500 and as Band 2 in Chambers and Partners which describes him as "Very practical and commercial, great with clients, very experienced and a safe pair of hands."

Recent Cases

Kenneth recently successfully represented a charity in a lengthy claim for unfair dismissal and whistleblowing brought by a senior employee. He is currently representing the same charity in a complex discrimination claim. His other recent cases include representing the alleged 'transferee' in two related TUPE claims (both of which were negotiated to settlement); successfully representing a bank in two separate claims for disability

discrimination; and representing a well-known public body in judicial review proceedings alleging discrimination. Kenneth undertakes judicial mediations in the Employment Tribunal and is regularly instructed in appeals and Rule 3(10) hearings in the Employment Appeal Tribunal.

His cases include:

- *Sweeney v Lloyds Bank PLC* (2021) ET 4109681/2021, successfully represented respondent unfair dismissal and disability discrimination claim.
- *McGeachie v St Mary's Kenmure and another* (2021) ET 4104941/2020, successfully represented respondent in constructive dismissal and whistleblowing claim.
- *Trcka v Bear Scotland Limited* (2021) ET 4103829/2020, successfully represented respondent in unfair dismissal claim.
- *Town and Country v Munro* [2019] UKEATS/0035/18/SS, successfully represented appellant employer in concerning employment status of freelance worker.
- *Aldridge & Others v Amey Services* [2016] EAT, test case on multiple historical holiday pay claims.
- *Petition of MASH Holdings Ltd v The Scottish Football Association and Mr Dave King* [2016] CSOH 86, successfully represented Dave King in petition for judicial review brought by MASH Holdings Ltd.
- *Sturridge v General Teaching Council for Scotland*, [2014] S.C. 478, successful statutory appeal against refusal by the regulatory body to permit him to teach in Scotland. Widely reported in the press as a 'landmark' decision that led directly to change in practices of the regulatory body.
- *Fox Solicitors Limited v Advocate General for Scotland* [2013] CSOH 133, instructed by the Equality and Human Rights Commission in a challenge against the legality of the introduction of fees for employment tribunals.