

## Nicholas Bidnell-Edwards

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Nicholas is an employment barrister with a strong focus on discrimination and whistleblowing work. He is a published author on employment law, and has written the Whistleblowing chapter in the latest edition of Daniel Barnett's 'Handbook on Employment Law'. He has received praise for his conduct of cases from opponents, and High Court Judges have remarked on how "skilfully" he develops his submissions. A leading employment silk has described his advocacy as "confident, and very persuasive", and remarked that his written submissions were "very well structured, and thorough".

### Employment law

Nicholas has conducted numerous, multi-day discrimination, whistleblowing, and unfair dismissal claims. He is increasingly instructed in cases involving equal pay, and claims in which the employment status of the Claimant is in issue. He has also obtained several costs awards following successful results in Employment Tribunals, and has achieved a number of positive outcomes in the Employment Appeal Tribunal. Nicholas has also conducted several appeals on behalf of the Free Representation Unit.

Prior to commencing practice as a barrister, Nicholas worked for two years in the Employment Department of a solicitors' firm in the City. During this time he represented both Claimants and Respondents in Employment Tribunals, and in the Employment Appeal Tribunal. His time working at a solicitors' firm informs his conduct of litigation, and his written advice.

In addition to his work within the Employment Tribunal system, he also has experience acting as an independent investigator for organisations seeking an independent professional to determine sensitive allegations including questions of disability discrimination, sexual harassment, and sexual assault.

#### Indicative Cases:

##### In the Employment Appeal Tribunal and Court of Appeal:

- Arthur v. Hertfordshire Partnership University NHS Foundation Trust, Appeal No: UKEAT/0121/19/LA HHJ Eady QC accepted Nicholas' arguments that HHJ Eady QC allowed the appeal on multiple grounds including that: i) the

Tribunal had not kept the correct test in respect of causation in mind; ii) the Tribunal had been wrong to find there was no disclosure of information where the Respondent had already known of the matter disclosed; and iii) the Tribunal had not applied the “no reasonable prospects of success” test, but had reached conclusions on how it believed the case would develop.

- *Nicholson v. Royal Mail Group Ltd* Case No: A2/2016/1002 – Lord Justice Underhill accepted Nicholas’ submissions that: i) the requirement to lodge supporting documents is as strictly enforced as the obligation to lodge a notice of appeal; ii) the Appellant had demonstrated the ability to send the right documents to the right building prior to the expiry of what he knew to be the time limit; and iii) the Appellant’s decision to rely on the EHRC to do something they could not reasonably be expected to do was not a good reason to explain the delay.
- *Stewart v. Barnwood Construction Limited* UKEAT/0425/14/MC – HHJ Kerr considered an appeal which raised questions of perversity, and commented on how “skilfully” Nicholas developed his submissions.
- *Partners in the Cornerstone Practice v. Mrs Crockford* UKEAT/0370/13/SM – HHJ Slade permitted the appeal brought by Nicholas to reverse a finding of unfair dismissal on the ground that the outcome was perverse.
- *Gwara v. Mid Essex Primary Care Trust* [2013] ALL ER (D) – HHJ Richardson allowed an appeal against an award of costs, and accepted Nicholas’ submission that the Claimant had not been afforded a reasonable opportunity to make submissions against an order for costs.

#### In Employment Tribunals:

- *Thanki v. Asda Stores Limited* - Nicholas established that the Respondent could reasonably have known that the Claimant was a disabled person, and that the application of the keeping in touch policy put the Claimant at a substantial disadvantage as a disabled person. The Claimant succeeded in his claims for Constructive Unfair Dismissal, Wrongful Dismissal, Discrimination Arising from Disability, and a Failure to Make Reasonable Adjustments.
- *Daly & Green v. The Contact Company* – Acted for the successful Claimants to amend their claims for pregnancy and maternity discrimination to represent them during the Employment Tribunal hearing to prove that a so-called employment agency had in fact been the Claimants’ employer.
- *Terry v. Arla Foods Ltd.* – Acted for the successful Claimant to amend her claim, to represent her in the six day Tribunal hearing, and to secure a finding of unlawful harassment on the ground of transgender discrimination. He also obtained a costs order against the Respondent.

## Other information

- He has been a published author on employment law for a number of years and continues to co-author the latest edition of Daniel Barnett’s ‘Handbook on Employment Law’.
- He is also a published author on Lexis Nexis PSL.