

JEREMY LEWIS

Call: 1992



“Peers and clients commend his accessibility and dedication to his cases. He is focused and exacting in his work. Accessible at all hours and goes the extra mile”

(Chambers and Partners, 2016)

Jeremy principally practices in employment law, business protection and commercial litigation. He has been regularly ranked as a leading Junior by the legal directories whose comments have included:

- ***“Attention to detail is his forte – if there is a technical argument to be had he will find it”***
- ***“Considered a straight-talking barrister, ...He’s the sort of barrister you immediately pay attention to as soon as he starts speaking. ... He is able to handle complex matters and offers superb case analysis.”***
- ***“He combines a first-rate legal brain with relentless dedication to assisting clients in obtaining the best outcomes”***
- ***“extremely hard-working, exacting, commercial and good on his feet”***
- ***“ready to get his hands dirty”***

Jeremy is a part time judge and accredited mediator. He is co-author of the leading text on **Whistleblowing** and was a member of the panel which formulated the BIS standard for Whistleblowing. He is the General Editor of the leading work on **Transfer of Undertakings** and a contributor to the leading work on **Business Protection** (contributing chapters on fiduciary duties, duty of fidelity and covenants). He is also a contributor to the new edition of **Lightman and Moss on Corporate Insolvency** (also to be published in 2017).

Employment

Jeremy’s practice covers all forms of employment law in the civil courts and employment tribunal, and also before the CAC. He is recommended as a leader in the field of employment law by Legal 500 and Chambers and Partners, and has acted in a number of the landmark cases in the field.

Transfer of Undertakings

Chambers and Partners have highlighted transfer of undertakings, together with whistleblowing, as fields in which Jeremy is particularly recommended. Sample notable transfer of undertakings cases in which he has acted include:

- ***Born London Ltd v Spire Production Services Ltd*** (UKEAT/0255/16/L, 28 February 2017) concerning employee liability information.
- ***Services for Education Limited v White*** UKEAT/0024/15/DM, 10 August 2015, HHJ Elisabeth Lainq J

(concerning the meaning of “time of the transfer” under s.208 ERA, and therefore whether continuity of employment was preserved over a one month gap between fixed term contracts on a transfer).

- **Celtec and others v Astley** (House of Lords and European Court of Justice): This is the leading case on timing of a transfer, establishing the principle that there must be a single date for the transfer and the test as to how that date is to be ascertained. The reasoning in the case is also important in relation to the scope for employees to opt out of the transfer, and lies at the heart of argument in subsequent cases as to the validity of secondments in a TUPE context.
- **Sodexo Limited v Guttridge and others** (Court of Appeal): The leading authority on the approach to equal pay time limits in a TUPE context.
- **Small and others v Boots Co. Plc** (EAT): A claim concerning discretionary bonuses in a TUPE context. Acting pro bono on behalf of 10 warehouse workers, Jeremy, with Kathryn Apps as his junior, successfully overturned the decision of the employment tribunal.
- **Doane v MK Dons and others**: in the context of a personal injury claim arising from a tackle during a league football match, the case established the principles that vicarious liability could transfer despite the liability being to someone other than a transferring employee.
- **Dudley Bower Building Services Limited v Lowe** (EAT): in the context of a complex facilities management contract, Jeremy succeeded at first instance and on the appeal in establishing that there had been a transfer notwithstanding that the undertaking contained only a single employee.

Whistleblowing

As a leading barrister instructed on whistleblowing claims, Jeremy has co-authored “Whistleblowing, Law and Practice (OUP, 3rd ed. 2017). Initially published in 1999 (as “Whistleblowing: The New Law” (Bowers, Lewis and Mitchell)), this is recognised as the leading work on whistleblowing.

Jeremy is regularly instructed in whistleblowing claims, covering a wide variety of issues and sectors including claims involving City law firms, a car manufacturer, a teaching hospital, local authorities, banks, brokers and other financial institutions, an employment agency and police and police-related organisations.

He acted in:

- **Underwood v Wincanton Group Ltd** UKEAT/0212/15/RN, 27 August 2015, on the new public interest test.
- **Kuzel v Roche Products Limited** (CA), which is the leading case on burden of proof in protected disclosure claims.
- **Darnton v University of Surrey** (EAT), the leading case on the test for a qualifying disclosure.
- **Dunster v First Transpennine Express Limited**, EAT (on causation in whistleblowing cases).

Jeremy was also a member of the steering committee for the British Standards Institution’s Whistleblowing Code of Practice, first published in July 2008.

Business Protection

Jeremy regularly acts in claims for injunctive relief, primarily in cases involving restraint of trade, confidentiality, intellectual property and fiduciary duty issues concerning employees, directors and/or shareholders or vendor/purchaser cases. He has been instructed in a wide range of business sectors including recruitment consultancy, internet travel, journalism, inter-dealer broking, insurance broking, engineering, computing, retail,

telecommunications, solicitors and, NHS Trusts.

His team move cases have included:

- **Visage Ltd v Mehan** [2017] EWHC 2734 (QB), concerning springboard and non-compete relief in a team move.
- **Tullet Prebon v BGC Brokers** (acting for the ten brokers moving to BGC against whom extended garden leave injunctions were sought).
- **Paul Wurth Limited and others v Siemens VAI Metals Technologies Limited** (CA), which concerned a springboard injunction in relation to a mass team move.
- **Ashworth v Royal National Theatre** [2014] 4 All E.R. 238 (resisting application for injunction seeking to require continued employment of the band in "Warhorse").

Jeremy is co-author of five chapters in Brearley and Bloch, "Employment covenants and confidential information". (Tottel, 4th ed 2018), including chapters on duties of fidelity, fiduciary duties, reasonableness of express covenants and final remedies.

Discrimination and Victimisation

Jeremy is regularly instructed in a range of discrimination claims including in relation to part time workers, fixed term workers, sex, race, age, disability, religious and sexual-orientation discrimination. He has also acted in equal pay claims in a variety of sectors, including acting for local authorities in ongoing mass equal pay claims, and also acting in equal pay claims in the university sector, the banking sector and the health sector.

Notable cases have included:

- **MacIntosh v National Waiting Times Centre Board** UKEATS/0001/15/SM, 17 June 2015 (discrimination arising from disability and disability-related harassment).
- **McCabe v Greater Glasgow Health Board** UKEATS/0004/14/SM, 10 June 2014, Langstaff J (unfair dismissal and disability discrimination).
- **Matthews v Kent and Medway Town Fire Authority** House of Lords, the leading case on the Part Time Workers Regulations.
- **Sodexo Limited v Gutridge**, Court of Appeal, concerning the approach to equal pay time limits in a TUPE context and **Sinclair Roche v Heard and Fellows** (an appeal in the context of a sex discrimination claim against a city law firm).
- **Smith v Carillion (JM) Ltd** [2015] I.R.L.R. 467 (CA) (requirement for contractual relationship for claims of detriment for health and safety and trade union activities; application of European Convention of Human Rights).

Trade Unions and Industrial Action

In addition to acting in the civil courts and employment tribunals, Jeremy also acts in claims before the Central Arbitration Committee, and has been in several cases where decisions of the CAC have been challenged on an application for judicial review including:

- **R v CAC ex parte Kwik Fit (GB) Limited** (CA) (an important decision on the correct approach to determination of a collective bargaining unit).
- **R v CAC ex parte BBC** (concerning whether, for the purposes of trade union recognition, cameramen

were to be regarded as professionals).

- **R (Netjets Management Ltd) v CAC** (permission to appeal in decision on territorial jurisdiction).

Commercial Litigation and Professional Negligence

Jeremy's practice involves a broad range of commercial litigation and advisory work, including:

- Commercial contract disputes
- Fire insurance claims
- Sale of goods
- Director disputes and fiduciary duties.
- Shareholder disputes.
- Business sales, franchise agreements and warranty claim
- Professional negligence claims (including solicitors, insurance brokers, accountants and auditors).
- Lotteries and prize gaming
- Injunctive relief.

Sample notable cases include:

- **Paul Wurth Limited and others v Siemens VAI Metals Technologies Limited** (CA) (interim injunction and dispute as effect of without prejudice communications).
- **I-Way Limited v World Online Telecom Limited** (Commercial Court) (misrepresentation, implication of contractual terms, estoppel).
- **Zakharov v White** (interim injunction/ lawfulness of bench warrant/commercial fraud).
- **In re Oriental Gas Company Limited** (company; unfair prejudice).
- **Owens Bank Limited v Etoile Commerciale S.A.** (Privy Council) (conflict of Laws, estoppel/abuse of process).

Sports

Jeremy has acted in a variety of sports cases including:

- A challenge to withdrawal of funding by British Swimming: **Tancock v British Swimming** SR/0000720014, 14 November 2014 (Mr David Phillips QC)
- wrongful dismissal by football managers
- disputes as to television rights relating to Premier League teams
- disputes over renewal of central contracts
- personal injury in sports (eg **Doane v MK Dons and others** (Sheffield County Court))

Judicial Review

Jeremy's practice also includes judicial review, which he previously lectured in at Brasenose College, Oxford University. He had acted in a variety of matters including disputes relating to a claim to quash the dismissal of a Chief Financial Officer in the public sector, exclusions from school and university courses, disputes in relation to exclusion of doctors from specialist training courses, withdrawal of legal aid and decisions of the Central Arbitration Committee (including **R v CAC ex parte BBC** (judicial review/trade union recognition and **R v CAC ex parte Kwik Fit** (GB) Limited (CA) (judicial review/trade union recognition)).

Mediation

Jeremy is an Accredited Mediator within the ADR Group.

Publications

Co-author/editor:

- General Editor, of "Transfer of Undertakings" (Sweet & Maxwell, looseleaf)
- Lewis, Bowers, Fodder and Mitchell, "Whistleblowing, Law and Practice" (2017, OUP, 3rd ed) (Third edition to be published in 2017. Second edition published in 2012)
- "Vicarious liability" (PLC Practice Notice)
- Bowers and Lewis, Employment Law and Human Rights (Sweet and Maxwell 2001)
- Lewis and Lewis, The Work Family Challenge: Rethinking Employment (Sage, 1996)

Contributor:

- Bloch and Brearley, "Employment Covenants and Confidential Information" (Tottel Publishing). 4th edition to be published in 2017. (Co-author of chapters on (1) Duty of Fidelity (Chapter 3), (2) Fiduciary duties (Chapter 4) and (3) Restrictive covenants (Chapter 11).
- Lightman and Moss, "The Law of Administrators and Receivers of Companies" (Sweet and Maxwell, 6th edition, to be published in 2017).
- Butterworth Tolley's Termination of Employment (looseleaf).

Appointments, Memberships and Education

Jeremy is a Part time Employment Judge (South East region - except Watford and Reading)

Memberships

- Employment Law Bar Association
- Employment Lawyers Association
- Industrial Law Society
- Commercial Bar Association

Education

After attending Manchester Grammar School (1979-86), Jeremy studied law at Brasenose College, Oxford, where he obtained a First Class Honours degree and a First Class degree on the Bachelor of Civil Law course.

Personal

Jeremy is married (to Rebecca) with three children, Jake, Tim and Sam. He plays football, tennis and chess, each with much more enthusiasm than skill.