

John Bowers QC

Silk: 1998 | Call: 1979

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Commanding the respect of the judges for many years, John Bowers QC is one of the premier employment barristers in the UK. Lauded by legal directories and the legal press for his intellectual and technical abilities, clients have praised John for his **“towering intellect”** while one was quoted as saying he has **“a brain the size of a planet”**. He has also been described as **“an employment law rock star”**. After a recent case in which John appeared for BP, Jeffrey Heller of BP Legal wrote how they **“... have rarely come across legal talent that could come close to comparison with John”**.

John is consistently rated as a Leading Silk in employment law by Chambers & Partners and the Legal 500, who describe him in the following terms:

- **“insightful, co-operative and confident”** (Chambers & Partners 2013)
- **“very bright and enormously experienced”** (Chambers & Partners 2012)
- **“lovely to deal with and goes over and above the call of duty for his clients”** (Chambers & Partners 2012)
- **“the world’s nicest man as well as a great lawyer”** (Chambers & Partners 2012)
- **“a good team player who delivers speedy responses”** (Legal 500 2012)

John was also awarded Chambers & Partners Employment Silk of the Year 2010.

A frequent lecturer on employment law, John has written 15 books including Bowers on Employment Law (now in its Eighth Edition), The Law of Industrial Action and Trade Union Recognition and Whistleblowing. He [co-wrote] Blackstones’ Employment Law Practice each year from 2006 until the present and is a frequent contributor to the Law Society Gazette, New Law Journal and the Industrial Law Journal. He is also a former editor of Atkins Court Forms and is listed as the 4th most reported advocate in the Industrial Relations Law Reports (IRLR).

A CEDR trained mediator, John was the coordinator of the Workplace Mediation Project which looks into the use of mediation in sexual harassment cases.

After attending Matthew Humberstone Comprehensive School, John gained a scholarship to Lincoln College, Oxford where he graduated with a First Class. He then did a Bachelor of Civil Law. He was called to the Bar in 1979 and took silk in 1998. He has been in turn a Member of the Committee of the Industrial Law Society, the Employment Law Association and Honorary Legal Advisor at Turnpike Lane Advice Centre. He currently carries out work for the Bar Pro Bono Unit. John has also been a member of the Governing Council at the University of Kent for two years and was formerly a member of the Standards Board for England.

RECOMMENDATIONS

“insightful, co-operative and confident”

(Chambers & Partners)

AREAS OF LAW

Forthcoming Cases

- Employment Tribunal Case for Eddie Stobart regarding deductions from pay
- **Smith v Carillion Ltd** in the Court of Appeal regarding blacklisting of trade union activists
- An appeal in mass equal pay claim against Glasgow CC
- **Sharpe v Bishop of Worcester**: Bishop is seeking to appeal to the Court of Appeal from EAT decision overturning a finding by Birmingham ET that a Church of England vicar is not an employee or worker; I represent Rev Sharpe;
- Series of claims against Hertel UK Ltd concerning the proper sums to be paid for holiday pay in particular the correct treatment of overtime; to be heard by Nottingham ET

Education Law

- He was involved in the equal pay claims against voluntary aided schools which reached the EAT in **Dolphin v Hartlepool Borough Council** and community schools which was dealt with by the Court of Appeal in **South Tyneside MBC v Anderson**.
- He was engaged for the successful respondents in the Supreme Court on the case deciding whether an employee who may be placed on a list preventing him working with children has a right to legal representation, **R (G) v X School**.
- He regularly advises on admissions matters, and has advised many universities and faith schools.
- He successfully defended the General Medical Council in a claim brought by Indian doctors in the Administrative Court in 2014 over the lack of success of doctors from South Asia in part of the General Practice examinations

Employment Law

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John has acted in the landmark discrimination cases below:

Discrimination

- **R v Secretary of State for Defence ex p. Smith** 1996 IRLR 100 – Action brought by gay servicemen to remove the ban on their serving in the armed forces
- **Wilkin & Chapman v Collins** – discrimination against transvestites
- **Anisetti v Tokyo-Mitsubishi International Plc** – race discrimination on grounds of non Japanese nationality
- **Shepherd v N Yorkshire CC** 2006 IRLR 190 – EAT case on distinction between sex discrimination and equal pay
- **Chessington World of Adventures v Reed** 1998 ICR 97 EAT – transsexuals and sex discrimination
- **Rachel Anderson v The Professional Footballers' Association** – a sex discrimination claim brought by a footballers agent who was refused access to the PFA dinner
- **Mathews v Kent & Medway Fire Authority**: 2004 IRLR 697 HL – first case on part time workers regulations largest ever ET case involving about 11000 retained firefighters
- **Redfearn v Serco** 2006 IRLR 623 -CA leading case on meaning of direct discrimination
- **Skipper v BP**; a major age discrimination case brought by an in house solicitor of BP
- **Bijlani v Four New Square**; ground breaking case brought by a barrister against her set of chambers on grounds of

race

- **Reynolds v Canada Life**; major age discrimination case brought by well known insurance industry senior employee
- **X v Mid Sussex CAB** [2011] ICR 460; whether volunteers have rights to claim for discrimination remedies (under appeal to the Supreme Court)

John has been the prime defender of local authorities in the many thousands of claims brought by women for equal pay in England and Wales. Councils represented include Dorset, Gateshead, Glasgow, Hampshire, Newcastle, Rochdale, South Tyneside, Stockton, Sunderland.

John is presently involved in many thousands of equal pay cases in Scotland, the North East and South of England relating to the local government single status from which there have so far been two leading cases; **Allen v Newcastle City Council** and **South Tyneside MBC v Anderson** [2007] ICR 1571. In the NHS equal pay litigation his case of **Hartley v Northumbria Health Care NHS Trust** was the lead case for the whole country; he successfully defended the case for the Health Care Trust and it was not appealed. He thus helped to save the NHS billions of pounds. He conducted the appeal for the local authorities in **McAvoy v South Tyneside MBC** [2009] IRLR 796, the EAT decision on the role of male contingent equal pay claims and the NHS Trust in **Brownbill v St Helens NHS Trust** [2010] ICR 1383 which concerned what precise contractual terms fell to be compared in an equal pay case. He appeared successfully for the NHS Trust in **Hovell v Ashford & St Peters Hospital NHS Trust** [2009] IRLR 734, a test case heard in the Court of Appeal about the proper use of independent experts in equal value cases. He also appeared in the Court of Appeal in **Sodexo v Gutteridge** [2009] IRLR 721 which is the leading case about the interconnection of TUPE and equal pay.

John's cases include:

Negligence

- Acting for a claimant who sued a local auction house which failed to identify that a picture was painted by Stubbs: **Luxmore May v Messenger May Baverstock**
- House of Lords case in **Wright v BRB** (level of interest on personal injury awards)
- **Baker v Kaye** 1997 IRLR 219 HC (duty of care of doctor carrying out pre-employment medicals)

John acts for both employers and employees and has been involved in many ground breaking cases such as:

Unfair Dismissal

- **Dunnachie v Hull CC**: (HL decision as to whether an employee may claim for injury to feelings in unfair dismissal claim)
 - **Whitbread v Mills** 1988 IRLR 388 EAT (leading case on role of appeals in unfair dismissal cases)
 - **Crosville (Wales Ltd) v Tracey** 1993 IRLR 60 (House of Lords decision on industrial action and contributory fault)
 - **Wood v Cunard Lines Ltd** 1990 IRLR 281 EAT (extent of unfair dismissal rights for merchant seamen)
 - **Hogg v Dover College** 1990 ICR 39 EAT (proper test of dismissal when one contract terminates and another is offered).
 - **Gale v Northern General Hospitals** 1994 IRLR 292 CA (continuity of employment in NHS Trusts)
 - **Connolly v Sellars Arenascene**; 2001 ICR 760 Ct appeal decision on whether a director may also be an employee of a company for insolvency purposes
 - **Bunce v Postworth** (Court of Appeal decision on meaning of employee in context of agency worker)
 - **Gover v Property Care Ltd** 2006 EWCA Civ 286: CA case on Polkey reductions in unfair dismissal
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