

# Jonathan Gidney

Year of Call: 1991

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## Introduction

Jonathan has been recognised as a leading junior in the Midlands for Employment Law since 2005. He can digest large amounts of information quickly and has an excellent eye for detail. He is tenacious in Tribunal, yet able to get the best out of his witnesses. Jonathan excels in multiday complex Tribunal claims. Appears predominantly on the respondent side of claims for local authorities, NHS trusts and private sector clients. He is a qualified mediator.

### What the Directories Say:

- *"A barrister with gravitas, who commands clients' respect."* – Legal 500 2019
- *"He's user-friendly, thorough and he communicates well with clients. He's also strong in cross-examination."* and *"He's fantastic."* – Chambers UK 2019
- *"Well-informed and excellent in tribunals."* – Legal 500
- *"Highly experienced in acting for employers in discrimination disputes."* – Legal 500
- *"He is very well organised and prepared, takes time to understand the bundle and has a very good manner with clients." "He is excellent on very technical issues – he flourishes when making difficult technical legal arguments."* – Chambers and Partners

The Legal 500 noted his 'wide breath of knowledge' and 'confident, relaxed approach'. Chambers & Partners noted his 'friendly and mild-mannered approach' along with his ability to dispense 'detailed and pragmatic advice, which has won him the respect of clients and instructing solicitors alike'.

### Qualifications and Appointments:

- BA Hons
- CEDR qualified Mediator

### Articles and Publications:

- Justifying Age Discrimination – the Law after Seldon and Homer -St Philips Newsletter February 2013
- Bias in Tribunal – ELA Briefing – April 2009
- Walking the Reference Tightrope – New Law Journal – September 2001
- Connected Lender Liability – New Law Journal – May 2006

### Memberships:

- Employment Lawyers Association
- Employment Law Bar Association

# Employment

Jonathan represents both large and small clients in the private and public sector in all employment matters, including complex multiday discrimination claims. His clients include banks, large retailers, supermarkets, local authorities, NHS Trusts and Police Authorities. He is a team player and an excellent advocate in Court and Tribunal.

Jonathan can advise and represent clients on every aspect of employment law, including all discrimination and detriment claims, TUPE, Equal Pay, employment status, pay, maternity, union detriment and all forms of unfair dismissal.

Jonathan can provide advice and representation to clients as part of a team with instructing solicitors or directly via public access. He can bring or defend claims or take steps to maximise or reduce compensation payments. He can appear in Tribunal and in the Appeal Courts.

## Reported Cases:

- Post Office v Aldous [2013] UKEAT/0593/13 – This concerned when a contract can be disapplied due to a misrepresentation.
- Anderson v G&G Plc [2013] UKEAT/0221/13 – This concerned whether costs awarded in Tribunal can be set off against damages awarded in the same case.
- Prakash v Wolverhampton City Council [2006] LTL 19.9.06, EAT -This concerned whether a Claim Form can be amended after a Claim has started.
- Mondesir v Lloyds Bank Plc [2003] UKEAT/701/03 – This concerned the question of unlawful deductions from pay arising from a share scheme.

# Discrimination

Jonathan has a well established expertise in discrimination law, acting for a High Street bank in a £2.3m race claim, involving 9000 pages, 52 witnesses and 7 weeks of hearings. He was instructed in the largest sex discrimination claim filed in the Tribunal service (at the time, of £16m), and has acted for local authorities in cases involving the very worst allegations of sex discrimination, including sexual assault and rape. He has acted for NHS trusts in defence of very serious and complex disability discrimination claims. He has acted in public interest disclosure claims and sought interlocutory relief in union detriment cases.

Discrimination claims are very serious, not only for the victims but also for those accused of discriminating against others. Jonathan has an excellent manner and is very good at putting witnesses at ease and getting the best out of his witnesses.

## Reported Cases:

- Sakharkar v Northern Foods [2012] UKEAT /0535/12 -This concerned the introduction of new evidence and the late amendment to include claims of race discrimination.
- Wright v Wolverhampton City Council [2008] UKEAT/0117/08 – Concerning a claim of race discrimination
- Ansar v Lloyds TSB Plc [2007] IRLR 211, CA – Concerning negligent misselling, race discrimination and bias in Tribunal.
- Rofique v The Governing Body Turves Green Girls School [2002] UKEAT/569/02 -Concerning sex discrimination.