

# **Labour Law Highlights 2020**

edited by Rebecca Tuck QC,  
Stuart Brittenden & Betsan Criddle



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**Stuart Brittenden** is busy employment law barrister with experience in individual and collective employment law, particularly industrial action. He is ranked as a Band 1 leading Employment Junior by both *Chambers & Partners* and *Legal 500*, and his expertise is also acknowledged by *Who's Who Legal*. He was shortlisted by *Chambers & Partners* as Employment Junior of the Year (2017), was named UK Employment Junior of the Year by *Legal 500* (2018), and was nominated again in 2020. He is also Vice-chair of Old Square's Employment Team.



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# labour law highlights 2020

## introduction

We have reached the end of what, in many ways, was a fairly miserable decade, dominated by austerity measures. In the field of employment law perhaps the most significant statutory provisions were the Employment Tribunal Fees Order and Trade Union Act 2016. A highlight of the decade was certainly the Supreme Court's 'Unison' judgment, striking down tribunal fees and reminding us all of the importance of access to justice in a democratic society, but looking towards the horizon, readers will no doubt have their own opinion as to whether there is light ahead, or whether the outlook is gloomy. As we embark on the 2020s with a newly elected government, the domestic agenda continues to be dominated by Brexit, and while we have the European Withdrawal Act 2018 which confirms that on Brexit day all European law will be transposed into domestic law, from day two onwards, changes may be made. The level of protection likely to be afforded to 'workers rights' is not clear. The Queen's Speech set out an intention for more legislation around the right to strike. Industrial action cases this year continue to invoke Article 11 of the European Convention on Human Rights – which gives the right to freedom of assembly – when considering domestic legislation. Of course we remain signatories to the ECHR and will still have recourse to the European Court of Human Rights even when outside the EU.

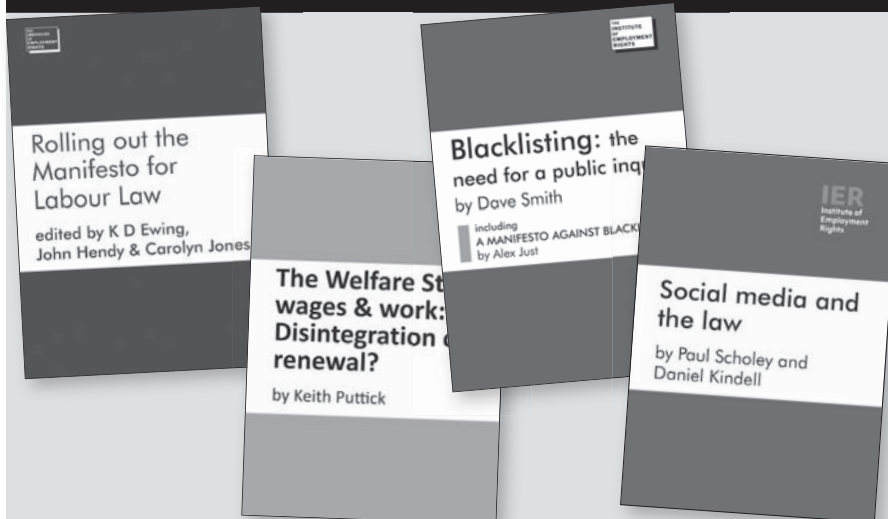
The last year has been another busy one in terms of employment and industrial law, and we have a large team of barristers from Old Square Chambers who have chosen cases to highlight. Many thanks go to Grace Boorer, Ben Jones, Katherine Fudakowski, Camille Ibbotson, Ben Jones, Alex Shellum and Madeline Stanley.

Finally, all at Old Square Chambers are very proud this year to see 'our' first High Court Judge, with former author of this publication, Jennifer Eady being appointed. We have also seen our very own John Hendy, QC, Chair of IER, being awarded a peerage. Both have made significant contributions to the field of employment and industrial law and will undoubtedly continue to do so.

**Rebecca Tuck QC, Stuart Brittenden & Betsan Criddle.  
Old Square Chambers, January 2020.**

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The Institute of Employment Rights seeks to develop an alternative approach to labour law and industrial relations and makes a constructive contribution to the debate on the future of trade union freedoms.

We provide the research, ideas and detailed legal arguments to support working people and their unions by calling upon the wealth of experience and knowledge of our unique network of academics, lawyers and trade unionists.

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# IER

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**This year's Labour Law Highlights is produced against the backdrop of a newly elected Johnson Conservative Government and a yet to be defined Brexit settlement. We expect the next five years to be difficult for trade unions and their members. All the more reason for reps to arm themselves with an understanding of developments in labour law. While rumours about the possible contents of a proposed Employment Bill and Trade Deals abound, there are few recent statutory changes for this LLH to report.**

**However, our experts from Old Square Chambers have found plenty of judicial decisions to analyse, providing a wealth of materials from Tribunals through to the Supreme Court to assist trade unionists hoping to use case law to protect and promote the best interests of workers. So, whether it's trade union rights, pay and conditions, employment rights or equality issues, the authors lead the readers through numerous judicial interpretations in a way that is clear, informative and we hope helpful in the year ahead.**

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