



Gus Baker

Year of Call: 2015

Direct Access: No

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Gus' practice focuses on [employment](#), [pensions](#), [commercial litigation](#), [international arbitration](#) and [professional negligence](#).

He is recommended by Legal 500 and Chambers and Partners as a "rising star" and "up and coming" junior barrister.

Gus regularly instructed to advise and represent clients in courts and tribunals at all levels and has appeared in the High Court, the Court of Appeal, and the Employment Appeal Tribunal.

Areas of Expertise

Employment & Discrimination

His employment law practice regularly undertakes multi-day hearings against more senior counsel. Gus' clients include banks, FTSE 100 companies, public sector organisations and individuals. He is experienced at advising senior managers and employees on how to achieve exits on favourable terms.

Gus undertakes a significant amount of advisory work, including advising on TUPE transfers, pensions/employment crossover issues, holiday pay and restrictive covenants.

He often represents various senior executives dismissed for whistleblowing and misconduct in Employment Tribunal and High Court proceedings. In addition to advising on various pensions ombudsman matters and pension related claims in the Employment Tribunal, and often acts for various companies in High Court claims for breaches of restrictive covenants.

Where cases litigate, Gus provides robust advocacy. His submissions have been described as being advanced "seductively" and "with skill and detail" by Langstaff J (see [Dynasystems for Trade and General Consulting Ltd and Others v Mr M Moseley UKEAT/0091/17/BA](#)).

Gus' experience in litigating commercial, pensions and personal injury disputes means that he brings a broad perspective to his employment work, which often assists when there are complex issues involving damages and remedies.

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Recent examples include.

- Acting in a group claim representing 70+ individuals in relation to the Agency Workers Regulations 2010;
- Successfully represented the Claimant, a senior manager in an oil exploration production company, in a claim brought for disability discrimination, harassment in relation to disability and victimisation;
- Successfully acted for West Ham United Football Club Limited in a potentially sensitive claim for claim brought by a former employee who alleged he had been dismissed because of his race;
- Advising a national supermarket on holiday pay related issues;
- Succeeding in an appeal before Eady J overturning the ET's decision on victimisation and unfair dismissal – *Ms I Elston v 1) Robbie's Photographic Ltd 2) Mr W McRobbie* UKEAT/0282/18/RN;
- Representing a firm of solicitors in a civil appeal in relation to a professional negligence claim arising out of the handling of employment advice and litigation;
- Representing a large bank in claims for disability discrimination made by a senior employee;
- Advising the directors of a Dubai owned business on potential claims being brought by a former CEO;
- Representing various FTSE 100 companies in claims for disability discrimination;
- Acting in a multi week sexual harassment case on behalf of a senior individual;
- Acting in a multi week race harassment case, involving allegations of racially motivated assault with significant personal injury damages claimed;
- Acting for a senior manager of a large retail distributor on claims for unfair dismissal, breach of contract and non-payment of a contractual bonus;
- Instructed by the Government Legal Department in a High Court employment action involving over 70 claimants;
- Acting in a claim for disability discrimination brought against the Secretary of State for Justice;
- Acting for an individual in a case listed for three weeks involving racially aggravated workplace violence;
- Advising senior solicitors in major firms in relation to claims against their employer;
- Acting in multiple discrimination and whistleblowing claims concerning serving police officers;
- Court of Appeal in *Rabess v London Fire and Emergency Planning Authority* [2016] EWCA Civ 1017.

Gus is the co-author of the Law Society's "[Employment Law Handbook](#)", 7th edition. He is the editor of the chapter in Tolley's [Employment Law Service](#) (published by Lexis Nexis) dealing with the fairness of dismissals.

Pensions

Gus Baker is an experienced pensions barrister who is frequently instructed in significant claims of high value and sensitivity.

Gus acts for trustees, employers, defendant solicitors and administrators in part 8 claims, professional negligence proceedings, and applications for rectification.

Recent cases include acting for a representative beneficiary in a large Part 8 Claim, advising (unled) employers of a scheme in relation to various mistakes in historic deeds and various work bringing and resisting claims on behalf of scheme members in connection with negligent mistakes and representations made by employers and administrators.

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Commercial Disputes

Gus has a broad commercial disputes practice which often have an international dimension. He is frequently instructed in high-value commercial disputes ranging from breach of contract, fraud, misrepresentation, business, insolvency, finance, joint venture, shareholder, and matters involving force majeure and illegality across multiple sectors.

He is also regularly instructed on multi-million-pound international arbitration matters with experience under the LCIA and UNCITRAL rules.

More widely, Gus frequently acts in cases in which urgent injunctive relief is sought against individuals and businesses in relation to confidential information, these cases often require counsel to work at speed to secure urgent injunctions.

Recent instructions include:

- Instructed, led by **Andrew Spink KC**, to advise and draft legislation for a public authority in the Middle East in preparation for planned reform of jurisdiction's statute on company law;
- Instructed, unled, in a matter relating to the insolvency of one of the last remaining deep coal mines in the UK, Hatfield Colliery;
- Acting as part of the counsel team for Grant Thornton UK LLP in the multi-million-pound conspiracy claims brought by Robert Tchenguiz in the Commercial Court;
- Advising a private equity fund on a series of claims brought by a former CEO of a portfolio company, including questions of jurisdiction;
- advising and representing banks in claims by consumers;
- Advising and drafting pleadings in professional negligence actions with regards to purchases of high end cars and boats;
- Instructed to advise on issues relating to agency and apparent authority in proceedings against a global law firm;
- Instructed as part of a junior counsel team in international arbitration proceedings in relation to the breach of a joint venture agreement;
- Representing Defendants in breach of contract and claims under the Financial Services and Markets Act 2000 in the County Court;
- Instructed to attend court on behalf of a major bank in a complex case relating to manipulation of the dollar Libor rate, assisting **Michael Bowes KC**;
- Advising on Part 36 offers in cases concerning breaches of the Financial Services and Markets Act 2000 and the enforceability of agreements, assisting **David E Grant**;
- Instructed in a case concerning expulsion from an LLP agreement and the express duty of good faith;
- Acting in a seven figure fraud and conspiracy and conspiracy claim involving breaches of fiduciary duties by senior individuals impacting third parties;
- Representing a Bank in a claim for breach of contract and misuse of confidential information, in addition to claims under section 138D of the Financial Services and Markets Act 2000;
- Acting in high value claims for unpaid contractual bonuses against banks;
- Advising and acting in group claims involving banks and contractual discretions in mortgages;
- Representing solicitors in high value commercial litigation;
- Instructed in claims on behalf of pension trustees against scheme administrators;
- Acting in the leading multiple derivative claim (McGaughey and Davies v Universities Superannuation Scheme Ltd [2022] EWHC 1233 (Ch));

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- Acting in negligence claims against solicitors and barristers.

Professional Negligence

Gus is regularly instructed in professional negligence claims often involving those against solicitors, surveyors and pensions professionals including scheme administrators (acting both for claimant trustees and defendant solicitors)

Gus was recently instructed on behalf of the claimants (led by Patrick Lawrence QC and [David E. Grant](#)) in a five-week, high value, multi-party professional negligence claim against a pension scheme administrator, a firm of solicitors and a silk in a claim arising out of the decision of Newey J in *Gleeds Retirement Benefits Scheme [2014] EWHC 1178*. The claim resolved on the first day of trial.

Examples of Gus' work include:

- successfully acting for defendant solicitors in proceedings (including an appeal) concerning allegedly negligent advice on limitation;
- a large claim against a surveyor concerning a negligent valuation;
- acting on behalf of a trading company in claims relating to allegedly negligent advice and administration of CFD, forex and spread betting accounts;
- claims against conveyancing solicitors concerning negligent tax advice;
- acting on behalf of a FTSE 100 bank in claims concerning the allegedly negligent administration of various financial products;
- a claim against scheme administrators concerning financial advice (or the lack thereof) given to pensioners.

Financial Services

Gus is regularly instructed in financial services litigation, acting both for and against banks. Gus has particular expertise in mis selling claims and is the co-author of the chapter of [Butterworths Financial Regulation Service](#) dealing with the FCA's Conduct of Business Sourcebook.

Gus' recent work includes:

- Advising, acting and drafting pleadings in claims brought against banks under the Consumer Credit Act 1974;
- Representing high street banks and lenders in multi-track claims brought by consumers;
- Acting on behalf of consumers and businesses in large mis-selling claims, including drafting submissions and pleadings and advising on disclosure;
- Advising on whether undertakings were carrying out regulated activity in breach of the general prohibition in FSMA 2000;
- Acting in claims brought by a spread betting company under Section 138D of FSMA 2000;
- Advising a bank on the impact on the applicability of the FCA's Senior Managers and Certification regime to an internal disciplinary investigation.

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Gus is able to combine his knowledge of pensions and employment law with his experience in financial services litigation. He is the author of a recent article in the New Law Journal concerning pensions mis selling and the COBS rules ([here](#)).

Health & Safety

Gus is experienced at representing corporate defendants in the Crown Court and Magistrates Courts in relation to health and safety and environmental law matters. He is a member of the Health and Safety Lawyers Association ('HSLA') and is able to draw on his experience in employment and personal injury law to assist clients facing regulatory prosecutions relating to accidents at work.

Recent examples of Gus' work include:

- representing corporate defendants in the Crown Court in relation to an HSE prosecution;
- representing commercial fishermen in a multi-day in a prosecution under the Fisheries Act 1981 by the Marine Management Organisation ("MMO");
- representing a family at an inquest relating to a fatality in a hospital ward.

Memberships

- [Association of Pensions Lawyers](#)
- [Industrial Law Society](#)
- [Employment Lawyers Association](#)
- [COMBAR](#)
- [Health and Safety Lawyers Association](#)

Awards

- Recommended as a Rising Star by Legal 500 for Employment
- Recommended as 'Up and Coming' by Chambers & Partners for Employment

Recommendations

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Privacy Policy

[See Gus Baker's Privacy Policy here](#)

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