



# Peter Linstead

**Year of Call:** 1994

**Direct Access:** Yes

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Peter specialises in **employment** and **commercial disputes** including both UK and international matters. He has particular experience in the Dubai International Financial Centre (DIFC) courts and was recently involved in drafting aspects of DIFC primary legislation. He is ranked in the directories as “leading junior” in both UK Employment Law and Commercial Law in the EMEA region. He also advises in the Isle of Man jurisdiction

He brings a real understanding of his clients’ needs combined with commercial and tactical awareness gained during many years of litigation and advocacy experience

Much of his work involves business protection and related injunctions. He is often chosen for civil claims arising from the termination of the employment relationship including bonus claims, breach of fiduciary and fidelity duties, share schemes and partnership/LLP member disputes.

Peter’s recently published book: “Restraining Competition by Employees” is a concise practical guide to restrictive covenants and injunctions in this area. For more information, click the link [here](#).

Peter has extensive experience of mainstream employment and discrimination in the Court of Appeal, EAT and Employment Tribunal, dealing with the full range of issues including TUPE, Equal Pay and Employment Status. He has appeared un-led in the Court of Appeal on a range of matters including public sector equal pay, race discrimination and costs. He is also the Editor of the Tolley’s Employment Law Service section on ‘Absence from Work’.

He also has leading expertise dealing with high value workplace stress and Protection from Harassment Act claims in the High Court, most often instructed by senior executives and employers in cases involving international banks and law firms. He has an exceptional knowledge of this area and of the cross over between the civil courts and employment tribunals in psychiatric injury claims.

More widely, Peter has run a number of **professional negligence** claims arising from the provision of legal services.

He is a trained and accredited mediator with the Society of Mediators and has significant experience of ADR in commercial disputes.

## London (Main Office)

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## Areas of Expertise

### Commercial Litigation

Peter has a broad commercial practice, including:

#### Notable Commercial Litigation cases

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Markey v Williams QB-2022-001296 (May 2022)

Acted for defendant in interim injunction application in Queen's Bench Division relating to a team move in the building sector.

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Ambu International v Sidwell (July 2021) QB-2021-002731

Represented defendant in interim injunction application in Queen's Bench Division based on alleged breach of employment restrictive covenants in surgical equipment industry.

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108 Medical Ltd v Millar, High Court QB (2019)

Acting for the claimant company in High Court summary judgment application in claim for six figure sum arising from alleged misrepresentation by former Managing Director.

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Mashinsky v Routetrader Limited, Central London County Court (2019)

Represented Claimant Director in high-value claim for unpaid wages based on disputed contractual terms.

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Wellden Turnbull Ltd v Alan James HQ17X02336, High Court QB (2018)

Represented the Defendant on an application for an interim injunction brought by a leading accountancy practice against a departing Director. The injunction was successfully resisted on the basis that there was no evidence of intended competition.

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OSO Buckingham Ltd v Buckingham Office Supplies Ltd, High Court, Chancery (2017)

Represented all three Defendants (a company and two individuals) in claim beginning with a springboard injunction application based on a claim for damages for competition following a team move. A case of unusual legal complexity, due to allegations of breaches of claimant's rights under the Databases Regulations, in addition to the standard employee

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competition arguments.

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Hodby & Ors. v Avioncare Ltd , High Court QB (2016)

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Represented and advised the lead Defendant in a £3/4 million claim by an avionics company alleging unlawful competition in breach of restrictive covenants and breach of the duty of confidence.

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Clinical Direct Ltd v M.D. Medical Marketing Ltd, High Court QB (2014)

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Represented international pharmaceuticals supplier in the High Court on an interlocutory injunction application arising out of claim for damages based on competitive activity and alleged theft of a database.

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M.W. Eat Ltd v Kirubandan Anandan, High Court QB X03247, 14.8.12

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Represented senior restaurant chef in injunction proceedings relating to express restrictive covenants protecting secret flavour formulae for recipes.

## **International Commercial Litigation**

### **Notable International Commercial Litigation cases**

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DIFC Authority

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Advised DIFC Authority in Dubai in connection with drafting of new DIFC Employment Law 2019, coming into force in August 2019, with specific responsibility for discrimination provisions and transitional provisions.

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Yousseff v Now Health International Ltd, DIFC Court of First Instance (2018)

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Instructed on behalf of employer in contract claim under employee incentive scheme of \$2.2 million and additional termination payments.

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Schindler Pars international Ltd v Brookfield Multiplex Ltd, DIFC Court of First Instance (2018)

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Represented claimant company seeking interim injunction seeking the return of a performance bond under a construction contract.

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XXX v XXX DIFC Court of First Instance (2018)

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Instructed by international law firm in claim for substantial termination payments brought by departing senior lawyer.

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**Stennett v Ernst & Young, Isle of Mann Court of Court of Appeal (2018)**

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Instructed by Defendant company in Isle of Mann Court of Court of Appeal, in connection with unfair dismissal and whistleblowing claim brought by former director.

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## Employment & Discrimination

Peter is an experienced employment law practitioner who can advise and advocate on a wide range of issues. Notable Employment & Discrimination cases include:

### Employment Status

#### **Johnson v Transopco UK Ltd [2022] EAT 6**

Successfully represented Transopco (formerly Mytaxi) responding to appeal by the claimant relating to employment status in the taxi industry.

#### **Johnson v Mytaxi Ltd 2303018/2018 (London South ET) [Judgment July 2020]**

Successfully represented Mytaxi, the Respondent, in resisting a claim by a London Hackney carriage driver using their ride hailing app that he should be treated as a worker for the purposes of the Working Time Regulations 1998, the National Minimum Wage Act 1998 and the Employment Rights Act 1996. This is one of the most important recent cases relating to the 'gig economy' and it contained a number of parallels with the *Uber* employment status litigation.

#### **R v Canute Haulage Group Ltd, Coventry Crown Court (2018)**

Acting as specialist employment counsel for the successful Defendant company in corporate Health & Safety prosecution following a fatality, where the defence turned on the question of whether company was correctly identified as the deceased's employer (*led by Ben Compton QC*).

## Discrimination

#### **Tennant v Tesco Stores [2020] IRLR 363**

Represented the Claimant at an EAT relating to a novel issue about the definition of disability. The issue was whether, having established that a condition "has lasted" 12 months under Schedule 1 Paragraph 2 of the Equality Act 2010, the employee counts as disabled from the beginning of that 12 month period or only at the end.

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**Parnaby v Leicester City Council UKEAT/0025/2019/BA (2019)**

Represented the Council at final hearing of appeal on disability discrimination turning on whether judge had correctly applied Schedule 1 Paragraph 2 of the Equality Act 2010 in relation to the question of whether the substantial impairment was likely to last 12 months, heard in July 2019.

**Adams v Santander UK plc UKEATPA/0344/17/JOJ (2018)**

Represented the Bank in appeal concerning the inter-relation between a finding that disability discrimination could not be objectively justified and a finding of unfair dismissal.

**London Borough of Southwark v Nimmons, (September 2016)**

Succeeded in EAT appeal for Respondent on grounds of "substitution" of Judge's view under s.98; led to remission of whole case for re-hearing before differently constituted Employment Tribunal.

**Olaleye v (1) Liberata UK Ltd (2) London Borough of Southwark (October 2016)**

(Employment Tribunal, EAT and Court of Appeal) Simultaneously instructed by Pinsent Masons and Southwark Council on behalf of 8 Respondents (2 employer and 6 individual), Peter appeared in the EAT appeal in 2015, taking a novel point on time limits and compliance with the rules. These 4 conjoined disability discrimination and TUPE related claims against Claimant's current and former employers have run for 4 years.

**Alao-Babson v RNIB UKEAT/0317/15/RN (February 2016)**

EAT appeal of claim for religious discrimination arising from a preacher's belief in a calling to preach on Sundays conflicting with his shift requirements at work.

**Duffy v TNS (UK) Ltd, London South ET (2015)**

Un-led, represented the CEO of a FTSE 250 company against a QC and Junior team in a 4 week long sex discrimination and whistleblowing claim valued at £7 million.

**Johnson v MITIE Asset Management UKEAT 0046/14/LA (2014)**

Represented appellant in appeal under s.15 Equality Act 2010 (discrimination arising from disability) and S.103A ERA 1996 (public interest disclosure)

**Bowers v National Institute Health and Clinical Excellence UKEAT 0173/14/JOJ (April 2014)**

Represented appellant in first case in the EAT on application of the 2013 Rules of Procedure on extension of time limits in relation to application for written reasons for judgment.

**Mckinson v Fossil UK Ltd, London East ET (December 2014)**

Successfully represented the Respondent, a high street fashion brand, in opposing a claim for sexual harassment by a female employee against a female senior manager.

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### **St Christopher's Fellowship v Walters-Ennis [2010] EqlR 82, Court of Appeal**

Represented the successful claimant at ET, EAT and on appeal to the Court of Appeal in appeal concerning the correct application of the burden of proof in race discrimination.

### **Keane v Investigo & Ors (ET and EAT 2010)**

Instructed by 5 solicitors' firms simultaneously for 6 company clients in age discrimination claims. Achieved the highest then known respondent's costs order in the ET (£144,000). In the EAT established new principle on the meaning of detriment and successfully resisted appeal of the costs decision (The Evening Standard, The Daily Mail, The Daily Telegraph 26.11.08).

## **Equal Pay**

Peter Linstead has provided in-depth training on the law and procedure of public sector Equal Pay claims to local authorities, including Leicester City Council. Recent cases include:

### **Applied Market Information v Satterthwaite 1402506/11 (September 2013)**

Represented the Respondent market information company, successfully resisting a private sector equal pay claim. The case was factually and legally complex and occupied 8 days in the employment tribunal.

### **Ebbs v Oxford Brookes University and Secretary of State for Education, Court of Appeal (February 2009)**

Represented University in successfully resisting application for permission to appeal from EAT decision on a public sector Equal Pay claim.

### **Brenda Clayton v (1) City Of Bath College (2) Secretary Of State For Education And Skills UKEAT/0283/06/CK (2007)**

Successfully represented appellant in EAT on public sector equal pay claim where the appeal turned on the correct application of time limits under the Equal Pay Act 1970.

## **Stress at work**

Peter is a specialist in workplace stress claims listed at the High Court, in which he has considerable expertise and experience. He represents both Defendants and Claimants in claims of overwork and bullying, brought in negligence and under the Protection from Harassment Act. His broad experience includes cases involving cardiac arrest, chronic fatigue, suicide and parallel claims being brought in the High Court and the Employment Tribunal. Some of his significant cases are listed below.

### **Ahmed v Safestore plc High Court QB-2020-002501 (July 2022)**

Acted for Senior Executive from pleadings to trial in claim based on psychiatric injury based on alleged bullying and

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overwork. Settled just before trial.

**Baines v Ministry of Defence High Court QB HQ17P02226 (March 2021)**

Acted for a Naval Officer in a claim arising from the Navy's alleged failure to support him appropriately in relation to depression whilst working on submarines. Peter advised and represented the Claimant over a three year period from the inception of the claim and issue of High Court proceedings until the claim settled shortly before trial in March 2021.

**X v Y (October 2018)**

Advised and acted for a senior investment banker in potential High Court proceedings in negligence and under the Protection from Harassment Act for depression caused by homophobic bullying within the bank over a number of years. Settled at mediation.

**A v B (QB August 2017)**

Represented a senior banking solicitor against magic circle law firm in High Court negligence claim where sustained stress and overwork in the context of a 'long hours' culture had caused chronic fatigue syndrome and depression and effectively ended the claimant's career. Settled at mediation for a multi-million pound sum.

**Saad v Pret a Manger A43YP420 (CLCC; trial April 2017)**

Represented a manager at Pret a Manger bringing claims based on severe depression causing career-long losses arising from overwork and harassment over a number of years.

**Walsh v (1) Essex County Council (2) Hazelmere School (CLCC OCB00379; 2014)**

Acted for the employer in a claim brought by a widow under the Fatal Accident's Act following the death of a teacher following cardiac arrest allegedly caused by bullying by the Head Teacher. The case involved complex medical issues relating to causation.

**El Demellwy v European Bank for Reconstruction and Development (QB 2010)**

Acted for the employer Bank (instructed by Clifford Chance) in a High Court stress claim based on alleged over work and bullying valued at £7 million. Settled at mediation.

**(1) Fisher (2) Wood v West Sussex County Council (CLCC; 2011)**

Represented both claimants in claim against Council based on depression caused by the negligent handling of a grievance against them. Settled just before trial.

## Regulatory work

**National College for Teaching and Leadership v Culley NCTL 15872 (2018)**

Appeared on behalf of teacher, successfully resisting a charge of unprofessional conduct and a potential prohibition order.

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Peter has also appeared before the Civil Service Appeals Board and the Nursing and Midwifery Council.

## Personal Injury

Peter Linstead has practised in **personal injury** work throughout his career. His personal injury work now consists exclusively of workplace stress claims in the High Court, in which he has considerable expertise and experience. He represents both Defendants and Claimants in claims of overwork and bullying, brought in negligence and under the Protection from Harassment Act. His broad experience includes cases involving cardiac arrest, chronic fatigue, suicide and parallel claims being brought in the High Court and the Employment Tribunal. Some of his significant cases are listed below.

### Notable Personal Injury cases

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#### Baines v Ministry of Defence (High Court QB HQ17P02226)

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Acted for a Naval Officer in a claim arising from the Navy's alleged failure to support him appropriately in relation to depression whilst working on submarines. Peter advised and represented the Claimant over a three year period from the inception of the claim and issue of High Court proceedings until the claim settled shortly before trial in March 2020.

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Acted for the employer in a claim brought by a widow under the Fatal Accident's Act following the death of a teacher following cardiac arrest allegedly caused by bullying by the Head Teacher. The case involved complex medical issues

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Represented both claimants in claim against Council based on depression caused by the negligent handling of a grievance against them. Settled just before trial.

## Mediation

Peter Linstead has significant experience in the resolution of disputes through formal mediation and other forms of ADR.

He is a trained and accredited mediator with the Society of Mediators.

## Recommendations

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## EMEA

# 2024

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