

Shane Crawford

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"He is calm and reassuring but extremely effective at cross-examination and dealing with litigants in person."



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Chambers & Partners 2023 and The Legal 500 UK 2023

PROFILE

Shane Crawford is a specialist employment law barrister, ranked as a leading junior in both Chambers & Partners & Legal 500, who provides a quality of service based on over twenty years' experience in this field. Shane's experience encompasses all areas of employment law issues and he possesses particular expertise in conducting lengthy hearings of complexity through the whole spectrum of discrimination claims and TUPE. The other areas in which he regularly represents clients are whistleblowing, contract, unlawful deduction of wages, national minimum wage, agency and part-time workers claims and unfair dismissal.

He is highly regarded in his field and is sought after for his subtlety and assertive presence in tribunal and court. He is attentive to the client's needs and provides a balanced assessment of merits of a case.

Shane's client base includes private sector respondents and public employers. Shane has a depth of experience in representing claimants from all different professional and trade union backgrounds.

Shane is a member of the Attorney General's Panel of Civil Counsel (C Panel).

EXPERTISE

Discrimination and Harassment

Shane's experience covers the full spectrum of discrimination claims both acting for and responding to claims. He has a track record of managing large complex claims with clarity and composure, distilling the issues and advancing the most cogent arguments on behalf of his client.

Recent cases:

- Dec 2021 **O v LBC**. Responding to appeal by claimant on asserted error of law in test of victimisation. Awaiting EAT judgement.
- Nov 2021. **Gallagher v Bunzl UK Ltd**. Successful strikeout application of claims of sexual harassment and constructive unfair dismissal against claimant on basis of vexatious and scandalous conduct by claimant.
- Jul 2021. **Hussain V Santio Ltd**. Defending respondent in multi-day discrimination case claimant alleged direct discrimination and harassment based on religion and race by fellow BAME colleagues.
- Jun 2021. **Reid v GQF planning Ltd**. Representing a financial advice company in two-week hearing defending claims of unauthorised deduction from wages in respect of non-payment of incentive bonus and breach of contract in respect of pension contributions, sex discrimination and equal pay, constructive unfair dismissal, whistleblowing and victimisation
- May 2021. **Philpott v MUK Services**. Successfully defending the claim of s.15 disability discrimination, failure to make reasonable adjustments, harassment and unfair (constructive) dismissal against a DWP assessor of eligibility for ill health and disability benefits.
- Apr 2021. **NH v S**. Representing a national catering and food company in a multi-day hearing against claims of race and religious discrimination and harassment alleged on the basis of subconscious bias amongst management of the same race.
- Feb 2021. **Maruf v Network Rail**. Representing claimant, systems analyst, in a two-week hearing of discrimination and harassment.
- Dec 2020. **C v FD Solicitors**. Defending Mayfair firm of solicitors against allegations of discrimination by dismissed senior partner.
- Oct 2020. **Ghyselen v MDY Legal**. Representing City solicitors' firm in multi-day hearing of claims of disability discrimination.
- Dec 2019. **NY v BCTF**. Representing a senior nurse in claims of direct and indirect discrimination within an inner-city hospital.
- Oct 2019. **EO v LB Croydon**. Two-week final hearing defending the Borough council against claims of victimisation.
- May 2019. **RC v FCA**. representing an associate solicitor in a claim of disability discrimination which included cross examination of senior solicitors within management.
- Apr 2019. **LD v EQ**. Represented a multinational company in a claim of race discrimination, victimisation and unlawful deduction of wages. The claimant alleged that her six figure salary had been curtailed by the respondent unlawfully and that she had been constructively dismissed on the basis of race.
- Mar 2019. **Jumale v VS (UK) Ltd**. A reference to ISIS by a manager formed the basis for a claim of harassment. Shane successfully defended the claim for the respondent and the manager proving that the comment was in no way linked to the protected characteristic of religion.
- Dec 2018. **Chapman v MMP Ltd**. A claim of disability discrimination, victimisation was successfully defended where the claimant made allegations of harassment to the police about conduct by the managing director.
- Nov 2018. **P v Traderisks Ltd**. Successfully represented a financial adviser in a claim of maternity/pregnancy discrimination against a City corporate finance and investment firm.
- Oct 2018. **EN v WH**. Represented a trainee solicitor in claim of sexual harassment and victimisation

against a senior associate in the firm where the claimant was undertaking her training contract.

Shane's case history of multi-day discrimination cases has been varied. A sample of the cases in which he has been involved in less recent times are:

- *MH v West Mercia Police* – successfully representing claimant in 4 week discrimination and harassment.
- *EB v LB of Croydon* – representing respondent in response to claims of disability and maternity discrimination.
- *JD v Care for U* – successfully representing claimant in claimant in claims of disability discrimination and unfair dismissal.
- *Hemdan v Ishmail* – successfully obtaining deposit order in an allegation of caste discrimination.
- *Hanley and Barnes v Birmingham City Council* – representing respondent and successfully resisting a claim for age discrimination.
- *Tully v Council for Voluntary Service Rochdale* – representing respondent and successfully resisting a Whistleblowing case.
- *Hadera v Boots Management Services* – successfully representing respondent in a claim of race discrimination.
- *Bibb v West Midlands Fire and Rescue Authority* – representing claimant in a claim of disability discrimination.
- *Manoj v VF Services* – representing respondent and successfully resisting claims of sexual harassment and victimisation.
- *Williams v E.On* – representing respondent in a claim for sex discrimination.

Dismissal and breach of contract

Contentious and high profile dismissals are areas in which Shane has a depth of experience.

Recent cases:

- Oct 2021. **Hu v Wing Yip Plc.** Successfully defending claims unfair dismissal claim in a redundancy exercise.
- Jan 2021. **Alexandru v Invoicing.** Representing respondent. Legal arguments about worker status and commercial contracts.
- Nov 2020. **U v HH&S.** Acting for charity offering supported and sheltered accommodation responding to a claim of unfair dismissal by senior carer.
- Oct 2020. **Box v Quant Network Ltd.** Contractual dispute and pre contractual warranties: successfully representing claimant in disputed signing on fee despite existence of an entire agreement clause in his written contract.
- Sep 2020. **Orji v University of Brighton.** Successfully defending the university against a dismissed senior law lecturer.
- Aug 2020. **Vaughan v Talbot.** Representing respondent in multi day constructive dismissal claim.
- Jan 2019. **Deegan v RC Ltd.** Advising an insolvency and debt collection agency on misconduct procedures for a senior manager who claimed unfair dismissal after many attempts by the employer address the managers wayward attendance record. After lodging the response drafted by Shane the employee withdrew his claim.

Wages Claims

Unlawful deduction of wages and contractual disputes arise in a wide spectrum of different factual contexts. Shane has experience of disputes arising from the calculation of directors' bonuses to care workers' claims for hours worked during sleeping hours and live in care workers.

Recent cases:

- May 2019. **Corner v HFH Healthcare Ltd.** Successfully defended a claim for £46k of alleged unpaid wages. The facts were complicated by the process of funding from the local authority based on the medical care plan that was put in place. Claim struck out.
- Sep 2018. **Winchester v HMRC and others.** A complex case in which the claimant was off-pay roll working through an intermediary (IR35) and claimed unpaid holiday pay. The case had significance industry wide since the use of umbrella companies to provide pay roll services is the norm but the required calculation of holiday pay as required by the Agency Workers Regulations 2010. After careful analysis Shane assisted in the settlement of the claim for the respondent.

Whistleblowing

- Nov 2021. **Pollard v Aquinas Church of England education trust.** Successfully defending Trust in a two-week hearing against allegations of whistleblowing and unfair dismissal in the context of accusations of covering up manipulation of exam results.
- Sep 2021: *Mrs M Fitzmaurice v Luton Irish Forum*: EA-2020-000295-RN (Previously UKEATPA/0313/20/RN: Responding to appeal by claimant in whistleblowing case.
- Mar 2021. **K v Middlesex University London.** Representing the university in claims by a lecturer of discrimination and whistleblowing alleging fraud.
- Jan 2020. **Fitzmaurice v Luton Irish Forum.** Two-week final hearing successfully defending charity against whistleblowing claim of fraud brought by senior officer.
- Jul 2019. **Young v Brit College.** Successfully responding to a s.128 ERA interim relief application by senior officer in college.

TUPE

Shane has significant experience of contested claims for both claimants and respondents in complicated business transfers.

Recent cases:

- Apr 2019. **Ghyselen v MDY and others.** Representing the respondent in an allegation of disability discrimination in the context of a business transfer whereby the liability for the allegation rests on the proper application of the TUPE regulations.
- Jan 2019. **Julia Carlisle v Red Star Pub Company and others.** The claimant was successful in obtaining judgment for unfair dismissal on that the dismissal was because of the transfer.

Employment Other

Shane has a depth of experience in cases of part-time workers discrimination; agency workers; employment

status; interim EAT appeals.

- Mar 2020. **Baker v Smurfit Kappa UK Ltd.** Representing respondent in a successful strike out application.
- Jul 2019. **Campbell v Jamie Stevens (Kensington) Ltd.** EAT interim appeal representing respondent.
- Mar 2019. **AR v ILA.** Advised on application for anonymisation order by a non-participant to the final hearing. The client was referred to in unfavourable terms within the written judgement despite the fact that she was not a witness but was related to one of the claimants. This was detrimental to her future work applications and opportunities due to the fact that the electronic register of the written judgement was brought up as the first item on any internet search of the client's full name.

FURTHER INFO

Reported cases

- *R (Badur) v Birmingham Crown Court and others [2006] EWHC 539 (Admin).* **Procedure.** Unlawful effect of laying the wrong charge.
- *Carroll v Mayor's Office for Policing and Crime UKEATPA/0203/14/JOJ.* **Practice and Procedure.** Time for appealing – position when written judgement sent to wrong address.
- *Nikolova v M & P Enterprises London Ltd UKEAT/0293/15/DM.* **Discrimination.** Application of the correct tests by the tribunal.

Directory Quotes



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The Legal 500 UK 2023

"Shane does not sit on the fence but calls it as he sees it and provides pragmatic advice on how best to proceed. He's very responsive and happy to discuss sometimes fairly complex matters at very short notice. He is an invaluable source of knowledge on how the Tribunal is likely to react to different applications."

The Legal 500 2021

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Chambers and Partners 2023

"He's very experienced, able to handle complicated cases with ease and is very personable." "He has fantastic attention to detail and is impressive in cross-examination."
Chambers and Partners 2021

Publications and lectures

Redundancy: law and practise, by McMullen, published February 2021 Oxford University Press. Shane redrafted and updated specific chapters.

Shane's articles on current areas of interest in his specialism are regularly published in the ELA Briefing.

Recent ELA Briefing articles:

- Worker status: considerations since Pimlico and Uber
- Rule 50: the exercise of discretion considering the safety of non-participants
- Anonymisation Orders: recent decisions by the EAT
- Clarifying a TUPE undertaking
- Pimlico Plumbers: the Supreme Court decides
- TUPE and fragmentation
- Religious and political belief
- Whistleblowing
- Eweida v British Airways

Please click the title for a link to the article, you will need an ELA login.

Recent New Law Journal articles:

- Sexual Harassment – a new dawn?
- Non-trivial pursuit
- A shared responsibility: compare & contrast
- Sponsorship, risk assessment & a duty to comply
- Illuminating iniquity: what's confidential?
- Striking the balance or striking out?
- Harassment – Context is everything

Shane regularly gives lectures and training on current areas of development in employment law.

- **ELA** training in Tribunal Procedure;
- **Industrial Law Society** lecture "Is the Band or Reasonable Responses Test still fit for purpose?", October 2018
- **LexisNexis Webinar**: "Key issues when recruiting apprentices" Webinar. Please see LexisNexis website.

Inspire FM – Shane guests on Attiq Malik's weekly legal show.

Qualifications

LLB Hons

LLM – International Human Rights

Pro Bono

Shane is a supporter of the Bar Pro Bono Unit.

Shane is a member of the ELA Pro Bono committee.