



Jesse Crozier

Year of Call: 2009



Jesse has a busy practice spanning the breadth of employment and commercial law, with a particular focus on litigation. He is regularly instructed to appear in the High Court, County Courts and Employment Tribunals, as well as appearing in the Employment Appeal Tribunal, the Court of Appeal and the Supreme Court.

Jesse's lay clients commend him for being "brilliantly professional and completely practical" and for doing a "wonderful job." Solicitors praise his "superb" advocacy and for doing a "stellar job." His cross-examination has been complimented by judges as "a model of its kind," by instructing solicitors as "brilliant," and by opponents as "extremely robust." He prides himself on a wholehearted focus on getting the best possible outcome for his clients.

Recommendations

'Jesse is unflappable – devastating in cross-examination with a good humour that the tribunal appreciated.' - *Employment, Legal 500 2022*

'Very good with clients, strikes up a good rapport with judges, and has a good grasp of very technical areas of law.' - *Employment, Legal 500 2021*

'Clients really like him for his strong cross-examination skills and excellently prepared skeleton arguments.' - *Employment, Legal 500 2020*

'He has notable expertise in appeals, whistleblowing and discrimination claims.' - *Employment, Legal 500 2019*

Employment

Jesse is recognised as a leading employment junior, in particular for his expertise in appellate work, whistleblowing and discrimination claims. He has a broad employment and equality practice acting for both claimants and respondents/defendants. His workload covers the full range of employment disputes: whistleblowing and discrimination; restrictive covenants, confidentiality and soft-intellectual property; collective rights and industrial action; contractual claims; and TUPE. He is a contributing editor to *Discrimination Law (Bloomsbury Professional)*: chapters on *Discrimination at Work and Exceptions and Defences*.

Jesse's employment work often overlaps with his commercial practice, and he is regularly instructed in claims arising from agency/consultancy contracts and employment-related aspects of professional liability and insurance law.

He is regularly instructed in the Employment Tribunals and County Courts, as well as appearing in the Queen's Bench and Chancery Divisions of the High Court, the Employment Appeal Tribunal, the Court of Appeal and the Supreme Court.

Jesse is also instructed to conduct or act for parties in internal investigations and appeal processes, including into

allegations of discrimination, harassment and victimisation, and allegations relating to disciplinary action and dismissals.

His client base includes multinational and FTSE 100 companies, police forces and NHS trusts, SMEs, charities and trade unions, senior executives and other individuals. He is a member of ELA, ELBA and ELAAS and undertakes pro bono work via the FRU / Advocate where appropriate.

Examples of recent work:

Appellate Work

- *Aquatronic Group v Mace* (2019) UKEAT/0192/17: acted for successful Claimant in appeal concerning the proper approach to substitution;
- *Thompson v Ark Schools* [2019] ICR 292, EAT: instructed for Respondent school in appeal concerning misdirection of fact / failure to give adequate reasons;
- *P v Commissioner of Police of the Metropolis* [2018] ICR 560, SC: represented the Respondent in case concerning judicial immunity of police misconduct panels and interplay with directly-effective EU rights under the Framework Directive (sole counsel at first instance and before EAT; led by Tom Linden QC in Court of Appeal and Supreme Court);
- *Choksi v Royal Mail Group Ltd* (2018) UKEAT/0105/17/LA: acted pro bono in successful appeal concerning the correct approach to making a costs award;
- *Galilee v Commissioner of Police of the Metropolis* [2018] ICR 634, EAT: acted for respondent in appeal concerning the date on which a claim added by amendment is deemed to have been brought for limitation purposes
- *Windstar v Harris* [2016] ICR 847, EAT: represented the successful claimant at first instance and on appeal in establishing territorial jurisdiction of employment tribunal over employment of peripatetic merchant seaman;
- *Nayif v High Commission of Brunei Darussalam* [2014] EWCA 1521: assisted Robert Glancy QC in case concerning issue estoppel in circumstances where the ET did not have jurisdiction and proceedings were subsequently brought in the High Court;
- *Royal Mail Group v Lall* [2013] All ER (D) 272 - appeal concerning substitution in unfair dismissal claim and the proper approach to costs under the EAT's costs regime;
- Instructed in a number of matters currently pending appeal to the EAT.

Employment Disputes in the Civil Courts (injunctions and other employment-related disputes)

- *KS v New Co* (2019)(Ch): obtained a 'doorstep Piller' order in respect of intellectual property and confidential information obtained by the Defendant, a former consultant to Claimant company, with which the Defendant had established a new business in direct competition;
- *A v Solicitors Firm* (2019)(CC): acted for Defendant in solicitors' negligence claim arising from alleged failure to lodge ET proceedings in time;
- *Renewables Co v Former Employee* (2018)(QBD): acted for Claimant in obtaining interim relief to enforce non-compete and confidentiality obligations against departing employee;
- *Teacher v Governing Body of School* (2018)(QBD): instructed for Defendant in resisting injunction seeking

specific performance of employment contract;

- M v Insurer Panel Solicitors (2018)(QBD): instructed for Defendant in solicitors' negligence claim arising from alleged failure to advise on and pursue discrimination claim in ET proceedings;
- Talent Agent v Singer (2018)(CC): acted for successful talent agent in claim for breach of agency agreement and damages against singer who as part of a group won TV talent contest, switched agent and had significant commercial success;
- O'S v Construction Co (2017)(QBD): acted for Defendants in breach of contract claim brought by former MD of construction companies relating to remuneration, bonus and profit share;
- F v Academy School (2017): acted for Defendant in dispute concerning fraudulent misrepresentation in inducing employment relationship;
- X & Y v Betting Co (2017) (QBD) - instructed (with Andrew Burns QC) for respondent retailer in seeking injunctive relief following Claimants' retention and use of highly sensitive privileged and confidential information in context of wider whistleblowing dispute and concurrent HSE investigation;
- Recruitment Co v (1) Former Employee and (2) New Recruitment Co (2016)(CC): acted for Second Defendant in successfully resisting injunction based on alleged inducement to First Defendant to breach his restrictive covenants;
- NB v PHI Insurer (2015)(QBD): acted (with Nick Randall QC) in challenge to PHI insurer's reliance on cap on Ombudsman's award to defeat all claims by beneficiary under PHI policy;
- SB v Former Solicitor and Counsel (2015)(QBD): instructed (with Andrew Burns QC) for Second Defendant in professional negligence claim brought against Claimant's former solicitor and counsel following alleged under settlement of ET claim;
- City Link strike (2013)(QBD) – acted for CityLink (led by Timothy Brennan QC and Andrew Burns QC) in claim for injunctive relief to prevent a strike and advising CityLink on its response to wider industrial dispute.

Employment Tribunal Litigation

- Instructed in full gamut of litigation before the Employment Tribunal, including those areas listed below.

Discrimination and Whistleblowing

- Frequently instructed in lengthy and complex discrimination and whistleblowing cases, including:
- X v Defence Contractor (2020): instructed in two-week trial concerning dismissal of contractor for misuse of sensitive information;
- P v Met (2020): acted for Respondent police force in successful defence of first discrimination challenge to dismissal decision taken by police misconduct panel;
- M v Consultancy (2020): instructed for Respondent in disability discrimination and constructive dismissal claim brought by company director following alleged stress at work followed by failure of Respondent to address issues appropriately;
- C v Police Force (2020): defended police force in multi-week whistleblowing detriment and race

discrimination following allegations of perverting the course of justice made against more senior officer;

- JM v Construction Co (2020): instructed for Respondent in multi-week ET hearing concerning CEO's alleged sexual harassment of junior employee;
- A v Government Department (2020): instructed for senior civil servant in disability discrimination and constructive dismissal claim following fundamental change to Claimant's role which was unsuitable due to his disability;
- W v Retailer (2019): struck out disability discrimination claim on basis determination of ill-health retirement benefits could not constitute unfavourable treatment;
- K v Architect (2019): acted for individual Second Respondent in claim for whistleblowing dismissal / detriment and race discrimination brought by former General Counsel, involving complex issues concerning privilege over legal advice given by Claimant to Respondents.
- M v Charity (2018): acted for Respondent charity in claim for disability discrimination and constructive dismissal arising from suspension and disciplinary process following Respondent uncovering alleged fraud on the part of employee;
- W v Financial Services Co (2018): acted for City analyst in complex claim concerning pregnancy, sex, disability and race discrimination allegations;
- X & Y v Betting Co (2016-18): instructed (with Andrew Burns QC) for respondent betting company in sensitive whistleblowing case, involving interim relief application and dispute over Claimants' reliance on privileged and confidential material;
- L v Financial Services Co (2018): instructed for Claimant salesman in whistleblowing claim following being ostracised after raising serious concerns about conduct of colleagues misselling financial services products;
- E v Recruitment Co (2017): acted for Claimant in establishing claim for equal pay compared to male recruitment consultant carrying out like work to Claimant.
- Sitz v Oppenheimer Europe [2013] EqLR 1209: acted for the successful claimant (with Andrew Burns QC) in high-profile sex discrimination, victimisation and unfair dismissal claim against an international brokerage house. Significant media interest, including The Times, The Times Magazine, Telegraph, Evening Standard, Daily Mail);

TUPE

- Litigation and advisory work on a range of TUPE issues, including in relation to proceedings for failure to inform and consult, measures arising from transfers, TUPE in insolvency situations, and claims between employees, transferees and transferors in relation to all of the material aspects of the TUPE Regulations. Including:
- F&S v Healthcare Providers (2020): instructed for transferor in arguing 'special circumstances' defence to failure to inform and consult;
- T&H v Superyacht Manufacturer (2019): acting for CEO and CFO of Superyacht Manufacturing Group in establishing TUPE transfer upon acquisition of parts of business from administration;
- 12 Cs v Jewellery Co (2019): acted for purported transferor in ET claim determining breadth of TUPE transfer / assignment following acquisition of part of business from administration;
- W v Outsourcing Cos (2018): acted for transferee outsourcing company in unfair dismissal and discrimination claim pre-dating transfer;

- Transferee v Transferor (2018): acted for transferee in proceedings against transferor arising from failure to provide employers' liability information.

Collective Rights

- Instructed for claimants and respondents in claims concerning collective obligations under TURL(C)A and TUPE and in relation to industrial action. Instructions include:
- Instructed for transferee in respect of alleged failure to inform and consult and under TUPE and failed to meet collective consultation obligations in respect of redundancies;
- Instructed in *USDAW & Ors v Barratt*: represented the trade union and individual claimants in obtaining maximum protective award and in establishing TUPE transfer and automatically unfair dismissal in relation to Barratts entering administration in 2011 and again in 2013; obtained maximum protective awards in favour of over 100 employees;
- City Link strike (2013)(QBD) – acted for CityLink (led by Timothy Brennan QC and Andrew Burns QC) in claim for injunctive relief to prevent a strike and advising CityLink on its response to wider industrial dispute.

Status, Jurisdiction and Procedural Issues

- Instructed in a range of cases concerning employment status, the ET's jurisdiction and other procedural issues. Cases include:
- Territorial jurisdiction cases: instructed in cases for *Nautilus*, the Maritime Union, in establishing territorial jurisdiction of UK ETs to determine disputes concerning seafarers who work predominantly or exclusively outside UK territorial waters. Cases include *Windstar v Harris* [2016] ICR 847 and *Cs v Guernsey Shipping Co*: acted for 25 seafarers in claims against Guernsey Shipping Co in establishing the ET had jurisdiction to consider their unfair dismissal, redundancy and discrimination claims despite Claimants working in oilfields outside the UK and their employer being based in Guernsey.
- Privacy: acted for parties seeking and resisting anonymity and restricted reporting orders, and advising on alternative steps to protect a party's reputation;
- Employment status and vicarious liability: instructed in wide range of cases concerning worker/employment status under ERA 1996 and EqA 2010, agency worker status, and statutory vicarious liability;
- Judicial proceedings immunity: instructed for the Metropolitan Police in a number of cases relying on judicial proceedings immunity both prior to and following the Supreme Court's decision in *P v Commissioner of Police of the Metropolis* [2018] ICR 560, SC;
- Time limits: instructed in large number of cases concerning time limits, including the appeals in *Thompson v Ark Schools* [2019] ICR 292, EAT and *Galilee v Commissioner of Police of the Metropolis* [2018] ICR 634, EAT.

Other Statutory Rights

- Instructed in a wide range of claims concerning statutory employment rights (a number of which are noted above), including:

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- Dismissal cases: instructed in numerous unfair, constructive unfair and wrongful dismissal cases;
 - Claims concerning the application of the National Minimum Wage Regulations 1999 and the Working Time Regulations 1998, including claims concerning the family worker / domestic servant exceptions and concerning the proper application of reg.13A of the Working Time Regulations 1998 (additional leave) to long-term absentees in receipt of PHI benefit;
 - A number of cases concerning the interpretation and application of the Agency Worker Regulations 2010.

Permanent Health Insurance

- Instructed in a range of cases concerning entitlements to, quantification of, and consequences of permanent health insurance benefits for employment relationship, including:
- F v Financial Services Firm (2029): challenge to termination of PHI payments at age 60 on grounds of age / disability discrimination;
- B v Software Co (2017): instructed for Respondent in various proceedings brought by employee in receipt of PHI concerning Respondent's ongoing obligations during her absence from work;
- P v Hedge Fund (2017): instructed for Claimant to advise on quantification of PHI entitlement and settlement options for buy-out of PHI cover;
- NB v PHI Insurer (2015)(QBD): acted (with Nick Randall QC) in challenge to PHI insurer's reliance on cap on Ombudsman's award to defeat all claims by beneficiary under PHI policy.

Commercial Litigation

Jesse is regularly instructed in an advisory capacity and as an advocate in commercial matters, including cases with a commercial-chancery cross-over. Much of his commercial work involves professional negligence and/or insurance issues (detailed separately, below). More general commercial experience includes:

- instructed in £multi-million management and loan dispute arising out of overseas property deal;
- instructed by a bank to advise in relation to various claims against it as a CCA 1974 "creditor" to overseas property transactions;
- instructed in various claims pursuing declarations of resulting/constructive trusts arising from property transactions;
- instructed for solicitors' firm in various claims brought under purported claims management arrangements alleging dishonesty and breach of contract;
- acting for talent agent in claim against high-profile musician for breach of contract;
- acted for property developer and agent of BVI SPV in dispute concerning over £1.3 in unpaid commission and profit share;
- instructed in c.£500k dispute over consultancy agreement and bonus/profit-share issues;
- advising property developer on £multi-million company and shareholder dispute;
- acted in High Court proceedings for recovery of sums due under various guarantor agreements (settled following mediation);

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- instructed in various claims in the Chancery Division arising from property held in trust, including actions seeking declarations of trust, directions to trustees and associated orders;
 - acted for claimant in complex misrepresentation claim arising from the sale of a business (settled following mediation);
 - acted for defendant at trial in successfully resisting attempt to set aside Tomlin Order for fraud;
 - successfully resisted a claim against a guarantor raising abuse of process issues;
 - advising on termination of software distribution agreement;
 - advising on exclusion of liability and UCTA in relation to a breach of contract claim

Insurance & Reinsurance

Jesse acts in a range of insurance-related matters, both in an advisory capacity and as an advocate. Recent and ongoing work includes:

- advising in various actions against insurance companies and employers for permanent health insurance and ill-health retirement, including settling career-long loss claim against insurer and employer for in excess of £1.3m; and acting (with Nicholas Randall QC) in QBD action to enforce ombudsman award arising from PHI insurer declining cover;
- Instructed to advise and draft global insurance policy for multinational Plc (with Richard Harrison);
- advising local authority on subrogation/salvage/title issues around recovery of valuable antique;
- instructed for various insurance companies in coverage disputes;
- advising on impact of health insurance policies on personal injury claims;
- acting for defendant insurers in cases giving rise to fraud allegations.

Jesse regularly speaks and writes on insurance related topics. He edited Atkin's Court Forms Insurance title (with Alison Padfield and Sam Nicholls). He has also recently delivered seminars on aggregation and Permanent Health Insurance, and published an article on the *AstraZeneca* decision in the Court of Appeal (BILA journal).

Jesse also gained a broad experience of insurance litigation as Andrew Burns' pupil, including subrogation and indemnity claims, claims under the Third Parties (Rights Against Insurers) Act 1930 and Riot (Damages) Act 1886, and the *EL Trigger* litigation before the Supreme Court [2012] 1 WLR 867, led by Colin Wynter QC. As the pupil of Rob Hunter, Jesse assisted in advising insurance companies on their exposure under employers' and public liability insurance policies.

Professional Negligence

Jesse is instructed in professional negligence claims involving a wide range of professionals, including:

- instructed in various claims both for and against conveyancing and litigation solicitors, including around negligent advice and conduct of litigation, and negligent execution of transactions/deeds;
- instructed for defendant solicitors arising from under settlement of personal injury claims;

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- instructed for defendant solicitor in QBD claim for failure to advise and pursue discrimination claim in employment tribunal;
 - instructed for defendant actuary in claim arising from expert evidence (with Richard Harrison);
 - instructed for defendant insurance broker in claim arising from failure to obtain cover;
 - instructed by an Independent Financial Advisor in a professional negligence and contractual indemnity dispute;
 - instructed for engineering firm in resisting engineers' negligence set off claim;
 - instructed for the claimant in an engineers' negligence and breach of contract claim;
 - assisting Andrew Burns in professional negligence actions involving solicitors', barristers' and insurance brokers' negligence, including *Begum v Neejam & Malik*;

Investigations

Jesse has a busy practice spanning the breadth of employment and commercial law, with a particular focus on litigation. He has been instructed to conduct and act for parties in a range of complex and sensitive investigations, disciplinary and grievance proceedings, and internal processes. He was recently instructed by a state energy company to investigate a complaint of sexual harassment made by an employee against the Head of Finance and an allegation of victimisation against the CEO. He also has experience of hearing internal appeals, including a solicitor's appeal against dismissal.

Memberships and Associations

ELA, ELBA PNBA, BILA, FRU

Academic

Bar Vocational Course (Very Competent), BPP Law School

Graduate Diploma in Law (Commendation), City University

BA, Philosophy, Politics and Economics (First Class Hons.), Balliol College, Oxford University

Awards and Scholarships

Inner Temple Sir John Ashworth and Duke of Edinburgh Scholarships (2008)

Inner Temple Exhibitioner (2007 & 2008)

Winner, City University Mooting Competition (2008)

GDH Cole Prize, Balliol College, Oxford (2005)