



Jesse Crozier
Year of Call: 2009



Jesse is recognised as a leading practitioner in employment and equality litigation, with a breadth of practice covering the interplay of employment relationships with commercial, company, pensions, and insurance law, professional negligence and regulatory obligations. He is instructed to appear in the High Court (ChD and KBD), County Courts and Employment Tribunals, as well as appearing in the Employment Appeal Tribunal, the Court of Appeal and the Supreme Court.

Jesse is recommended as a leading junior in Chambers and Partners and Legal 500.

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 very sharp and articulate. He puts people at ease, and as an advocate he is incredibly astute and measured while getting his point across. Solid and persuasive.' - Employment, Legal 500 2024

'Jesse has an unrivalled ability to understand and address the most complex matters, while also putting the client and witness at ease and simplifying concepts. His advocacy is a perfect blend of understanding the law and understanding the people in the room - a first point of call for all matters.' - Employment, Legal 500 2023

An erudite and approachable barrister who is trusted by both claimants and respondents for his ability to litigate in tribunal. His deep employment law knowledge sees him handle a variety of cases involving TUPE, discrimination, whistle-blowing and unfair dismissal, among other matters. **"He is really good with clients, he is a really good advocate and he is technically strong." "I think he is superb as he is dedicated, extremely knowledgeable, pragmatic, reliable and his attention to detail is second to none." "He is very good at technical and tricky stuff; he comes into his own in the Employment Tribunal and he is clear, incisive and commercial."** - Employment, Chambers UK Bar 2022.

'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 whistleblowing and discrimination cases, jurisdictional disputes, TUPE, industrial relations and collective rights. He is a contributing editor to *Discrimination Law* (Bloomsbury Professional): chapters on Discrimination at Work and Exceptions and Defences.

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

Jesse's employment work often overlaps with his commercial practice, and he is instructed to advise and litigate in claims concerning restrictive covenants, arising from agency, consultancy and partnership agreements, and other civil litigation arising from employment-related aspects of professional liability, company and insurance law. He is particularly noted for his expertise in income protection insurance schemes.

Jesse is also a highly experienced trial advocate, regularly undertaking complex multi-week hearings across the breadth of employment-related work, including discrimination, whistleblowing and other detriment claims, equal pay, and claims arising upon termination. He is particularly sought after by claimants and respondents alike in cases which give rise to complex legal or factual issues, are of particularly high value, or where there are wider reputational or industrial ramifications.

Recent work has included:

- **Business Reorganisations:** Jesse has been engaged in advising a number of substantial national and multinational businesses on business reorganisations, including merger and de-merger proposals, changing terms and conditions, changes to pension schemes and TUPE transfers/TUPE-related changes.
- **Collective Rights:** Jesse has been involved in some of the major industrial relations flashpoints of the last few years, in the rail, bus, aviation, journalism and education sectors. He regularly advises on the applicability and effect of collective obligations and TUPE for private and public sector clients, including the overlap with pensions obligations. Jesse is frequently instructed to advise public and private sector bodies on their response to **industrial action**, including how to manage and mitigate the risks arising from industrial action and managing secondary action. Jesse's work on industrial action includes disputes concerning 'trade disputes', balloting and lawfulness of industrial and secondary action, and seeking injunctive relief to prevent industrial action. He acted for City Link in preventing industrial action and advising on its response to threatened secondary action (led by Timothy Brennan KC and Andrew Burns KC). Jesse's expertise is regularly called upon to advise on business reorganisations and collective bargaining strategy, including s.145B claims and advise on **statutory recognition** and the construction of **collective agreements**. He was instructed in relation to the operational impact of **European Works Councils**, including having acted (with Andrew Burns KC) in *EasyJet v EasyJet EWC* [2022] EAT 162 concerning proper effect of Brexit amendments to TICER 1999 regulations and whether the CAC has jurisdiction over post-Brexit EWC complaints.
- Jesse has a particular expertise in **TUPE-related** work including acting for transferors and transfers in claims relating to consultation and ELI obligations; acting in disputes between transferors and transfers concerning ELI and indemnities (in the ET and High Court); and acting for claimants and employers in disputes about the existence and impact of a transfer. He was instructed for the successful claimants at first instance and on appeal in *Tydeman & Haynes v Oyster Yachts* [2022] EAT 115 in establishing automatic unfair dismissal and no ETO dismissal of the chief executive and chief financial officer of a yachting business bought out of administration. He was also instructed for the transferor in defending an ELI claim brought by a transferee in relation to the transfer of 800 staff in the retail facilities sector. He acted in *USDAW & Ors v Barratt* representing the trade union and

individual claimants in obtaining maximum protective award and in establishing TUPE transfer and automatically unfair dismissal in relation to over 100 employees, and acted for the respondent in *Sweetcroft Ltd v Baldwin* UKEAT/0067/20/LA in defending claims arising from acquisition of part of business from administration.

- **PHI / IHR / DIS provisions:** Jesse has many years experience advising on and litigating contractual and insurance-backed employee benefits, including income protection, ill-health retirement and death in service benefits. This has included express and implied duties on policy-holders (e.g. Aspden-term; obligations to obtain benefits, etc) and incapacity clauses. He is also experienced in the FOS process for alternative resolution of complaints, and was instructed (with Nick Randall KC) in a challenge to an insurer's reliance on cap on Ombudsman's award to defeat all claims by beneficiary under PHI policy. Jesse has also frequently been instructed in litigation concerning ongoing obligations to those incapacitated and benefiting under insurance schemes.
- Disputes concerning the tribunal's **territorial jurisdiction**
. Jesse has particular expertise in seafarers' cases, having acted for seafarers, crews' businesses and fleet operators, including *Windstar v Harris* [2016] ICR 847, EAT, the leading case on the application of the base test concerning the seafarer's base. Jesse has also been instructed for international businesses in challenging the territorial application of British statutory protections to those deployed or working overseas or for overseas subsidiaries.
- **Restrictive Covenants and Injunctions:** Jesse has many years' experience advising on and litigating restrictive covenants and confidentiality obligations in both the Chancery Division and the King's Bench Division. This has included obtaining search orders; obtaining and resisting injunctions to restrain employees taking up employment or continuing in competition; and resisting applications for specific performance of contractual obligations. He has also been instructed in damages claims for breach of confidence and breach of restrictions.
- Jesse has also been recently involved in a number of cases arising from the **COVID 19 pandemic**, particularly in the healthcare setting. He is instructed in one of the lead cases in the 'no jab, no job' multiples progressing to hearing. He also continues to be instructed in cases involving mandatory vaccination/PPE and has advised extensively on the CJRS scheme.
- Jesse is also instructed to conduct or act for parties in **internal investigations** and **disciplinary/appeal processes**, including into allegations of dishonesty and other particularly serious allegations. He has also acted in professional disciplinary tribunals and in litigation resulting from these processes. He is particularly called upon to advise on and litigate issues of privilege arising from the conduct of investigations.

Recent cases include:

- *Ridley v Kirtley* (2024) CA: acted (pro bono, leading Anna Greenley) for appellant in joined appeals concerning EAT time limits and discretionary extension of time
- *easyJet plc v easyJet EWC* [2023] ICR 316: appeared (led by Andrew Burns KC) in appeal concerned with Brexit-related amendments to the EWC regime
- *Kaul v Ministry of Justice and Ors* [2023] EAT 41: acted for Judge at first instance and on appeal concerning proper approach to strike out applications
- *Tydeman & Haynes v Oyster Yachts* [2022] EAT 115: instructed by successful claimants in multiple challenges to Judge's findings of blameworthy conduct and impact on assessment of damages in TUPE-related dismissal cases
- *Aquatronic Group v Mace* (2019) UKEAT/0192/17: acted for successful Claimant in appeal concerning the proper approach to substitution
- *Sweetcroft Ltd v Baldwin* UKEAT/0067/20/LA: acted for appellant in appeal concerning proper definition of

transferring entity under TUPE (settled pre-hearing)

- 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 for successful appellant in appeal concerning proper approach on remittal following earlier successful appeal
- Abaya v Leeds Teaching Hospital NHS Trust UKEAT/0258/16/BA: 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 KC 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

Commercial Litigation

Jesse has an eclectic commercial practice, largely but not exclusively concerned commercial disputes against the background of employment, partnership or directors/shareholder disputes (detailed above). Much of his commercial work involves professional negligence and/or insurance issues (detailed separately, below). He also has experience of property, trusts and CCA disputes.

More general commercial experience includes:

- instructed in £multi-million management and loan dispute arising out of overseas property deal;
- 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;
- instructed for banks to advise in relation to 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;
- 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;

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- instructed for solicitors' firm in various claims brought under purported claims management arrangements alleging dishonesty and breach of contract;
 - 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);
 - 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:

instructed in multiple cases to advise on the application of employers' liability cover to workers in atypical alleged employment;

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 KC) in KBD 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 is a former editor *Atkin's Court Forms Insurance* title (with Alison Padfield and Sam Nicholls).

Professional Negligence

Jesse is instructed in professional negligence claims involving a wide range of professionals, but with particular expertise in professional advice and conduct of litigation in an employment setting.

Recent experience includes:

- 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;
- 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 been instructed to conduct and act for parties in a range of complex and sensitive investigations, disciplinary and grievance proceedings, and internal processes. Examples of recent investigations include: investigation for 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; investigation of fraud allegations and other breaches of fiduciary duties by financial controller; and investigation into forced TUPE transfer of employee for multinational company. He also has experience of hearing internal appeals, including a solicitor's appeal against dismissal.

Jesse brings this experience to litigating issues where external investigators have been instructed. He has particular experience of advising on and litigating privilege issues arising from interactions with internal and external investigators, legal advisors and third parties.

Memberships and Associations

ELA, ELBA, PNBA, 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)