



**Lucinda Harris**  
Year of Call: 2004



Lucinda is a specialist in employment law and commercial litigation. She advises and represents clients in the Employment Tribunal, the High Court and the appellate courts. Her practice covers all aspects of employment including high value and complex discrimination and whistleblowing claims. Her clients include FTSE 100 companies, banks, insurance companies, high street chains, airlines, charities and a wide range of public and private sector clients and private individuals, as well as governmental departments and agencies. She is recognised by Chambers UK and Legal 500 as a leading employment practitioner and has been described as “a real rising star”.

## Recommendations

Acts for high-profile employers from both the public and private sectors, including large hospitality clients and influential banking institutions. She has a wide-ranging employment practice, offering expert advice on unfair dismissal and discrimination issues, among other areas. **"She provides very timely and helpful advice and is good on her feet."** **"She's absolutely outstanding."** Appeared on behalf of Capita in a Court of Appeal case asking whether it was sex discrimination to pay men on shared parental leave at a lower rate than mothers on maternity leave - Employment, Chambers UK Bar 2020

**"She is excellent with clients and extremely knowledgeable"** - Employment, Legal 500 2021

- "Very personable and possesses a sharp intellect." "A very calm barrister who is really strong analytically." (Chambers UK Bar 2020).
- "Technically strong, calm, authoritative and strategic". "A very persuasive advocate" (Chambers UK Bar 2019)
- "She is really good and has a great reputation" (Chambers UK 2018)
- "Gets up to speed with cases quickly and can build up a rapport with witnesses and clients" (Chambers UK 2017)
- "Well known for her work on discrimination and employment matters, she is noted for her penetrating cross examinations" (Chambers UK 2016)
- "She's brilliant, her written work is very good and she is personable and good with clients" (Chambers UK 2015)
- "She is great at helping clients through the tribunal process" and "is a smart cross-examiner who is great with clients" (Chambers UK 2014)
- "She has notable expertise on discrimination matters" (Chambers UK 2013)
- "Robust and driven", "a real rising star" (Chambers UK 2012)

## Employment

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Recent work includes:

- *Capita v Ali*, CA – whether it is discrimination for shared parental leave to be paid at less than maternity leave (led by Andrew Burns QC)
- *Stuart v Network Rail*, EAT – whether an employer can require an employee to take their accrued but untaken annual leave during their notice period in circumstances where there would not otherwise be sufficient notice under the Working Time Regulations 1998
- Acting for two employees in a maternity discrimination claim – ET upheld the claims against the company and two individually named respondents and made awards for injury to feelings (£20,000 and £25,000), aggravated damages (£5,000 each), and a 25% uplift for failure to follow the ACAS Code against all three respondents (jointly and severally liable)
- Advising a leading law firm and partner in a team move case
- Acting for the respondent (a leading renewable energy infrastructure companies) in claim for an alleged whistleblowing dismissal brought by its CEO (led by David Craig QC)
- Acting for one of the big 4 accounting firms in an alleged whistleblowing claim
- Acting for the claimant bank in a High Court claim for delivery up and an injunction restraining a former employee from divulging confidential information
- Advising a group with over 70,000 employees whether childcare vouchers should be provided to those on maternity leave and other forms of parental leave

Appellate cases include:

- *O’Cathail v Transport for London*, CA - the test to be applied by tribunals when considering applications for adjournments on ill-health grounds, and the test to be applied by the appeal tribunal when determining whether to interfere with the decision of the lower court to grant or refuse an application for an adjournment (led by Peter Edwards)
- *O’Cathail v Transport for London*, CA – whether the EAT should have extended the 42 day time limit for appealing against a ET’s judgment where the employee was disabled and said his disability preventing from lodging the notice of appeal in time
- *Kibirango v Barclays Bank Plc and others*, EAT – adequacy of reasons in a discrimination claim
- *Dossen v Headcount Resources Ltd (In Liquidation) and others*, EAT – whether the ET erred in striking out 2 of a number of allegations of discrimination
- *Metropolitan Police Commissioner and Ors v Eioyaccu* (2009), EAT – whether an ET substituted itself for that of the employer when determining whether the employer’s investigation into complaints of gross misconduct made against an employee with suspected mental health issues was reasonable in all the circumstances

Lucinda is a co-author of *Discrimination Law* (Bloomsbury Professional).

## Regulatory & Professional Discipline

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Lucinda is developing her practice in professional regulatory work and has appeared on behalf of the General Dental Council. She has also recently been instructed as a junior on behalf of the Bar Standards Board.

### **Additional Information**

2004 - Whilst at Harvard Lucinda worked on the amicus curiae brief for the class action (sex discrimination) brought by 1.6 million plaintiffs against Wal-Mart.

July-Sept 2002 - Lucinda was an intern at the Capital Appeals Project, New Orleans, Louisiana (death penalty appeals)

### **Appointments**

Admitted to the New York State Bar in 2010.

Appointed to the Attorney General's Panel of Counsel (C Panel) in 2010.

Member of the Equality and Human Rights Commission Panel of Approved Counsel since 2011.

Judicial Assistant to Mr Justice Aikens (now Lord Justice Aikens) in the Commercial Court (2007-2008).

### **Memberships and Associations**

COMBAR, ELA, ELBA

### **Education**

2005 - Passed the New York State Bar Exams

2004-2005 - LLM, Harvard Law School

2003-2004 - Bar Vocational Course, Inns of Court School of Law

2000-2003 - MA Hons. (First Class), Downing College, Cambridge University