



Simon Anderson

Qualification: LL B Leeds (Hons)

Year of Call: 1997

Inn: Lincolns

Employment

Simon Anderson specialises in all aspects of employment law, with particular emphasis on unfair dismissal and discrimination claims, acting either for employees or respondents. He routinely appears in substantial and lengthy cases that involve a multiplicity of issues including collective redundancies, holiday and pay claims, protected disclosures, TUPE, wrongful dismissal and victimization. He has extensive experience in capability, misconduct and redundancy based cases.

He is adept in handling sensitive work related stress and harassment claims and has acted for such clients in both the Employment Tribunal and civil jurisdictions.

Simon is also a costs recovery specialist.

He is trusted to act for insurers, local authorities, schools, solicitors and unions alike.

Noteworthy Cases

Some of his of his recent noteworthy cases have included:

Hammonds Solicitors LLP v Mwitta UKEAT/0026/10/ZT where he acted at first instance for five of the partners of a national firm of solicitors in a race discrimination claim brought by a solicitor who claimed to have been selected for redundancy by reason of her race.

In **Hatcliffe v BT** he succeeded in persuading the Sheffield ET that an employee had been the subject of indirect disability discrimination by his exclusion from an early retirement scheme on grounds of his absence through a depressive illness. The case followed **London Borough of Lewisham v Malcolm [2008] UKHL 43** and was prior to the enactment of the Equality Act 2010.

Simon appeared for the successful claimant in the unfair dismissal claim of **Khan v Bradford MDC**. He subsequently appeared for her in a Human Rights Act 1998 claim in the County Court in which it was alleged that the claimant had suffered a psychiatric injury as a direct consequence of the violation of her right to private life. Her employer placed her under directed surveillance, pursuant to the Regulation of Investigatory Powers Act 2000, on the erroneous assumption that she was 'moonlighting' while absent from work through a depressive illness.

It was on the ground of unreasonable conduct that in **Marsden v Horton Housing Association and Impact Property Services** he recovered costs of almost £10,000 for a claimant who had been unfairly dismissed in the course of a TUPE transfer. In subsequent proceedings she had received ill conceived and inappropriate costs warnings from both the transferor and transferee's solicitors.

Simon acted for the claimant (instructed by his union) in the unfair dismissal claim of **Nash v Royal Mail**, which established that for the purposes of implementing the Royal Mail's Attendance Policy non-operational days could not be counted as absenteeism.

In **Woodward v City Gent** he acted for an employer in a disability discrimination claim where the employee unsuccessfully alleged a failure to make reasonable adjustments for her back complaint. She was a pole dancer in her spare time.

Simon is a member of the Employment Lawyers Association and the Industrial Law Society.