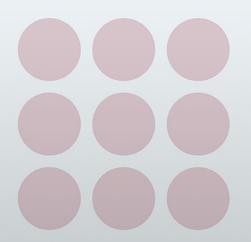
# Carlo Breen

YEAR OF CALL 1987

Email: empcom@9sjs.com

## **AREAS OF EXPERTISE**

Special Education Needs, Regulatory and Professional Discipline Group, Employment



## CV

"Offers straightforward advice in what can be complex and lengthy litigation." Legal 500 2015

"He is excellent with clients and provides straightforward advice." Legal 500 2014

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#### **Specialist Areas of Practice**

**Employment & Trade Union Law** 

Winner of the AI legal award for employment barrister of the year (North West) 2015.

#### **Profile**

Carlo Breen is one of the premier employment barristers in the North West. Lauded by Legal Directories for his intellectual and technical abilities, clients have praised Carlo for his "excellent advocacy" and his "meticulous grasp of complex cases". Over many years Legal Directories, clients and Solicitors have recognised Carlo's superb "skill in cross-examination" and his bright and commercial "attitude" as well as his strong reputation as a "formidable cross-examiner". In addition he has been recognised for his ability to assimilate large quantities of information and masterfully and tactically execute a case management strategy. Carlo achieves success through his interaction with clients and his excellent advocacy skills. He is known to be thoroughly prepared and to tenaciously execute his advocacy.

Carlo has a wide experience of Tribunal work including unfair dismissal and breach of contract applications, group redundancy applications and transfers of undertakings. He has conducted many high profile 'whistle blowing', disability, race, sex and maternity rights cases. He regularly appears in the Employment Tribunal, the Employment Appeal Tribunal and the High Court. He has been regularly instructed by:

- Various Government Departments
- Various FTSE 250 companies
- Tesco PLC
- ASDA PLC
- Sainsburys PLC-
- Various Councils and Local Authorities throughout the United Kingdom
- Various International Airlines
- Various professional footballers
- The Football Association
- Various Premier League Managers
- Various Police Constabularies
- The Police Federation
- Various Universities in the North West and North East of England
- Various NHS Trusts and Foundation Trusts
- Various Solicitors' firms in the North West where discrimination claims are brought against them.
- Various accountancy firms.
- Virgin Media

Carlo works tirelessly for his clients. He brings a commercial and strategic perspective to case management. He prides himself on being a robust advocate.

Carlo Breen has been the only "Junior" Counsel in the North West to be instructed by Councils and Local Authorities in multi-party equal pay litigation. To this extent, he has advised Councils and Local Authorities on the implementation of single status, the implementation of job evaluation schemes and all aspects of equal pay and discrimination law. He has conducted several genuine material factor defence hearings and equal value hearings which have involved several thousand Claimants. He has also been instructed by the Government, to advise on various cross-border equal pay issues involving Scotland, England and Northern Ireland. In addition, he has advised and/or represented:

- Bury Metropolitan Borough Council
- Trafford Metropolitan Borough Council
- Preston Council
- Flintshire County Council
- Denbighshire County Council
- Oldham County Council
- Sedgefield Borough Council
- Wrexham Borough Council

#### - Knowsley Borough Council

In addition, Carlo Breen represented Knowsley Borough Council in the first litigated case of its kind in the United Kingdom, whereby it was alleged that the Local Authority White Book Job Evaluation in 1987 could be displaced and as such was not a valid job evaluation study by reason of changes that had taken place since 1987 to the jobs of various Claimants and comparators within an equal pay context. Carlo Breen was successful in persuading the Employment Tribunal that the White Book Job Evaluation could indeed be displaced resulting in the strike-out of a multitude of claims brought by various Claimants against the Council. This was a landmark decision.

Furthermore, Carlo Breen is retained by a multinational company to advise them in all aspects of employment law. He has undertaken a variety of high profile sex, race and disability discrimination cases for and against various Constabularies and NHS Trusts.

Carlo Breen is generally regarded as the Leading Junior in the North West on complex issues involving the Transfer of Undertakings Regulations. He has been instructed by various PLCs on these issues and also various multi-national companies, Trusts and Airport Authorities. He assisted in developing the law in the definition of what constitutes 'an economic entity' prior to the implementation of the 2006 Regulations and is retained by a well-known Bank to advise upon the implications of the Regulations in terms of redundancy and transfer in relation to several thousand employees.

He is approved by the Commission for Racial Equality and the Equal Opportunities Commission to act in discrimination cases. In addition he acted for numerous applicants in the Armed Forces pregnancy dismissal litigation, conducted by the Employment Tribunals across the United Kingdom in 1994 and 1995.

Carlo has also conducted several discrimination cases involving gender reassignment and transgender discrimination cases both pre and post-operative.

Carlo regularly advises on the interaction between the national minimum wage regulations and the working time regulations, in terms of the calculation of pay and has been recently instructed by five local authorities to advise on these issues in relation to sleep in duties and the calculation of pay.

Carlo Breen is a frequent speaker on employment law and has lectured in discrimination law at Manchester University as part of its post-graduate programme. He is committed to providing the best possible service for his clients whilst still maintaining a personal and professional approach.

Carlo has extensive experience in collective redundancies, unlawful deduction of wages claims, employee status claims, and whistle blowing litigation. He regularly appears on behalf of various NHS Trusts, various well known supermarket chains, and various Local Authorities in such cases. He has recently successfully represented a college in a whistle blowing claim valued at in excess of £700,000.

Carlo has particular expertise in age and disability discrimination claims. He has recently represented the CEO of a large, multinational company in a landmark age discrimination claim, and was successful in securing the Claimant substantial damages.

Carlo also has particular significant experience in high value wrongful dismissals and bonus disputes. He has represented companies and individuals in high value wrongful dismissal and bonus claims including those resulting in 7 figure settlement sums.

In the area of discrimination generally he is a specialist in all forms of discrimination, and has been involved in a wide variety of discrimination claims throughout the UK. He is adept at dealing pragmatically with the wider commercial concerns and sensitivities that these can create. He has acted for a number of NHS Trusts in high value discrimination claims and also a large proportion of Universities. He has recently been described by the HR Director of one of his University clients as "a robust and aggressive litigator, the go to barrister in Manchester".

Carlo is currently instructed in:

- A genuine material factor defence equal pay hearing on behalf of a Local Authority, listed for 6 weeks, involving several thousand Claimants with a value in excess of £57 million.
- A 10 day disability discrimination/constructive dismissal claim on behalf of a well-known University involving complex issues relating to reasonable adjustments.
- A 15 day hearing on behalf of a housing association where claims are made by various individuals in relation to the correctness of the organisation and where those individuals have been dismissed.
- A 5 day preliminary hearing to determine the employment status of various agency workers.
- A 10 day claim relating to the implementation of single status job evaluation schemes and the implementation of new terms by a Local Authority.
- A multi-day sexual harassment claim involving complex and serious allegations against the CEO of a large international company.

Carlo also chairs and conducts internal investigations as far as disciplinary matters are concerned and has recently conducted a detailed investigation into widespread harassment within the workplace.

Carlo Breen also undertakes a substantial amount of regulatory work for various banking institutions, doctors, dentists, accountants, and the general medical council.

#### **Notable Cases**

- Bunting v Hertel UK Services (2000) IRLR- identification of an economic entity (TUPE).
- Pinncle v Cape Construction (2001) IRLR- definition of an economic entity.
- Asda v Thompson (2004) IRLR- disclosure of anonymised witness statements.
- Ayub v Oldham Metropolitan Borough Council (2005) IRLR- racial victimization.
- Bewley v Walton Centre for Neurology and Neurosurgery (2008) IRLR equal pay comparator issue, landmark decision.
- Bury Metropolitan Council v Hamilton and Others (IRLR) landmark equal pay claim.
- Woodhouse v West North West Homes 2012 (IRLR) landmark victimisation claim.-
- Kemp & de Cort v Wincanton Distribution, IRLR 2014 (unfair dismissal, tribunal substituting its own view).

#### **Public Access**

Carlo accepts Public Access in Employment and Regulatory areas.

# **Quotes**

**Employment:** "Carlo is a very experienced and competent counsel. Clients love him and he inspires confidence in and out of the employment tribunal setting."

- Legal 500 2024

**Employment:** "Carlo is a first-class lawyer with wide experience of employment. He understands the human aspects of employment law, is very responsive, meets deadlines and never lets the client down. He always undertakes meticulous preparation and is an excellent advocate, works well with other lawyers and lay clients, is very well respected and provides realistic case assessments."

- Legal 500 2023

Employment: "Carlo displays meticulous preparation and analysis."

- Legal 500 2022

**Employment** Leading Junior "Gives pragmatic and commercial advice"

- Legal 500 2020

### Employment ranked Tier 1 He has encyclopaedic knowledge of employment law

- Legal 500 2019

'A powerful and persuasive advocate.'

- Legal 500, 2017

A very experienced, excellent team player and devastating in cross-examination.'

- Legal 500, 2016

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