David Campion

YEAR OF CALL 2004

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AREAS OF EXPERTISE

Inquests & Public Inquiries, Occupational Disease, Employment, Clinical Negligence



Employment CV

David has been recognised by the Legal 500 each year since 2015 as a Leading Junior in Employment on the Northern Circuit.

David specialises in complex, high value and often high-profile employment disputes in areas such as discrimination, whistleblowing, equal pay, employee competition/restrictive covenants and TUPE. David acts for both employers and employees, including at multi-day Employment Tribunal hearings, EAT appeals and in civil court proceedings.

David represents businesses, local authorities, the NHS, schools, universities and police forces and regularly provides representation and employment advice directly to several employers.

Prior to pupillage, David started his career at a large employment consultancy where he advised and represented employers at Employment Tribunals across the United Kingdom. Since 2011 David has been a contributor to Daniel Barnett's employment law email bulletins and in 2014 David attained a Masters' degree in Employment Law with Distinction from the University of Leicester.

Notable and recent cases include:

- In March 2021 David represented around 200 claimants at a four-day hearing and successfully argued that a quarterly bonus fell within the definition of 'normal remuneration' and should have been paid during annual leave taken under Regulation 13 of the Working Time Regulations 1998. The case involved detailed consideration of CJEU and domestic authority.
- In February 2021 David successfully defended a global car rental business at a five-day hearing against allegations of unfair dismissal and race discrimination. The case involved an alleged breach of the employer's CCTV and data protection policy relating to the copying of CCTV footage. The Tribunal concluded that the claimant had lied about how he had obtained the CCTV footage, found the dismissal to be fair and dismissed the claimant's claims of race discrimination.
- In December 2020 David successfully defended a national law firm at a Preliminary Hearing against a claim brought by a former solicitor. The claimant's claims for constructive dismissal and discrimination were struck out due to limitation.

- In April 2020 David successfully defended a recruitment agency against claims of unfair dismissal brought by agency workers. Following a preliminary hearing the Tribunal struck out the claims as possessing no reasonable prospects of success.
- In October 2019, at a three day hearing, David successfully defended a large educational establishment against claims for discrimination arising from disability and a failure to make reasonable adjustments.
- *Ibeziako v Yorkare Homes Ltd* (1800163/2019) In July 2019 David, acting for the employer, successfully argued that a claim should be dismissed as a binding settlement had been reached with assistance from ACAS, despite no COT3 being formalised.
- Larkins v Steinhoff UK Retail Limited (1800564/2019) In July 2019 David successfully defended a national home furnishing company in a two-day constructive dismissal claim.
- *Ugradar v Lancashire Care NHS Foundation Trust* UKEAT/0301/18 In June 2019 David appeared before the EAT and successfully argued that the appellant was entitled to statutory redundancy pay of £5,868 in addition to a contractual redundancy payment capped at £25,000. The ET's decision that the statutory redundancy payment was subsumed within the contractual claim was overturned. The EAT held that there was no merger of a cause of action when a claim was brought for both a contractual and a statutory redundancy payment.
- Brown v The Governing Body of Wennington Hall School and Lancashire County Council (2424499/2017) In June 2018 David successfully defended a school and local authority at a multi-day hearing against claims of disability discrimination and breach of the flexible working regulations.
- Carrabyne v The Department for Work and Pensions (2401990/2016) At hearings between March 2017 and May 2018 David represented an employee who succeeded in claims for disability discrimination and unfair dismissal and who was awarded £108,261.68.
- Bhatia and others v Dr Anant Prasad T/a Shanti Medical Centre and Dr Shaista Hanif T/a Shanti Medical Centre (2401643/2017) In January 2018 David successfully represented three claimants who were held to have been automatically unfairly dismissed due to whistleblowing whose total awards exceeded £350,000.
- In late 2016 David defended a large multi-national automotive equipment business in a High Court employee competition dispute involving allegations of poaching and misuse of confidential information, including at an interim injunction hearing.
- The Reverend Sharpe v The Bishop of Worcester [2015] ICR 1241 (CA) Seminal decision on the employment status of Church of England clergy and Ministers of Religion generally.
- Housing Maintenance Solutions Ltd v McAteer and others [2015] ICR 87 (EAT) Key authority as to the date of a TUPE transfer.
- In July 2014 David successfully defended a national firm of surveyors and property consultants at trial in a civil court claim for damages for breach of contract relating to alleged unpaid remuneration.
- Cooksey and others v Trafford Borough Council [2012] EqLR 744 (EAT) David appeared against leading Counsel and successfully defended an appeal against the rejection of genuine material factor defences and successfully represented a claimant who appealed on the basis that the Tribunal had erred in law when considering disparate adverse impact.
- Vision Security Group Ltd v Goodyear [2011] All ER (D) 68 (Mar) (EAT) David successfully defended an appeal against a Tribunal's decision to decline to make a *Polkey* deduction from an employee's unfair dismissal compensation.

Quotes

Employment: "David has an incredible depth of knowledge in employment law and this shows in the confidence he brings to his hearings. He lays out his arguments and his method of questioning a witness in a way that is easy for the tribunal to follow."

- Legal 500 2024

Employment: "David's advice is very thorough, clear and practical. He is personable and extremely easy to interact. His advice is balanced and appropriate to the specific needs of the Respondent at all times."

- Legal 500 2023

Employment: "David is a very technical barrister, and I worked with him on some complicated employment status issues. He had a very good grasp of the law and the technical requirements in this area and was able to explain them in easy to understand language to the client - which is not always an easy task."

- Legal 500 2022

Employment: "David is able to grasp the full details of a case very quickly and to quickly analyse the pros and cons of the different approaches which are available. His knowledge of the Employment Tribunal process is second to none, which is hugely beneficial to clients and instructing solicitors in understanding how a claim and subsequent hearing is likely to unfold."

- Legal 500 2021

Employment: "Deals with clients sensitively."

- Legal 500 2020

Employment: "Very experienced across a panoply of employment matters."

- Legal 500 2019

