Russell Bradley

Year of Call: 2012

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Practice Summary

Russell Bradley was admitted as a Scottish advocate on 1st June 2012. Prior to that, he was in private practice as a solicitor for over 20 years. In the latter 10 years, he worked exclusively in the employment field as partner and head of the Scottish employment team with the global law firm DLA Piper. His work covered the whole gamut of employment issues. He was accredited as a specialist in employment law by the Law Society of Scotland and has retained that exclusive focus on employment work in his years since coming to the Scottish Bar.

In the 4-year period from November 2020 he was a fee-paid employment judge in Scotland. He returns to practice in November 2024 resuming his rights to appear in the Scottish ET and EAT.

His practice is primarily first instance in the employment tribunal where he is regularly and frequently instructed across the UK by many well-known brand names in the retail, finance, facilities and transport industries.

His Scottish covenant work involves advising both employers and employees on their enforceability and appearing when they are litigated, for interim and final remedies.

Discrimination

Defence of claims of unlawful discrimination brought by transsexual (settled)

Successful defence of claims by apprentice following his dismissal of claims under every type of discrimination available under the disability legislation

Successful defence of claim of victimisation (racial assault) against FTSE 100 trading company

for (dismissed) sales manager claimants in claims of age discrimination; claims settled for a five figure sum

Sheriff court action against landlord for injury to feelings arising out of allegations of racial abuse and harassment by landlord’s staff. Questions of causation and vicarious liability.

Claims of maternity and pregnancy discrimination including allegations of a failure to comply with Regulation 10 of the

Maternity and Parental Leave etc. Regulations 1999

Claim of associative discrimination by reference to “Fragile X” syndrome and whether that is a disability

Claim of age discrimination by minister of religion

Tupe

Successful defence of multiple claims including automatic unfair dismissal (TUPE) arguing that TUPE did not apply in a mixed share transfer/hive up

Defence of claim for unpaid bonus against transferee, including the question of “substantial equivalence”; claim ultimately withdrawn by trade union

“service provision” changes, including disputes on the nature of activities performed and whether employees and groups of employees were assigned to an organized grouping

Whether claimants can maintain claims against only a transferee for a failure to consult

A claim by a transferee against a transferor for a failure to provide relevant “employee liability information”

The impact of TUPE on a claim for a death in service benefit brought by executorsfor transferor in a “failure to inform and consult” claim by trade union

Restrictive Covenants

The impact of TUPE on the enforceability of a covenant post transfer

The proper measure of loss in a claim for damages for breach of a covenant

Whether it is appropriate to grant interim interdict where money loss can be accurately quantified

Whether employer can reclaim settlement agreement sums as damages for alleged breach of covenants

Whistleblowing

Successful defence of claim of automatic unfair dismissal in claim against two “employers”; issues of joint and several liability focussing on relevance of McTigue v University Hospital Bristol NHS Foundation Trust [2016] I.C.R. 1155 and Day v Lewisham & Greenwich NHS Trust

and another [2017] I.C.R. 917

For claimant alleging unfair dismissal, the whistleblowing concerning financial irregularities in the preparation of material for statutory accounts.

For claimant alleging unfair dismissal, victimisation and breach of contract, having blown the whistle on health and safety issues about products sold by the respondent.

For respondent defending claim of whistleblowing unfair dismissal claim brought by senior executive and chartered accountant. Successful at interim relief hearing.

For respondent owners of nursing care home in a claim of unfair dismissal brought by a registered nurse who had alleged ill-treatment of service users

Representative Cases

Franco Pizza Limited t/a Domino’s Pizza v Gould and Fraser; EATEmployment Tribunal failed to properly apply section 98(4) ERA 1996, case remitted for re-hearing.

Scottish Ambulance Service v John Laing; EATUnless Order; impact of non-compliance, conditional judgment.

Swanston New Golf Club Ltd v Gallagher; EATCompensatory awards; Contributory conduct; Polkey reductions;

City of Edinburgh Council v KaurInner House; opposition to motion for leave to appeal race discrimination claim to the Supreme Court.

Memberships

- Faculty of Advocates
- Employment Lawyers Association

Areas of Expertise

- Employment