



Declan O'Dempsey.

Called 1987.

020 7827 4000.

dod@cloisters.com .

Areas of practice

Commercial and common law.

Employment.

Equality, discrimination and human rights.

Public and regulatory law.

Recent/important cases:

Seldon v Clarkson Wright & Jakes (intervened for EHRC before the EAT (Elias J) supporting the successful appellant's argument on stereotypical age assumptions)

R (on the application of the Incorporated Trustees of the National Council on Ageing (Age Concern England)) v. Secretary of State for Business, Enterprise and Regulatory Reform (Challenge to retirement age regulation – European Court of Justice)

Azmi v Kirklees MBC (religious discrimination, dress codes, niqab wearing teaching assistant).

Horton v 1 Pump Court (disability discrimination).

CPL v Evans (TUPE and assignment).

Shawkat v Nottingham City Hospital NHS Trust (the correct approach to the concept of redundancy).

Hampton v The Lord Chancellor and The Ministry of Justice (retirement of Recorders).

Coleman v Attridge Law (disability discrimination – reference to ECJ).

Daymond v Enterprise South Devon (illegality of employment contracts).

Profile

Declan O'Dempsey specialises in sensitive and difficult employment, discrimination, public and regulatory law. He practices in all areas of discrimination work, trade union cases (including strike injunctions) data protection, confidentiality and ECHR human rights law.

He is involved in the *Heyday* case (judicial review of regulations enabling forced retirement of workers). He intervened for the Equality and Human Rights Commission in *Seldon v Clarkson Wright & Jakes* (justification of retirement ages for partners). He is instructed in multiple age discrimination claims concerning the terms and conditions of civil servants, for the PCS union. He was involved in the *Hampton* case (one of the first age successful age discrimination claims concerning retirement of office holders).

He acted in *Coleman v Attridge Law* case (employment tribunal's reference to the Court of Justice on associative discrimination under the Disability Discrimination Act 1995 as amended), and the *Azmi v Kirklees MBC* case (the case of the veil wearing teaching assistant). He is instructed on behalf of the *Gurkha Welfare Association* in their challenge concerning pension rights.

He acts in administrative law cases for individuals, advising on matters affecting councillors, politicians, businesses and public bodies. Declan is instructed on some exceptionally sensitive cases. For an example, which is in the public domain, he represented the psychologist at the public inquiry into the events at the Personality Disorder Unit at Ashworth Hospital.

He is called on to advise on policy formulation and law reform issues. His clients include the EHRC, Age Concern Trade Unions, other NGOs and private bodies. He advised the Commission for Racial Equality in respect of their Formal Investigation into the Prison Service published in 2004. He has advised Age Concern on age discrimination law reform and the CRE on the 2005 employment code.

He has assisted the Law Centres Federation in developing a strategy on identification of test cases and strategic litigation and is sought after for his experience in running strategic litigation.

He has an international reputation as an expert on European anti-discrimination law and was part of the successful tender to the European Commission for training in accession and existing member states on this subject by Human European Consultancy. He has worked closely with the Law Centres Federation to provide training to law centre workers on the new strands of anti discrimination protection both in employment and in relation to goods facilities and services and public functions.

Declan is a member of the consultative board of the Practical Law Company.

Directories/press

Declan has been continuously recommended by Chambers and Partners as a "leading junior" in employment law for over 10 years.

Chambers UK 2009 says: "Declan O'Dempsey is particularly recommended for discrimination cases...Clients find that he "uses his knowledge to good effect and achieves positive results for clients."". In 2006 Chambers commented that he is "known as the "claimant's rottweiler" ... "He has a bank of experience connected with the various equality commissions..."".

He is called on to comment on employment, discrimination and human rights news stories, such as the wildcat strikes of 2009, equal pay stories and disability discrimination cases. He is experienced at assisting clients with presenting their story to the media where necessary.

International

- 2004 Chalkida, Greece, speaker on implementation of sanctions and remedies under EU antidiscrimination directives a conference of jurists from EU and accession countries.

- 2004 Moscow, keynote speaker at the ECRE Conference on the Protection of refugees and

asylum seekers from racism and discrimination, giving an overview of international legislation on

racism and xenophobia, international standards, and mechanisms for protection.

- 2004 Belfast, speaker on international anti-discrimination law at NICEM conference on

international and comparative models of anti-discrimination legislation.

- 2005 Istanbul, speaker on the implementation of the EU anti-discrimination directives.

- 2005 Trier, lectured international jurists and judges on the concepts involved in the EU antidiscrimination directives.

- 2005 Bucharest, speaker at an EU Commission conference on anti discrimination measures for

accession countries and member states.

- 2005 Warsaw, co-facilitator of an international ECJ moot organized by INTERIGHTS. He is on

the INTERIGHTS panel for developing implementation of the anti-discrimination Directives in

Eastern Europe.

- 2005 Maastricht, speaker at conference of experts on burden of proof, sanctions and remedies

under the EU anti discrimination directives.

- 2005 Brussels, panel member at conference of EU discrimination law experts organized by the

EU Commission.

- 2006 Budapest: remedies for breach of EU discrimination directives.
- 2006 Latvia: speaking to MPs and civil servants on Sanctions and Access to Justice.
- 2006 Trier: Key notions in Discrimination law – to jurists and judges from EU states.
- 2007 Cyprus: co-ordinating training of NGOs and TUs on Discrimination Directives.
- 2007 Trier: Sanctions for breach of EU discrimination directives – to judges.
- 2007 Brussels: seminar of NGOs and legal experts – towards a goods and services

Directive.

- 2008 Riga Latvia: co-ordinating and giving training to NGOs and TUs on Discrimination Directives.
- 2008 Nicosia Cyprus: co-ordinating and giving training to NGOs and TUs on Discrimination Directives.
- 2009 Trier: Developments in EU Age Discrimination law.

Memberships/appointments

FRU

ELBA

ALBA

ELAAS Scheme

Bar Pro Bono Unit

Publications

Law Centres Federation *Handbook on Goods Facilities and Services Discrimination* (2009)

Age Discrimination Law Handbook (Legal Action 2006) Price £35.00 (Community care.co.uk's review by social worker Mick Ryan commended its "clear chapters". Pannone's PSL, Emma Cross in the Solicitors' Journal (June 2007) commended its "detailed but clear commentary", its convenience and noted "...there are useful boxes which give easy to digest examples and helpful checklists".

Employment Law and the Human Rights Act 1998 (Jordans, 2001),

Superstone and O'Dempsey on Immigration and Asylum (adviser's magazine, Frontline, reviewed the third edition: "...essential reference source which will be user friendly even to the occasional practitioner...highly recommended").

Advised on and contributed to *The Right Side of the Law 2004* (LGIU, 2004),

Disability Discrimination: The Law and Practice (Sweet & Maxwell), praised for its "percipient comment" by Baroness Hale in **Malcolm v Lewisham LBC** [2008] 1 A.C. 1399.

He has a regular legal column in C'Ilr magazine, the LGIU magazine for local councillors. He contributes to the LNTV DVD training series and was principal legal contributor to *Pride not Prejudice* (Law Centres Federation DVD on Sexual Orientation discrimination) (2006 and 2009).

Other

Declan has a long commitment to music and education. He is a volunteer teacher at the highly innovative charity, the Camberwell Choir School and in 2009 was awarded a Civic Award by the Mayor of Southwark for services to youth and music for longer than 15 years in the Camberwell area. He occasionally does Triathlons.

(Updated August 2009)