

Richard Owen-Thomas

Year of Call: 2000

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Overview

Richard Owen-Thomas practises in commercial litigation, employment law, defamation and professional regulation. He appears regularly in the Employment Tribunal, High Court and appellate courts, and undertakes advisory work for commercial organisations, public bodies and individuals.

He has substantial experience in internal and regulatory investigations, including HR misconduct and grievance investigations, cyber-security incidents, data-loss events, misuse of technical tooling, compromised systems and governance failures. He has led investigations arising from some of the most significant data breaches of the last decade, and has advised on the development and operation of risk and assurance frameworks informed by NIST and related standards in response to GDPR breaches and other incidents.

His commercial practice encompasses contractual disputes, partnership and fiduciary duties, professional negligence, misrepresentation, business protection disputes and defamation. In employment law he acts across the full spectrum of claims, including unfair dismissal, discrimination, whistleblowing, TUPE, restrictive covenants, worker status and breach of confidence.

Commercial

- Breach of contract
- Partnership and fiduciary duties
- Professional negligence
- Misrepresentation
- Business protection and confidential information
- Defamation and privacy

Employment

- Unfair and constructive dismissal
- Discrimination (all protected characteristics)
- Whistleblowing
- TUPE
- Restrictive covenants and confidentiality
- Employment contracts and worker status

Investigations and Regulatory

- HR misconduct and grievance investigations
- Cyber-security and data-loss incidents
- Governance, assurance and compliance reviews
- Professional disciplinary proceedings

Professional bodies

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association

Expertise

Commercial

Richard Owen-Thomas is an experienced commercial litigator specialising in disputes arising from the workplace, contracts for goods and services, consultancy arrangements and professional liability. He has over 25 years' experience of trial advocacy in courts and tribunals throughout the UK, including notable successes in the Court of Appeal.

His practice includes both contentious and non-contentious commercial work, including:

- Directors' duties and corporate governance
- Share capital and shareholder rights
- TUPE and business transfers
- Directors' indemnities and D&O insurance

A significant part of his practice concerns business protection disputes, including defamation, privacy, restrictive covenants and confidential information. He regularly advises on jurisdiction, serious harm, Chase levels, available defences and quantum.

Defamation and Reputation Management

Richard regularly acts for claimants and defendants in defamation and reputation management matters. In the past practice year alone, he has advised on over 150 potential defamation actions, including matters arising from:

- Newspaper reporting
- Social media publications
- Election campaign materials
- Documentary broadcasts
- Online reviews and hacked websites

He advises from pre-publication and early-stage risk through to trial and appellate proceedings.

Non-Contentious Commercial Work

Richard advises companies, directors and shareholders on:

- Directors' duties and corporate governance
- AGMs and statutory reporting
- Share capital, class rights, transfers and conversions
- Directors' indemnities and D&O insurance
- The Bribery Act 2010

He also advises on:

- Company formation and administration
- Shareholders' and partnership agreements
- Business sale and purchase agreements

- Public-sector-sensitive contracts
- Athlete, musician and talent agreements

Recent work includes advising suppliers on public and private sector procurement, including compliance with domestic and EU regimes, disclosure obligations, timetables and judicial review, and advising a start-up online jewellery business on share issues and shareholders' agreements.

Other notable cases include:

In Amenas Inquest [2015] – leading counsel for the family of a victim of the Al-Qaeda terrorist attack in Algeria

Begum v Hafiz & Hai [2015] – leading authority on TOLATA powers

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Employment and discrimination

Richard Owen-Thomas has practised employment law since 2000, acting for employers and individuals in the Employment Tribunal, Employment Appeal Tribunal, High Court and County Court. He regularly represents multi-national companies, public bodies and small businesses, as well as claimants under the Direct Public Access scheme.

He has extensive experience advising on and drafting employment contracts, policies and procedures, settlement agreements and COT3s, and on employment issues arising from corporate transactions.

Richard has particular expertise in discrimination claims, having acted extensively for both employers and employees in sex, race, religion, age and disability cases. He also appears in regulatory proceedings before professional bodies, including the Health and Care Professions Council.

He is a member of the Chartered Institute of Arbitrators and is willing to accept appointment as an arbitrator in employment and commercial disputes.

Richard is appointed to the barrister panel of the Employment Lawyers Appeals Advice Scheme (ELAAS), providing pro bono advice in EAT cases where parties are unrepresented.

Selected Cases

Court of Appeal

Padden v Bevan Ashford (A Firm) [2013] EWCA Civ 824

Padden v Bevan Ashford Solicitors [2011] EWCA Civ 1616

Bagum v Hafiz [2015] EWCA Civ 801

High Court / Upper Tribunal

Baker v Hemming [2019] EWHC 2950 (QB)

Clutterbuck v Brook Martin & Co [2019] EWHC 1040 (Ch)

Ocean Healthcare Ltd v Sigma Pharmaceuticals Plc [2014] EWHC (QB)

Rayner v Seaborne-Hawkins [2020] EWHC 2895 (QB)

Cano Malaga Rosa v Barclay [2017] EWHC 3562 (QB)

Suresh v Samad [2017] EWHC 76 (QB)

Raja v Aviram [2016] UKUT 102 (LC)

Anthony E Madu v GMC [2017] EWHC 1000 (Admin)

Emil Kirkegaard v Oliver Smith [2019] EWHC 3393 (QB)

Employment Appeal Tribunal

Zarkasi v Anindita [2012] ICR 788

Metroline Travel Ltd v Auvergne UKEAT/0214/19

Rathbone & Roche Ltd v Madureira UKEAT/0185/19

Ottimo Property Services Ltd v Duncan UKEAT/0321/14

Blackburn v Aldi Stores Ltd UKEAT/0185/12

McKinson v Hackney Community College UKEAT/0237/11

Riley v Secretary of State for Justice UKEAT/0438/14

Dawes v Lidl [2006] – appeal concerning unfair and wrongful dismissal

Professional Discipline

Richard Owen-Thomas acts both for and against professionals and sportspeople in disciplinary and regulatory proceedings. He has appeared before, and advised in relation to, proceedings involving:

- General Medical Council
- General Dental Council
- Royal College of Veterinary Surgeons
- Health and Care Professions Council
- Financial Conduct Authority

He has acted as Disciplinary Officer for British Amateur Gymnastics Association and regularly advises on sports contracts, disciplinary proceedings and dispute resolution.