

# Kweku Aggrey-Orleans

Call: 1998

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## AREAS OF EXPERTISE

Personal Injury, Employment & Discrimination, Contract / Commercial, Clinical Negligence, Industrial Disease, Insurance, Product Liability, Credit Hire, Inquests, Aviation, Sport

Kweku prides himself on maintaining a successful practice across all the main areas of expertise within chambers. He advises and regularly appears in personal injury, employment and contractual / commercial disputes. He is recognized for his strong client care skills in guiding clients through the litigation process and ability to bring about the pragmatic resolution of disputes.

Kweku regularly advises and represents both Claimants and Respondents before the employment tribunals, the Employment Appeal Tribunal and the county courts, all in matters arising from the employment relationship. His experience encompasses claims for unfair dismissal (redundancy and misconduct), discrimination (particularly race, sex and disability), whistleblowing cases together with claims involving the enforcement of restrictive covenants and anti-competitive behaviour by employers.

Examples of recent court and advisory work include:

- Acting on behalf of insurers to challenge excessive credit hire claims
- Advising insurers on staged road traffic accidents.
- Advising on the construction of hire purchase and lease purchase agreements made with a waste refuse company.
- Advising on the interpretation of the terms of a household contents policy where there had been material non disclosure.
- Advising on the enforceability of restrictive covenants and anti-competition clauses post employment.
- Advising on the standard terms of a contract for the transportation of goods some of which were stolen and damaged in transit.
- Advising on the merits for insurance funding purposes of applications before employment tribunals.
- Advising and acting in age, sex, sexual orientation and disability discriminations claims before the employment tribunals and the EAT.

Kweku's clients have included senior bank executives, police officers, trade union representatives, government workers

and individuals working within the financial services sector, banks, local authorities, firms of solicitors and SMEs.

Kweku is also a member of the Bar and Solicitor's roll of the Republic of Ghana, where he continues an active practice. During his time away from chambers he continues to advise clients and undertake any work that does not require his presence in England and Wales.

## **Personal Injury**

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Kweku acts for both Claimants and Defendants in a range of personal injury claims involving staged accidents, credit hire, employer's liability, occupiers, landlord and tenant liabilities. Outside court, he regularly undertakes advocacy at inquests before coroners. He recently acted on behalf of a member of a private ambulance crew contracted to the Essex NHS in a high profile inquest into the death of a patient.

## **Employment & Discrimination**

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Kweku regularly advises and represents both Claimants and Respondents before the employment tribunals, the Employment Appeal Tribunal and the county courts, all in matters arising from the employment relationship. His experience encompasses claims for unfair dismissal (redundancy and misconduct), discrimination (particularly race, sex and disability), whistleblowing cases together with claims involving the enforcement of restrictive covenants and anti-competitive behaviour by employers.

Kweku's Claimant clients have included senior bank executives, police officers, trade union representatives, government workers and individuals working within the financial services sector. His employer clients have included several banks, local authorities, firms of solicitors and SMEs.

Kweku has acted in a number of high profile cases, and of late has been involved in a topical longstanding race and sexual orientation discrimination claim against the Metropolitan police in which he has enjoyed success before the Employment Tribunal and on appeal before the EAT: *Maxwell v The Commissioner of Police of the Metropolis* [2013] Eq LR 680

Further recent cases have involved establishing the extent of a bank's duty to make reasonable adjustments for a long serving manager with a disability and successfully establishing direct age discrimination against Barratt Homes in the conduct of its redundancy procedure.

Kweku provides helpful lectures on the extent of the duty to make reasonable adjustments to employer and solicitor clients. He also frequently lectures on the preparatory steps an employee can undertake to set up in competition with his/ her current employer.

## **Contract / Commercial**

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Kweku regularly advises both Claimants and Defendants on contractual disputes and particularly on the interpretation of contracts and the nature of the terms that may be implied into a contract. He has advised franchisors on their obligations faced with claims of misrepresentations by their franchisees and drafted share transfer agreements.

## **Clinical Negligence**

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Kweku advises regularly in medical negligence cases and the duty of care owed by medical professionals. He is particularly interested in the impact the Covid pandemic had on professional response times and capabilities within the NHS.

## **Industrial Disease**

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Kweku undertakes noise induced hearing loss cases and advises regularly on the question of limitation in such claims.

## Insurance

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Kweku has undertaken insurance work since his call to the Bar in 1998, and has advised a wide range of insurers on indemnity and coverage disputes. More recently, he has advised both motor insurers, public liability insurers and home / commercial property insurers in disputes with either their policy holders or third parties.

In motor insurance claims, Kweku often advises on the status of insurers as against other insurers, section 151 RTA 1988 claims, the liability of owners and / or users of a vehicle and on claims for and against the MIB under the Uninsured Drivers' Agreement 2015.

Kweku's experience also extends to cases involving the interpretation of household and other insurance policies, the consequences thereof for the policy holders, including claims against insurance intermediaries.

Combining his employment law experience and his knowledge of insurance, Kweku is able to advise insurers on ancillary matters, such as the obligation of insurers towards their policy holders under the Equality Act 2010.

## Product Liability

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Kweku has advised extensively on product liability cases which have resulted in personal injury and particularly on which parties to sue. He views this area of law as an increasingly important and expanding area in the advent of ever prominent technological developments like driverless cars and remote controlled technologies within homes which may result in loss and damage.

## Credit Hire

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Kweku regularly appears in the county courts on behalf of Defendant insurers to challenge excessive credit hire charges. He has enjoyed notable successes on the enforceability of the credit hire agreements, where the hirer has run up hire charges far in excess of the value of the repairs and on the rates charged by the hire companies.

## Aviation

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Recognised for his strong client care skills in guiding clients through the litigation process and ability to bring about the pragmatic resolution of disputes.

Recent experience includes:

- Employer's liability claims for personal injury suffered by cabin crew
- Carrier's liability for personal injury suffered by passengers on board planes
- Personal injury claims of ground staff loading planes where equipment on the plane has been defective
- Employment disputes involving cabin crew (Air India and BA)
- Employment disputes involving the staff of airside catering company (Gate Gourmet)
- Travel insurance disputes where the insurer refuses to indemnify the insured under the policy
- In his capacity as a qualified corporate / commercial lawyer in Ghana, has handled matters involving lost airfreight cargo, airside catering company disputes with staff, health and safety issues and commercial claims by the catering company in relation to the construction of its catering facility
- Involved in preliminary discussions to set up an airline travelling from Luton to Accra by a number of investors. This was also to involve the establishing of a VIP area at Luton airport.
- Freezing orders injunctioning the removal of assets including ships and private planes from the jurisdiction (Ghana), and
- Claims for damaged airfreight.

## Qualifications

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LLB and Maitrise en Droit (King's College London University and La Sorbonne, University of Paris I.)

Kweku is trained to accept direct instructions from the public under the Bar's public access scheme.

Qualified and practicing Barrister and Solicitor in the Republic of Ghana (2010)

## Memberships

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Member of PIBA, COMBAR (Africa Committee member), ELBA

## Cases

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*Taylor v HR Go (Sandwell) Limited* [2009] (Birmingham Employment Tribunal) An unfair dismissal case involving the dismissal of an employee / director primarily for planning to set up a competing business. The case gave rise to interesting issues as to what amounts to permissible competitive behaviour by an employee / director.

*Sujatha v Manwaring* (Woburn Place Employment Tribunal [2004]) In that case the tribunal had to decide whether the claimant, a domestic servant living with her employer's family, fell within Regulation 2(2)(a)(ii) of the National Minimum Wage Regulations 1999.

*Maxwell v Commissioner of Police of the Metropolis* [2013] Eq LR 680 – Discrimination on the grounds of race and sexual orientation

*Solanki v Barratt Homes Limited* (2015) Age discrimination during the redundancy process.

*NML Capital v The Republic of Argentina* (2012) (Ghana) – Application for a freezing order seizing a vessel belonging to the Argentinian Navy for a New York Argentinian bond purchasers based on a judgment of the Supreme Court of England and Wales.

*Solanki v Barratt Homes Limited* (2015) – Age discrimination within the redundancy procedures.

*Kilic v O'Connor and UK Insurance Limited* (2015) – Credit hire – Reduction of the rate of hire for a taxi from £172 plus VAT to £25 plus VAT.