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**Employment
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Axed BBC Newsreader Case To Go To Tribunal?

Solicitors acting for Moira Stuart, the 55 year old BBC newsreader allegedly axed for being too old, have appointed a leading barrister to represent her.

This is an indication that Ms Stuart and her legal team may be prepared to take the BBC all the way to an Employment Tribunal in order to seek redress.

The barrister appointed, Damian McCarthy*, is a specialist employment lawyer who is part of Cloisters Chambers in London. He has appeared in a number of high profile employment law cases - on behalf of both employees and employers.

The BBC must have been shocked by the huge outpouring of support for her – from colleagues such as John Humphrys, Michael Buerk, Sue MacGregor, Jon Snow and Sir Trevor Macdonald. But also from the public itself and also the "Save Moira for Britain" campaign organised by the Daily Mail which demanded her re-instatement.. The Director General of the Corporation, Mark Thompson, was even called before a Parliamentary Select Committee last month to answer questions about her dismissal. The BBC said it would review its decision but denies being ageist in removing the newsreader from her job.

Although Ms Stuart has steadfastly refused to speak publicly about being axed from her job presenting Sunday morning news bulletins on Andrew Marr's Sunday AM programme, it seems fair to assume she has been pursuing the Corporation's statutory grievance procedure. This is a necessary first step before proceeding to Tribunal. However, like all potential claimants, she (and her advisors) will need to consider going ahead and lodging the correct papers required to bring a case (the ET1 form) and sending an employer questionnaire to the BBC in the meantime, because there are strict time limits for doing so – irrespective of whether the organisation's grievance procedure has run its course or not.

Should the grievance procedure not produce a satisfactory solution from Ms Stuart's point of view, then she may instruct her legal team to proceed with the Tribunal case. Just the threat of such a high profile case, may cause the BBC to settle out-of-court. It does have 'previous form' of using the age of its presenters as the basis for removing them from their roles.

Before the 1st October last year such actions were not unlawful. Now the Corporation would need to prove to a Tribunal that either it did not discriminate against Ms Stuart on the grounds of her age, or admit that they did – but that they were pursuing a legitimate business aim in doing so. In which case, they will have to provide objective justification for their actions, show it was ‘proportionate’ and convince the Tribunal that there was no less discriminatory way they could have achieved that same legitimate aim.

Rumours have recently been circulating that the ITV is hoping to poach Ms Stuart but even if she does join them, the appointment of a barrister to her legal team suggests she is serious about seeking redress.