
MARK HUMPHREYS

Call: 2012



Overview

Mark specialises in **Statutory Employment and Discrimination** matters, with a particular emphasis on **Whistleblowing** claims. He is regularly instructed to appear in the Employment Tribunal, and has appeared in the Employment Appeal Tribunal, and the Court of Appeal.

Mark is a member of the **Attorney General's C-Panel of Junior Counsel to the Crown**, appointed in February 2017.

Mark has extensive business experience from his time prior to coming to the Bar, having been a successful banker dealing in complex financing transactions, a statutory director of a number of companies and a chartered accountant with Deloitte.

Professional Experience

2007-2010: *Gazprombank Financial Services (UK) Ltd*, Managing Director and member of the Board of Directors.

2000-2007: *Dresdner Bank AG*, Director working on structured financing and equity capital markets transactions for Dresdner's Russian clients, typically banks and large corporate entities.

1993-2000: *Deloitte LLP*, Senior Manager within the audit group working in both London and New York on banking and capital markets clients including Merrill Lynch, Morgan Stanley and Bear Stearns.

Employment & Discrimination Work

Mark is regularly instructed to appear before the Employment Tribunal, both on his own and as a junior, as well as to prepare opinions, and draft pleadings and other documents. Mark specialises in all aspects of employment law, with a particular emphasis on **Discrimination** and **Whistleblowing** claims. He has also appeared before the Employment Appeal Tribunal, and the Court of Appeal.

Mark is instructed on behalf of Respondents and Claimants. His instructions have included:

- Drafting ET1s and ET3s, Witness Statements and Directions.
- **Preliminary Hearings:** both to set case management directions and trials of substantive preliminary issues. The latter group has included hearings on the issues of disability, employee and worker status, limitation and the Tribunal's jurisdiction more generally.
- **Trials on Liability:** in claims alleging Discrimination, Whistleblowing, Unfair Dismissal, Equal Pay and Breach of Contract, acting for both Claimants and Respondents.
- **Trials on Remedy:** including dealing with issues of mitigation, causation and the effect on compensation of self-employment after termination.
- Drafting Particulars of Claim in a case brought in the High Court against former employees, alleging breach of confidence, breach of contract, and unlawful means conspiracy, and seeking delivery up of confidential information.

Whistleblowing and Discrimination cases

Mark has particular experience of Whistleblowing and Discrimination claims. His recent instructions have included:

- Drafting ET1 and ET3 documents in Whistleblowing (under both s.47B and s.103A ERA) and Discrimination claims, the latter relying on a number of protected characteristics including disability.
- Successfully defending claims in a 10-day trial which included claims for Whistleblowing, Disability Discrimination, Victimisation and Harassment.
- Successfully defending a s.47B Whistleblowing claim in a 5-day trial.
- As a junior in two separate high value City Discrimination claims.
- Drafting an opinion for a Claimant on the prospects of a s.47B and s.103A Whistleblowing claim.
- Drafting witness statements, requests for further information, and responding to such requests, each in separate whistleblowing and discrimination claims.
- Representing both Claimants and Respondents at Preliminary Hearings including dealing with issues such as whether a protected disclosure had been made and its scope, and issues of privilege and disclosure.

Appellate Work

Mark has appeared three times before the Employment Appeal Tribunal, including: **Windle & Arada v Secretary of State for Justice** [2014] IRLR 914. The case concerned the meaning of *employment* within s.83(2) EA, and therefore status for the purposes of bringing EA claims, and drew significantly on the European jurisprudence on discrimination. Mark also appeared in the same case in the Court of Appeal: **Secretary of State for Justice v Windle & Arada** [2016] EWCA Civ 459.

Talks, Lectures and Articles

Mark regularly writes and speaks on employment and commercial matters, and a selection of his talks and articles is set out below. He is always happy to consider requests to talk or write in these areas.

Mark has recently spoken to several solicitors' firms about the law of constructive unfair dismissal, and also about the topical issue of worker status, both for EA and ERA / WTR claims) in each case looking at the most recent cases.

Mark has written a number of articles on employment law including:

- Analysing the EAT's judgment in **Windle & Arada v Secretary of State for Justice** [2014] IRLR 914 a case in which Mark appeared, dealing with employee status under the Equality Act. The article can be found at: www.littletonchambers.com/mark-humphreys-succeeds-in-the-eat-on-the-meaning-of-employee-within-the-equality-act-609/
- The Court of Appeal's decision in **Halawi v World Duty Free** [2014] EWCA Civ 1387, again dealing with employee status under the Equality Act. The article can be found at: www.littletonchambers.com/status-the-court-of-appeal's-decision-in-halawi-v-world-duty-free-2014-ewca-civ-1387-654/
- Analysing the concept of *the public interest* in whistleblowing claims in the light of the EAT's decision in **Chesterton v Nurmohamed** [2015] IRLR 614. The article can be found at: www.littletonchambers.com/whistleblowing-the-eat-considers-the-meaning-of-the-words-'in-the-public-interest'-731/
- Analysing the concept of *detriment* in the light of the Court of Appeal's decision in **Deer v University of Oxford** [2015] IRLR 481. The article can be found at: www.littletonchambers.com/deer-v-university-of-oxford-2015-ewca-civ-52-view-from-littleton-715/

Qualifications, Prizes and Awards, and Professional Memberships and other interests

Qualifications

2012: Bar Professional Training Course: **Outstanding**

2011: Law Conversion course: **Distinction**

2008: Masters Degree in Philosophy, University of London

1996: Institute of Chartered Accountants in England & Wales: Chartered Accountant

1991: Bachelors Degree in Modern History and Economics, Oxford University

Awards and Prizes

2013: Baron Dr Ver Heyden de Lancey Prize – Awarded to the Middle Temple student placed top on the Bar course

2012: Everard Ver Heyden Foundation Prize – Awarded by City University for performance on the Bar course

2011: Astbury Scholarship – Major Scholarship awarded by Middle Temple

2011: Winner, Oxford University Press National Mooting competition

2010: Winner, Maitland Chambers Advocacy competition

Professional Memberships

- The Employment Law Association
- The Industrial Law Society
- The Discrimination Law Association
- The Employment Law Bar Association
- The Commercial Bar Association
- The Chancery Bar Association

Other Interests

Mark is the Treasurer, a member of the Board of Trustees and a Fellow of the Royal Geographical Society. He also has a keen interest in mountaineering and has climbed the highest peaks in both the Arctic and Antarctic.