

Mark Humphreys

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Barrister

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Mark specialises in **Employment and Discrimination litigation**, for claims brought in the Employment Tribunal and the High Court. 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 B-Panel of Junior Counsel to the Crown**, appointed in September 2020, having previously been a member of the C-Panel, and is a contributor to **Blackstone's Employment Law Practice 2019** published by Oxford University Press.

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.

AREAS OF LAW

Employment and Discrimination Work

Mark is regularly instructed in all aspects of Employment and Discrimination Law, for claims brought in the Employment Tribunal and the High Court as well as preparing opinions, drafting pleadings and other documents. He has acted on behalf of Respondents and Claimants, both on his own and as a junior.

Employment Tribunal Work

Mark is instructed on all aspects of claims before the Employment Tribunal. These have included:

- **Trials on Liability:** Successfully acting for both Respondents and Claimants in trials of claims alleging Discrimination (including claims brought under s.13 (direct discrimination), s.19 (indirect discrimination), s.15 (discrimination arising from disability) and s.20-21 (claims alleging a failure to make reasonable adjustments), Victimisation, Harassment, Whistleblowing, Pregnancy and Maternity Discrimination, Unfair Dismissal, Equal Pay and Breach of Contract. These instructions included:
 - Successfully defending claims of Sex and Disability Discrimination, Whistleblowing, Harassment and Unfair

Dismissal in a 14-Day Trial.

- Successfully defending claims of Disability Discrimination, Whistleblowing, Victimisation and Harassment in a 10-Day Trial.
- Successfully defending a s.47B Whistleblowing claim in a 5-Day Trial.
- Succeeding in claims of Harassment and Unfair Dismissal on behalf of Claimants.
- Representing clients in multi-day and multi-week trials.
- **Trials on Remedy:** Appearing for both Respondents and Claimants, dealing with issues of causation, mitigation of loss, assessing Injury to Feeling awards, and the effect of self-employment post termination.
- **Preliminary Hearings:** Dealing with all aspects of cases which fall to be determined at a preliminary stage including:
 - Successfully making applications to Strike Out or secure Deposit Orders.
 - Seeking and resisting orders for amendments, disclosure and Requests for Further Information.
 - Determining substantive preliminary issues such as Disability or Status.S
 - Settling Lists of Issues and securing Case Management Directions.
- **Drafting Pleadings:** Drafting ET1s and ET3s, in cases involving Discrimination claims (including the range of statutory forms of Discrimination, Victimisation and Harassment), Unfair Dismissal, Whistleblowing (under both s.47B and s.103A of the Employment Rights Act), and the Working Time Regulations.
- **Opinions:** Preparing opinions on the merits of claims in Discrimination, Whistleblowing and Unfair Dismissal cases, and on preliminary matters such as whether a Claimant was disabled within the meaning of the Equality Act, and whether certain documents were privileged.

High Court Work

Mark has been instructed both on his own and as a junior in Employment cases in the High Court, acting for both Claimants and Defendants. These have included:

- **Drafting Pleadings instructed on his own:**
 - Drafting Particulars of Claim in a case brought against former employees, alleging breach of confidence, breach of contract, and unlawful means conspiracy, seeking remedies including the delivery up of confidential information.
 - Drafting the Defence for one of a number of Defendants in a claim alleging Breach of Contract, Inducement to Breach of Contract and Breach of Confidence.
- **Drafting Pleadings instructed as a Junior:**
 - Instructed as a Junior to Gavin Mansfield QC, drafting the Defence and Counterclaim to a claim including multiple allegations of Breach of Contract.
- **Dealing with an Application for Summary Judgment:**
 - Instructed as a Junior to Gavin Mansfield QC defending an Application for Summary Judgment including drafting a Witness Statement and identifying evidence in support, and drafting a skeleton argument for use at the Hearing.

Appellate Work

Mark regularly advises on the prospects of potential appeals, for both Appellants and Respondents, and has appeared before the Employment Appeal Tribunal and the Court of Appeal. Mark is happy to accept instructions for further appellate work.

Before the Employment Appeal Tribunal Mark appeared for the appellant, successfully securing permission to appeal at a Preliminary Hearing, and representing the Appellant at the Full Hearing: **Windle & Arada v Secretary of State for Justice** [2014] IRLR 914. The case concerned the meaning of employment within s.83(2) of the Equality Act, and therefore status for the purposes of bringing Equality Act claims, drawing 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.

Mark has also appeared in the Employment Appeal Tribunal successfully resisting an appeal against the Registrar's order not to extend time for lodging an appeal.

Talks, Lectures and Publications

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

In November 2019 Mark spoke at Littleton's Annual Employment Seminar about **Findings of Disability** in the context of statutory employment claims. He has also spoken to Solicitors firms on:

- Implementation of the General Data Protection Regulation ("**GDPR**"), including dealing with data breaches and notification requirements.
- Seeking injunctions following Data Breaches and the recent Canadian case of **Google v Equustek**.
- The taxation rules governing Termination Payments to employees, brought in by the Finance (No.2) Act 2017.
- Conduct Dismissals, the 'Burchell Test' and the potential impact of Lady Hale's comments in **Reilly v Sandwell MBC** [2018] UKSC 16.
- The law of Constructive Dismissal in the context of statutory employment claims.
- 'Employee / Worker' status under the Equality Act, the Employment Rights Act and the Working Time Regulations, drawing on the most recent case law.

Mark is a contributor to **Blackstone's Employment Law Practice 2019** published by Oxford University Press and edited by Gavin Mansfield QC. His focus is on the chapters dealing with the Claim Form, Response, Case Management and Interim Applications.

Commercial Experience

Mark has extensive senior level commercial experience, prior to coming to the Bar. This included:

- **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.

Qualifications, Prizes and Awards, and Professional Memberships

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 a Fellow of the Royal Geographical Society, and has a keen interest in mountaineering having climbed the highest peaks in both the Arctic and Antarctic.
