

MARK HUMPHREYS

Call: 2012



Mark specialises in **Employment and Discrimination litigation**. 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.

Employment and Discrimination Work

Mark is regularly instructed to appear before the Employment Tribunal, both on his own and as a junior, as well as to draft opinions and pleadings. Mark specialises in all aspects of employment law, with a particular emphasis on **Discrimination** claims.

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

- **Drafting Pleadings in the Employment Tribunal:** 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.
- **Drafting pleadings in the High Court:** 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. Instructed as Junior to Gavin Mansfield QC, drafting the Defence and Counterclaim to a claim including multiple allegations of breach of contract.
- **Opinions:** Preparing opinions on the merits of claims in Discrimination, Whistleblowing and Unfair Dismissal cases, as well as whether a Claimant was disabled within the meaning of the Equality Act, and whether certain documents were privileged.
- **Trials on Liability:** Successfully acting for both Respondents and Claimants in trials of claims alleging Discrimination, Victimisation, Harassment, Whistleblowing, Unfair Dismissal, Equal Pay and Breach of Contract. These instructions included:
 - 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:** including dealing with issues of causation, mitigation of loss, assessing Injury to Feeling awards, and the effect of self-employment post termination.

Appellate Work

Mark has appeared before the Employment Appeal Tribunal, including in the case of **Windle & Arada v Secretary of State for Justice** [2014] IRLR 914. The case concerned the meaning of employment within s.83(2) Equality Act, and therefore status for the purposes of bringing Equality Act 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 matters, and a selection of his talks and articles are set out below. He is always happy to consider requests to talk or write in these areas.

Talks

In recent months Mark has 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 new 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

Mark has also given talks about the law of constructive dismissal, and status under the Equality Act, the Employment Rights Act and the Working Time Regulations. In each case drawing on the most recent case law.

Articles

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 [HERE](#).
- 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 [HERE](#).
- 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 [HERE](#).

- 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 **HERE**.

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.

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 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.