

3PB Barrister Profile



Andrew MacPhail

Call 2007

Email: andrew.macphail@3pb.co.uk

Academic Qualifications

MA Hons, Classics, University of Edinburgh

Graduate Diploma in Law, College of Law

Bar Vocational Course, College of Law

Andrew specialises solely in employment law and related matters.

Prior Experience

Before retraining as a barrister Andrew spent nine years in the corporate world. During this time he rose to become a senior manager in a successful niche consultancy. This experience enables Andrew to appreciate employment disputes, and their context, on a very practical level. He is able to bring this experience to bear with great effect on behalf of his clients.

Prior to joining 3PB Andrew gained invaluable experience working in the employment department of a major corporate firm, following which he undertook his pupillage in employed practice under the supervision of an experienced employment barrister and part-time Employment Judge.

General employment law

Andrew is regularly instructed to advise and represent claimants and respondents in claims covering a wide range of employment law areas. His experience includes unfair dismissal, constructive dismissal, discrimination (e.g. sex, race, disability, pregnancy and age), equal pay, TUPE, unauthorised deductions and breach of contract.

Recent hearings include:

- a six day hearing for a disability discrimination claim, including the cross-examination of eight respondent witnesses
- a five day hearing for a multi-disciplinary discrimination claim, with multiple witnesses on both sides;
- a redundancy unfair dismissal claim spanning six days.

Cases of interest include:

- successfully arguing that a failure to inform and consult (TUPE) on the part of a transferor can be pursued against a transferee alone without the transferor having been named as a respondent;
- successfully opposing the review of a decision to dismiss claims upon withdrawal (which provided a Respondent with the defence of res judicata) in circumstances where the lack of objection to dismissal had not been in accordance with the claimants' wishes;
- successfully arguing that ticking the race discrimination box on an ET1 is not enough to raise a claim of race discrimination;
- successfully opposing an application for disclosure of comparator pay data on grounds of disproportionality; and
- successfully arguing that an application for interim relief cannot succeed where the relevant claim has been lodged prior to the termination date.

Judicial mediation

Andrew's experience includes representation of parties at Judicial Mediation on three occasions.

Equal pay

Andrew has particular expertise in advising and representing local authorities with respect to mass equal pay litigation arising from the "Single Status" agreement and related matters.

Injunctions

Andrew has recently advised and assisted on two interim injunction applications relating to restraints of trade, one in the High Court and the other in the County Court.

Conferences and seminars

Andrew enjoys speaking at conferences and delivering training seminars. He is happy to explore potential options upon enquiry.

Recent events include:

- Delivering a speech on 'Equal Pay Litigation' at an event for local authorities run by South East Employers. Other speakers on the day included an extremely eminent employment QC.
- A seminar on 'TUPE' for a regional branch of the SLG group ('solicitors in local government').
- A seminar on 'Unauthorised deductions and breach of contract' for the employment team of a major national firm of solicitors.

Professional Bodies

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association