

## 3PB Barrister Profile



### Colin McDevitt

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#### Academic Qualifications

BSc (Hons), Dip. Law (City)

#### Employment

Colin McDevitt is an experienced employment barrister with many years' experience. His employment law practice is split relatively evenly between claimants and respondents. He is a member of the Employment Law Bar Association.

His advisory and drafting work includes settling ET1s and ET3s, Requests for and provision of Further Information, Lists of Issues, Schedules, Counterschedules, Appeals, Replies to Appeals and Skeleton Arguments.

#### Advisory Work

Mr McDevitt can advise you at all stages of a claim. He can help with decisions at the pre-action stage all the way through to settlement and during a hearing. His complementary practice in personal injury/professional negligence/contract litigation brings a commercial element to the guidance that you will receive. Mr McDevitt can assist you with advice on the strength of your claim or defence and its value.

Advice can be given in conference, by telephone or in writing and recent advisory work includes:

- To an employer who wished to enforce the restrictive covenant within an employee's contract of employment;
- To a firm of solicitors in a claim made by a member of the administrative staff;
- To a firm of solicitors who wished to consider making redundancies in its conveyancing department;
- To a secondary school teacher who claimed bullying and harassment at work which led to significant periods of absence; and
- To a local council who sought guidance on the effect and applicability of TUPE.

#### Tribunal Representation

Mr McDevitt attends procedural hearings such as Case Management Discussions and Pre-Hearing Reviews at which issues such as employment status, jurisdictional time points and extensions of time have been determined. The larger part of his representation work, however, is at full merits hearings. Mr McDevitt deals with the full range of employment claims including unfair dismissal, discrimination, deduction of wages, equal pay, PIDA and so on.

Examples of discrimination claims in which Mr McDevitt has acted are those involving race, sex, disability (including by association), religious belief and sexual orientation. Disabilities that have been the subject of litigation include MS, diabetes, depression and narcolepsy.

Recent claims have been:

- *Hitschmann v OCDP*: representing the claimant in her claim of constructive unfair dismissal and disability discrimination in relation to Multiple Sclerosis. The respondent was a charity which championed the needs of people with disabilities;
- *Gooljary-Wright v C.K. Solicitors*: representing the respondent firm of solicitors in its defence of a claim by a former employee solicitor;
- *Dias v YMCA Training*: representing the respondent in a claim of sex discrimination and unfair dismissal;
- *Laws v Eaves Housing*: representing the respondent in a claim of unfair dismissal and sex discrimination. The claim was that the respondent did not have a genuine redundancy situation, alternatively dismissed the claimant by reason of her sex; and
- *King v Lymington Citizens' Advice Bureau*: representing the claimant in a claim of unfair dismissal against her employer CAB.

Mr McDevitt has also advised in respect of and appeared at the Employment Appeal Tribunal. See *Abbycars v Ford* [2008] UKEAT/0472/07/D4

### **Alternative Dispute Resolution**

Mr McDevitt is an accredited mediation advocate who has represented parties in Counsel to Counsel negotiations, formal Mediations (using a Mediator), Judicial Mediations and at settlement meetings at ACAS.

### **Professional Qualifications and Appointments**

- Accredited Mediation Advocate

### **Professional Bodies**

- Employment Law Bar Association (ELBA)
- Personal Injury Bar Association
- Professional Negligence Bar Association (PNBA)