

3PB Barrister Profile



Karen Moss

Call 2002

Email: karen.moss@3pb.co.uk

Academic Qualifications

LLB (Hons)

Employment

Karen Moss is an employment law specialist. Employment tribunal work has included both Claimant and Respondent work relating to unfair dismissal (substantive and procedural, constructive or actual), wrongful dismissal, discrimination (sex, sexual orientation, race, age, disability, religion and belief; direct and indirect), harassment, victimisation, stress at work claims, TUPE, breach of contract, PIDA/whistleblowing claims, working time and unlawful deductions from wages. She is also regularly instructed to appear or to advise in matters of employment-related insolvency and judicial or other employment mediations. She has been instructed to draft a wide variety of employment pleadings and frequently advises parties pre- and post-action in industrial relations matters generally and tribunal and/or county court and/or High Court litigation. She regularly appears in the Employment Appeal Tribunal and has appeared in the Court of Appeal on employment matters.

Karen Moss also practises in general civil common law matters including commercial contracts and personal injury (fast and multi track). She has undertaken work on Conditional Fee Agreements in appropriate cases. Additionally, she has represented parties in mediations regarding commercial disputes.

She gives lectures, seminars and produces training material on the development of employment law to solicitors, human resources and other professionals.

Reported and interesting cases

Scotthorne v Four Seasons Conservatories (UK) Limited UKEAT/0178/10/ZT - whether the Tribunal was correct not to order disclosure of documented advice from ?Employment Consultants? or HR professionals who were not legally qualified on the grounds of either legal advice privilege or litigation privilege and the application of *New Victoria Hospital v Ryan* [1993] IRLR 202 and *Three Rivers DC v Bank of England (No.6)* [2005] 1 AC 610.

Norman v Yellow Pages [2010] B2/2007/2161A Court of Appeal - whether an appeal on an arguably ?academic? point should proceed in relation to a case concerning payments of net figures under a COT3 agreement instead of gross.

Atkinson v Director of Public Prosecutions [2005] 1 WLR 96; [2004] 3 All ER 971.

Lloyd-Briden v Worthing College [2007] 3 CMLR 27, EAT - the applicability and effect of the ECJ decision in Mangold on the age discrimination provisions before the implementation date in the UK.

Miller v Bank Farm Produce Ltd UKEAT/0003/06/MAA - question of whether the Tribunal had mixed the law on constructive and actual unfair dismissal by finding a repudiatory breach by the employer but failing to find a causal link between the employer's actions and employee's resignation.

Bird v Collease Truck and Trailer Rentals Ltd UKEAT/0153/06 - question of whether the Tribunal had come to a conclusion which was unsupported by evidence and/or reached a conclusion that there was no evidence to support part of the Appellant's claim when there was uncontested evidence in relation to an unlawful deductions case.

Roberts v Valleyrose Ltd T/A Fernbank Nursing Home UKEAT/03944/06/D - question of whether the Tribunal was biased against the Appellant and whether the Appellant had had a fair opportunity to refute an allegation of bad faith in a PIDA claim.

London Borough of Camden v Price-Job UKEAT/0507/06/DM - question of whether the Tribunal correctly considered all relevant circumstances of Respondent to a DDA claim, and whether they considered the effect of s.3A(6) appropriately. Additionally the application of the law in relation to whether an appropriate assessment of an employee is a necessary pre-condition to reasonable adjustments.

Dr Gorai v Patel PA/1863/06/ZT - whether the Tribunal had found facts sufficient to constitute a constructive unfair dismissal and whether the application of the 'last straw' doctrine was correct.

Snows Motor Group Ltd v Palmerino UKEAT/1512/08DM - whether the Tribunal had 'slipped into the substitution mindset?' following the Court of Appeal decision in *London Ambulance v Small* and the applicability of the statutory disciplinary procedures where detailed evidence had not been provided until the Step 2 hearing.

Publications

'Keeping an eye on the Information' (23rd July 2004) 154 NLJ 1125

Professional Qualifications and Appointments

- Accredited Mediation Advocate

Professional Bodies

- Employment Law Bar Association (ELBA)
- Employment Lawyers Association
- London Common Law and Commercial Bar Association