

## 3PB Barrister Profile



### Thomas O'Donohoe

Call 2007

Email: [thomas.odonohoe@3pb.co.uk](mailto:thomas.odonohoe@3pb.co.uk)

#### Academic Qualifications

BA Hons (Oxon), Magdalen College, Oxford

Graduate Diploma in Law, City University (Distinction)

Bar Vocational Course, Inns of Court School of Law (Outstanding, 4th in year)

#### Employment

Tom's range of employment work includes acting for claimants and respondents in multi-day and multi-party cases, and encompasses all forms of discrimination as well as the operation of the TUPE regulations, unfair dismissal, whistleblowing, claims for wages and breach of contract (including bonus schemes), and the protective awards regime under TULRA 1992. Recently Tom has acted for the successful parties in cases including: a 4-day hearing of claims for unfair dismissal and disability discrimination following a dismissal from the London ambulance service for ill-health; the defence of a solicitors' firm against claims for unfair dismissal for gross misconduct and race discrimination; a claim for a redundancy payment from an employer to whom the claimant's employment transferred from the NHS under TUPE; and the defence of a retirement home against claims of unfair dismissal and age discrimination under the (repealed) Employment Equality (Age) Regulations 2006.

Other unfair dismissal cases of interest have involved: the application of the Rehabilitation of Offenders Act 1974 in relation to an employer's policy of obtaining Enhanced Disclosures in respect of certain categories of staff; whether an employer could rely on a purported 'step one' letter given to the claimant when the business had subsequently been sold before the termination took effect and the employment had in practice continued beyond the date of termination; and the circumstances in which a volunteer charity worker might be an employee within the meaning of the ERA 1996.

Recent discrimination cases have addressed: the meaning of 'long-term' in the statutory definition of disability under the DDA 1995 in view of the House of Lords' decision in *SCA Packaging Ltd v Boyle*; whether the alleged verbal abuse of a 'nationality-specific' nature was 'on grounds of' the claimant's nationality / national origins for the purposes of the RRA 1976; the point at which the burden of proof shifts to the employer in a claim of age discrimination; and alleged pregnancy-related discrimination in circumstances where the claimant's male colleague covering her maternity leave was said to have been offered training and promotion not notified or offered to the claimant.

Tom has also had particular recent experience of review and remedies hearings in the tribunal, including the application of the Kwik Save test to

applications to review default judgments obtained by claimants.

Tom is a member of the Employment Law Bar Association.

### **Professional Bodies**

- Employment Law Bar Association (ELBA)
- Personal Injury Bar Association