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King's Bench Walk

Andrew Watson

Call: 2013

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AREAS OF EXPERTISE

Employment & Discrimination, Personal Injury, Industrial Disease, Fraud, Credit Hire

Andrew is a specialist employment and personal injury barrister. He accepts instructions across the full range of personal injury and employment work, with a particular focus on employers' liability, discrimination and whistleblowing claims.

Andrew has substantial advocacy experience and is comfortable dealing both with short interlocutory hearings and document-heavy multi-day trials. He favours being instructed early in proceedings and combines forensic legal advice with a pragmatic focus on the best outcome for the client.

Prior to starting pupillage in chambers, Andrew worked for a year at the Free Representation Unit supervising volunteers and running his own cases in employment law. He is a previous Chair and Treasurer of FRU.

Andrew is qualified to accept direct access instructions and he welcomes instructions on this basis in appropriate cases.

Employment & Discrimination

Andrew is regularly instructed by Claimants and Respondents in a variety of employment law matters. His current and previous clients include for the employer, large logistics companies, hotel chains, charities, and a school; and for the employee, senior executives, lawyers, teachers, and civil servants.

Andrew has appeared in numerous appeals to the Employment Appeal Tribunal, and his cases have been reported in the Industrial Cases Reports and the Industrial Relations Law reports. He is a member of the ELAAS Scheme.

Recent and current work in the employment tribunal:

- Re A Hospital (2018): instructed by the Claimant, a consultant psychiatrist, in her claims for unfair dismissal and whistleblowing.
- Re A Prison (2018): representing the Claimant, a long-serving prison officer, in unfair dismissal and whistleblowing claims arising out of their dismissal. (Direct access).
- Re An Internet Start-up (2018): represented the founder and former CEO of an internet start-up in their whistleblowing claim against their former company. Listed for 8-day hearing. Settled during the final hearing on good terms.
- Re A Parish Church (2018): represented the Respondent, a parish church, in a claim about the employment status of the church's cleaner. The case raised an interesting issue about the nature of the requirement to

provide personal service where the ostensible worker brings assistants to share the workload.

- Re An International Bank (2017): advising and representing two senior in-house lawyers in sex discrimination claims arising out of a restructuring process. Both claims settled for significant sums.
- Re A Local Authority (2017): advised a local authority about a potential dispute with a contractor arising out of the termination of a service contract. Complex TUPE issues involved and significant potential financial exposure. With Andrew's input a favourable settlement was reached at an early stage.
- Re v A School (2017): representing the Claimant, a teacher, in pre-litigation negotiations with her former employer following her dismissal for allegations of misconduct. Secured a very favourable financial settlement, an agreement to withdraw the misconduct reason for dismissal and a positive reference. (Direct access.)
- Re An Estate Agency (2016): represented the Respondent, a large estate agency, in a 5-day sex and race discrimination claim involving very serious allegations of sexual harassment. All claims were dismissed despite the alleged perpetrators being absent.
- Re A Solicitors' Firm (2016): represented the Claimant, a solicitor, in her unfair dismissal claim. Secured a settlement on very favourable terms, which included a formal withdrawal of the unfair reason for dismissal and a substantial payment of damages.

Andrew is instructed in a range of employment and contractual matters litigated in the civil courts. Recent examples include:

- Re A Local Authority (2018): instructed by the Claimant in a claim for breach of contract arising from unpaid shift enhancements allegedly due to him under the Green Book. Case settled on favourable terms.
- Re A Recruitment Agency (2017): advising a recruitment agency in relation to a claim for breach of contract against one of their former clients.
- Re A Bank (2017): advising a senior in-house lawyer in relation to High Court proceedings arising out of a failure to pay a substantial contractual redundancy payment. Case settled for a six-figure sum.

Andrew's appellate work includes:

- H v T (June 2016): acting for the Claimant in a successful appeal against an Employment Tribunal's decision to strike out a claim in its entirety at the first preliminary hearing, without prior notice, where the Claimant was in-person and not a fluent English speaker.
- Craig v Bob Lindfield & Son Ltd [2016] ICR 527: whether there was an implied term that contractual lay-off powers can only be exercised for a reasonable period. The EAT confirmed the answer was no, settling a conflict between two earlier authorities.
- Kisoka v Ratnpinyotip t/a Rydevale Day Nursery [2014] ICR D17: unfair dismissal; novel point about whether it was reasonable for the employer to contract the services of a third party to conduct an appeal against dismissal and then refuse to follow their decision that the dismissal should be overturned. The EAT upheld the ET's decision that the employer acted reasonably.
- Z v A [2014] IRLR 244: unfair dismissal; dismissal for an unsubstantiated historic child abuse allegation. The EAT decided that the ET was correct to conclude that this did not amount to some other substantial reason of the kind justifying dismissal; principles set out in A v B and Leach v Ofcom explained.
- Connect Personnel Ltd v Domanska UKEAT/0563/12/BA; [2013] All ER (D) 09 (Sep): sex discrimination; EAT held the ET did not err in finding discrimination based on facts not pleaded, its decision emerged from the its resolution of a factual dispute and the Respondent had the opportunity to deal with it.
- Logan v Celyn House UKEAT/0069/12/JOJ; [2012] All ER (D) 04 (Sep): constructive dismissal; ET erred in asking whether fundamental breach was the principal reason for dismissal, the correct test is whether it was part of the reason.

Personal Injury

Andrew acts for Claimants and Defendants in all aspects of personal injury law, with a particular focus on employers' liability claims and personal injury claims with an employment law element.

Andrew has a growing practice acting for both Claimants and Defendants in destructive occupational stress claims.

Recent work in this area includes acting for two NHS employees who suffered psychological harm arising out of bullying by their managers, and advising a large bank on the personal injury elements of a claim intimated by a senior executive.

He is currently instructed, as junior counsel to Steven Snowden QC, for two of the Defendants in a High Court claim arising out of an accident on a motorway, where the Claimant is alleging negligent design and construction of the motorway.

Industrial Disease

Andrew accepts instructions in noise induced hearing loss claims, and has experience acting for both claimants and defendants. He also has experience of asbestos-related work.

Fraud

Andrew is experienced in acting in personal injury claims where fraud is alleged. He has substantial trial experience of these claims, acting for both Claimants and Defendants, and is familiar with claims involving low-velocity impacts, staged accidents and phantom passengers.

Andrew also has experience of advising on and arguing costs issues connected with fraud claims.

Credit Hire

Andrew has significant experience in credit hire matters and is regularly instructed by large insurers in claims in excess of £25,000.

Qualifications

BA (Hons), Law, Fitzwilliam College, University of Cambridge

LLM, University College London

Bar Professional Training Course, Kaplan Law School

Appointments & Memberships

2014-15 Chair, Free Representation Unit

2015-16 Treasurer, Free Representation Unit

2016-17 Chair, Free Representation Unit

Employment Lawyers Association

Employment Law Bar Association

Person Injuries Bar Association

Free Representation Unit

Bar Pro Bono Unit

Publications

Contributor *Asbestos: Law & Litigation*, Sweet & Maxwell, 2019 (Chapter; TUPE and employment)