

Anthony Johnston

Year of Call: 1993

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Introduction

Anthony has practised in Birmingham throughout his professional life, starting at 1 Fountain Court before moving to St Philips following the merger of those two sets in 2002.

Whilst Anthony has practised in employment throughout his time at the Bar, he has increasingly focussed upon this area of his practice in recent years and now practices almost exclusively in the field of employment law.

Whilst a vastly experienced and fearless advocate, Anthony prides himself outside the courtroom as providing a user-friendly and approachable service to lay and professional clients alike at all stages of the litigation process.

Anthony is fluent in written and spoken Italian, having previously lived and worked in Italy.

He also has a good working knowledge of French and Spanish, having studied the former to A-Level.

Recent Work:

Anthony's recent work includes:

- Jose Gonsalves v The Rationalist Association 2301850/2016 and 2302431/2016 – successfully acting on behalf of the Respondent in resisting claims including whistleblowing, automatic unfair dismissal and wrongful dismissal.
- Andrew Higgins v Deafness Resource Centre Limited 2405115/2016 – successfully acting on behalf of the Respondent charity in resisting claims of discrimination arising from disability and a failure to make reasonable adjustments.
- Muhammad v St John Ambulance 2600030/2017 – successfully acting on behalf of the Respondent in resisting a claim of race discrimination.
- Lancaster v Catalyst Housing Association 2200832/2017 – successfully acting on behalf of the Respondent housing association in resisting a claim of unfair dismissal.
- Acting on behalf of a set of barristers' chambers in an ongoing 15-day complex discrimination and whistleblowing claim.

What the directories say:

- "The ultimate professional and the ideal counsel for those complex matters that just need that something extra." – The Legal 500 2010

Reported Cases:

- Sandwell and West Birmingham Hospitals NHS Trust v Westwood UKEAT/0032/09
- Campbell v OCS Group UK Limited UKEAT/0188/16/DA

Qualifications and Appointments:

- Bromsgrove School
- BA (Hons) Cantab (Magdalene College, Law)

Memberships:

- Employment Lawyers Association
- Employment Law Bar Association

Employment

Anthony is regularly instructed to appear on behalf of both Claimants and Respondents in multi-day cases before the Employment Tribunal, where he undertakes all aspects of employment work including claims involving unfair dismissal, all forms of discrimination, whistleblowing, redundancy, equal pay, the National Minimum Wage, the Working Time Regulations, breaches of contract and the application of TUPE. He also undertakes advisory and drafting work in these areas.

Anthony has experience of acting for Claimants at all levels, from the shop floor up to senior employees (including acting, both at first instance and before the Employment Appeal Tribunal, for the Managing Director of a Football League club in connection with a claim for unfair dismissal). Anthony also has considerable experience of conducting multi-Claimant cases, including in claims arising out of collective redundancies and alleged breaches of discrimination law.

Anthony's Respondent work similarly ranges from acting for small-scale employers with a handful of employees to representing large and complex organisations, including NHS Trusts, local authorities, outsourcing companies and household name and/or FTSE 100 companies.

Anthony's background as a criminal advocate means that he is particularly adept at dealing with cases which call for difficult and/or robust cross-examination.

Anthony is an experienced advocate in the Employment Appeal Tribunal.

Anthony also has experience of appearing at internal disciplinary hearings (including multi-day hearings) on behalf of both employees and management.

Discrimination

Anthony is regularly instructed to represent both Claimants and Respondents in relation to claims arising out of all forms of discrimination, including sex, race, disability, age, religion and belief and sexual orientation.

Anthony's experience ranges from dealing with cases alleging isolated instances of discrimination/ inappropriate conduct/racial abuse to complex multi-day cases involving alleged campaigns of discrimination, harassment and victimisation.

Anthony has experience of dealing with disability discrimination claims in relation to a wide range of disabilities, including those arising from physical conditions, mental illnesses and all manner of progressive and/or terminal disease. Anthony's parallel experience in the field of personal injury give him an advantage in dealing with the complex medical issues that sometimes arise in such cases.

In addition to appearing before the Tribunal, Anthony also undertakes regular advisory and drafting work in relation to discrimination claims, including both drafting and responding to complex Scott Schedules.

Anthony has also conducted seminars in relation to various aspects of discrimination law, including in relation to age discrimination, discrimination on the grounds of sexual orientation and discrimination on the grounds of religion or belief.

Organised Crime and Terrorism

Anthony has experience of both prosecuting and defending in multi-handed cases involving allegations of money laundering, duty evasion, handling stolen goods and the supply of Class A drugs.

Serious Sexual Offences

Anthony has substantial experience of defending in cases involving serious allegations of a sexual nature, including allegations of rape committed against both males and females and against both adults and children. He has also acted for the defence in numerous cases involving allegations of recent and/or historic sexual abuse of children and in cases involving the making and distribution of indecent images.

Disciplinary Tribunals & Professional Regulation

Anthony has substantial experience of acting against police authorities in relation to the alleged excessive and unconstitutional use of their powers. Anthony also has experience of acting against the Home Office and prison authorities in relation to their exercise of analogous powers. He has particular experience of dealing with cases involving:

(i) the extent of the police powers of stop and search;

(ii) the extent of the police powers of arrest and detention;

(iii) the consideration of whether the police have instigated prosecutions with reasonable and probable cause; and the extent of their powers of search and seizure.

Inquests & Coronial

Anthony has experience of appearing at single and multi-day inquests, acting both on behalf of the family of the deceased and other interested parties. He is fully conversant with the procedure within the Coroner's Court. His experience within the field of personal injury enables him to offer clients a holistic approach and to offer practical, sound advice at an early stage in relation to any potential claims which might arise out of an untimely death.

Sports

Anthony acted both in the Employment Tribunal and in the Employment Appeals Tribunal in an unfair dismissal claim brought on behalf of the former Managing Director of a then football league club, who had been dismissed following the club being taken over by American owners, who sought to assume control of all aspects of the football club. The claim was successful both before the Employment Tribunal and the EAT.

Anthony successfully acted on behalf of the owner of a National Hunt racing yard in relation to multiple claims (including constructive unfair dismissal and sex discrimination) brought against him by the former Head Girl of the racing yard.