



AIDAN O'NEILL QC (SCOT) QC

EMPLOYMENT CV

MAIN AREAS OF PRACTICE:

Competition and Regulation
Discrimination and Equality
Education Law
Election

Employment Law

Environmental Law and Natural Resources
EU Law
Human Rights
Immigration, Asylum and Free Movement
Public and Private International Law
Public Law
Sports Law

Called to the Bar 1987 (Scot)

1996 (English)

Appointed to Silk 1999 (Scot)

2017 (English)

CONTACT:

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Alison Scanes, Senior Practice Manager
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Aidan O'Neill QC (Scot) QC is qualified to appear as counsel in England and Wales and in Scotland. He has appeared as senior counsel before, among other tribunals, the UK Supreme Court, the Judicial Committee of the Privy Council, the House of Lords, Court of Justice of the European Union and the European Court of Human Rights.

He is a leading EU lawyer - his EU for UK Lawyers (Hart Publishing Second edition) was published in 2011 and has been described in one review as "a welcome addition to the practitioners' library which will also help give those with a more specialist view of EU law - competition lawyers for example - a helpful broader perspective over the general principles which apply equally in other fields of EU law". He has a significant profile in equality law and employment law issues, as well as a very strong practice in public law and judicial review. The Legal 500 (2012 edition) says of him that that he has an "astonishing breadth of knowledge and a bravery to argue cutting edge points". The Chambers Guide (2012 edition) ranks him as a leading counsel in administrative and public law both at the London Bar and the Scottish Bar stating that: "Instructing solicitors single out Aidan O'Neill QC as an 'incredibly hard worker'" and that "he has a strong interest in the inter-relationship between EU, domestic and human rights laws and enjoys an enviable reputation". The same guide also rates him as a leading counsel at the London Bar in civil liberties and human rights stating "Dual qualified, he is a big name in both London and Edinburgh. He is a man who amazes solicitors both with his output and his in-depth knowledge of the ECHR". The Chambers Guide 2012 also lists him as a leading counsel in Scotland for employment matters, noting that "although perhaps best known for his stellar human rights work Aidan O'Neill QC has a significant employment law practice. He is a 'fantastic lawyer' who is particularly strong when dealing with employment cases that have a human rights element."

NOTABLE EMPLOYMENT AND DISCRIMINATION LAW CASES

2019 Idu v. East Suffolk and North Essex NHS Foundation Trust [2019] EWCA Civ whether disciplinary proceedings against a consultant surgeon were properly to be characterised for the purpose of disciplinary procedures as professional misconduct as or personal misconduct

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2019 Anwar v. Advocate General for Scotland and the Lord Advocate [2019] CSIH 43 on whether interim diligence to freeze employer's assets available to claimants before Employment Tribunals

2019 R (Mackenzie) v. University of Cambridge [2019] EWCA Civ 1060 on whether a re-engagement order from an Employment Tribunal created any enforceable legal obligation on an employer actually to re-engage a previously unfairly dismissed employee

2017 Informa UK Ltd. v. McDougall [2017] CSOH 149 employment restrictive covenant

2017 Janah v. Libya/Benkharbouche v. Sudan [2017] UKSC 62; [2015] EWCA Civ 33 on whether EU law principles of access to court may disapply State immunity claims to ET applications

2017 R (UNISON) v. Lord Chancellor [2017] UKSC 51 on incompatibility of ET fees with fundamental right of access to the court

2015 Hainsworth v. Ministry of Defence 1 December [2015] UKSC re Article 5 of Directive 2000/78 and the duty of an employer to make reasonable adjustments within the context of associative discrimination to accommodate the disability needs of a dependent child of an employee

2012 Ravat v. Halliburton Manufacturing & Services Ltd. [2012] UKSC 1; [2010] CSIH 52 whether a UK employment tribunal had jurisdiction to adjudicate on an unfair dismissal claim from an oil industry employee working outside the EU

Ravat v. Halliburton Manufacturing & Services Ltd. [2011] UKSC nyr; [2010] IRLR 1053, IH (whether a UK employment tribunal had jurisdiction to adjudicate on an unfair dismissal claim from an oil industry employee working outside the EU)

Russell and others v. Transocean plc (No. 2) [2011] IRLR 24, IH 82 (appeal from the EAT [2009] IRLR 519) (concerning the issue of oil workers' entitlement to paid annual leave under and in terms of the EU Working Time Directive)

Agnew and others v. North Lanarkshire Council [2010] All ER (D) 157 (Oct) (claim for unlawful deductions when local authority unilaterally implemented into individual contracts a new pay model seeking to eliminate disparities in equal pay)

Mulhern v. The Scottish Police Services Authority, 2009 SLT 353, IH (on the issue of whether an appeal to the Court of Session from the Sheriff Principal suspend the operation of the interlocutor appealed against recalling an interim interdict in an employment matter)

Allaway v. Reilly [2007] IRLR 864, EAT (sex discrimination and individual respondent responsibility additional to employer)

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R (on the application of AMICUS-MSF section, NUT and others) v. Secretary of State for Trade and Industry [2007] ICR 1176, [2004] IRLR 430 (EWHC, Admin) (judicial review of the UK implementation of the Employment Equality Directive 2000/78 by the Employment Equality (Sexual Orientation) Regulation 2004)

Archibald v. Fife Council [2004] ICR 954, HL; 2004 SC 495, IH (the scope of the duty of reasonable adjustment under sections 5 and 6 of the Disability Discrimination Act 1995)

MacDonald v. Ministry of Defence [2003] ICR 937, HL; 2002 SC 1, IH; [2001] ICR 1, EAT (Whether sex discrimination legislation encompassed discrimination on grounds of sexual orientation)

Litster v. Forth Dry Dock Engineering Co. Ltd., 1989 SC (HL) 96, [1990] 1 AC 546, HL (Decision of the House of Lords on the proper approach to the interpretation and application of the Transfer of Undertakings ("TUPE") Regulations)

RECENT PUBLICATIONS

Books

EU Law for UK Lawyers: the domestic impact of EU law within the UK (Second Edition), Hart Publishing, Oxford (2011)

International contributing editor to Richard Clayton QC and Hugh Tomlinson QC *The Law of Human Rights* (Second edition: Oxford University Press, 2009)

Judicial Review in Scotland: a practitioner's guide, Butterworths, Edinburgh (1998)

Book chapters

"Prosecuting Crimes Against Peace Before the Scottish Courts" in Zelter (ed.) *Trident and international law* (Edinburgh: Luath Press, 2011)

"Human rights and people and society" Chapter 2 in Sutherland, Goodall, Little and Davidson (eds.) *The Scottish Parliament: The Early Years* (Edinburgh University Press: 2010)

"Parliamentary sovereignty and the judicial review of legislation" Chapter 10 in Mullen and McHarg (eds.) *Scottish Public Law* (Avizandum Press, Edinburgh, 2006)

Articles

"EU law and Fundamental Rights" (2011) *Judicial Review* 216-247

ACADEMIC & ADVISORY WORK

2009-2015 Chairman of the Edinburgh Centre for Constitutional Law and Honorary Fellow in the School of Law, University of Edinburgh

2007-2008 Visiting Professor in the Woodrow Wilson School of Public and International Affairs, and Senior Research Scholar and Fellow in the Program in Law and Public Affairs, Princeton

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BLOGS

Founder, editor and contributor to EUtopia law (www.eutopialaw.com)

Aidan is regulated by the Bar Standards Board and accepts instructions under Standard Contractual Terms, details of which can be found on our website under Code of Conduct.