

Robin Pickard

Year of Call: 2022
Email Address: robin.pickard@3pb.co.uk
Telephone: 020 7583 8055

Overview

Robin Pickard is a barrister who specialises in employment and discrimination law. He joined 3PB in March 2024, having completed an employment law pupillage at a boutique employment law firm in London.

Robin acts for public/private sector employers, including international organisations, public authorities, education providers, and charities, as well as mid/senior level executives, doctors and other regulated professionals.

Robin has a busy courtroom and advisory practice. He regularly appears in preliminary and final merits hearings, and advises on complex issues, such as the impact of Convention rights (e.g., private/family life and freedom of expression) on unfair dismissal claims, redundancy and TUPE transfers.

Robin's recent highlights in employment law include successfully defending a Respondent following a 9-day liability hearing (concerning, amongst other matters, race discrimination), defending a Respondent in a 5-day hearing (whistleblowing), as well as a successful appeal before the President of the EAT (in Ballerino v The Racecourse Association Ltd [2024] EAT 98).

In January 2025, Robin also appeared as junior counsel to Karon Monaghan KC in the Court of Appeal. This appeal concerned the interpretation of an unrepresented party's claim form and the status of lists of issues. Robin has appeared as sole counsel in the EAT (successfully on two occasions), and has drafted grounds of appeal and skeleton arguments in other matters before the EAT and the Court of Appeal. He welcomes instructions in appellate cases and is keen to develop this aspect of his practice.

Robin's recent experience in employment law preliminary hearings include successfully resisting applications for interim relief (whistleblowing), obtaining an order for strike-out on jurisdictional grounds (time limits) and acting in complex hearings for senior executive clients.

During his pupillage, Robin advised senior executives and other regulated professionals in high-value employment litigation involving discrimination, whistleblowing and misconduct in the workplace. His in-house experience developed his tactical awareness and ability to deal with procedural matters, including whether correspondence is covered by differing forms of legal privilege and making successful applications for specific disclosure (including for pay information in an equal pay complaint). Robin prides himself on his strategic approach and his ability to integrate into legal teams and put his clients at ease.

Robin can also be instructed through the Direct Access Scheme and is happy to discuss potential cases with clients without obligation.

Employment and discrimination

Robin Pickard acts for both claimants and respondents in preliminary and final hearings in the Employment Tribunal, as well as drafting and advising on the full range of employment disputes and issues.

Notable examples of Robin's work include:

- Successfully appeared on behalf of the Respondent in a 9-day hearing for claims of race/religious discrimination, victimisation, whistleblowing and constructive unfair dismissal.
- Successfully represented the Respondent in a 5-day whistleblowing case. The Tribunal accepted Robin's submissions that (a) there were no protected disclosures, and (b) the dismissing officer was not influenced by any of the alleged disclosures.
- Successfully represented the Respondent in a 4-day race discrimination claim, involving allegations of harassment and that the Claimant's dismissal was tainted by race discrimination. Robin persuaded the Tribunal that the claimant's actual comparator was in materially different circumstances and the Tribunal accepted the way in which Robin characterised the hypothetical comparator.
- Successfully acted for the Respondent in a 2-day final hearing (alleged unfair dismissal as part of a redundancy exercise).
- Successfully acted for the Respondent in a 1-day final hearing (wrongful dismissal). Robin satisfied the Tribunal that the Claimant had sent commercially sensitive data to himself in breach of the company's IT and disciplinary policies.
- Successfully represented the Defendant employer in the County Court in relation to the validity of a Direct Earnings Attachment Order.
- Successfully appeared on behalf of the Respondent in a 5-day hearing for claims of race discrimination, constructive unfair dismissal and entitlement to commission.
- Drafted a Respondent's Answer in a matter before the EAT (concerning TUPE).
- Successfully defended a Respondent company in a claim for unfair dismissal – following a 3-day hearing, the ET accepted Robin's submissions that the claimant's compensation should be reduced by 100% to reflect Polkey and contributory fault.
- Successfully appeared on behalf of a senior executive in a complex preliminary hearing – the Tribunal agreed that it was in the interests of justice for the Claimant's claims to remain unconsolidated, which provided the Claimant with a strategic advantage.
- Appearing as junior counsel to Karon Monaghan KC before the Court of Appeal.
- Successfully acted for a Claimant in a TUPE transfer remedies hearing – the ET awarded full protective awards under both TULRCA 1992 and the TUPE Regulations 2006.
- Drafting grounds of resistance in a Part 3 Equality Act claim (issued in the County Court) concerning the provision of equestrian services to a partially sighted individual.
- Advising clients on the merits and quantum of an unfair dismissal claim in relation to the breach of a company's uniform policy (unnatural hair colours) and the allegation that this policy indirectly discriminated against women.
- Successfully acted for a Claimant in a claim for unfair dismissal and unlawful deduction of wages. The Tribunal found that the Claimant had been unfairly dismissed and awarded her close to £70,000. The Tribunal also ordered the Respondent to pay £20,000 to the Secretary of State as a financial penalty.
- Robin appeared for the Claimant before the President of the EAT in Ballerino v The Racecourse Association Ltd [2024] EAT 98. The Claimant appealed on the basis that the Tribunal had not applied the definition of redundancy under section 139 of the Employment Rights Act 1996 when considering whether her dismissal was tainted by maternity discrimination. Robin successfully appealed the Employment Tribunal's determination and is currently instructed in the remitted case before the ET.
- Drafting a skeleton argument that persuaded an Employment Tribunal Judge to strike out a claim because the Claimant had destroyed key evidence (r 37(1)(b) and (1)(e) of the ET Rules 2013). The strike out decision was upheld by the EAT in Kaur v Sun Mark Ltd and Others [2024] EAT 41.

- Acting as sole counsel in the reported case of N Moustache v Chelsea and Westminster NHS Foundation Trust [2022] EAT 204. Robin successfully argued that the ET had failed to identify a discriminatory dismissal claim which an unrepresented party had pleaded in her ET1. Robin was co-instructed alongside Karon Monaghan KC (on behalf of the Claimant) in the Respondent's appeal to the Court of Appeal.
- Securing a six-figure award for his client in a claim of disability discrimination (three-day trial and consequential remedies hearing). The core and medical bundles ran to more than 2,000 pages.
- Successfully applying to amend his client's pleadings at a Preliminary Hearing. Thereafter, Robin submitted a schedule of loss which led to a favourable settlement for his client (these instructions included advising on the terms of the COT3 agreement).
- Successfully achieving a finding of unfair dismissal after a two-day hearing (liability and remedies).

Articles

Robin Pickard analyses London Ambulance Service NHS Trust v Garrett [2026] EAT 77, which highlights that where a non-protected belief is said to be a manifestation of a protected belief, the test in Eweida ("intimately linked") needs to be addressed with precision.

View Article

Robin Pickard considers Abel Estate Agent Ltd & Ors v Elizabeth Reynolds [2025] EWCA Civ 1357, a case which provides clarity on the Employment Tribunal's jurisdiction to consider claims that have not been the subject of early conciliation.

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Robin Pickard reviews ***Aslam v Transport UK London Bus Ltd (formerly known as Abellio London Ltd)*** **[2025] EAT 113**, in which the EAT considers whether a claimant had pleaded a victimisation claim, and analyses the impact of the case on applications for reconsideration and appeals where the Tribunal addresses (or does not address) a claim that is not explicitly pleaded.

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Robin Pickard considers the case of South Gloucestershire Council v Ms Hundal [2024] EAT 140, which provides a useful reminder of the distinction between sections 13 and 15 of the Equality Act 2010 in relation to dismissals due to absences.

The EAT also clarifies that a failure to make reasonable adjustments (FMRAs) may inform the ET's analysis of justification under s. 15(1)(b), notwithstanding that a claimant has not brought a separate claim for FMRAs.

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Robin Pickard considers Ballerino v The Racecourse Association Ltd [2024] EAT 98, a case which highlights the legal difference between a business reorganisation and a redundancy; and the care that the ET and practitioners need to take when approaching redundancy situations in the context of a claim for maternity discrimination.

Robin acted for the successful claimant in the EAT.

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Robin Pickard considers the case of Z v Y [2024] EAT 63, which addresses the importance of accurately identifying a litigant in person's pleaded claims and ensuring that lists of issues mirror the pleadings.

The case also provides a useful recap of the principles that govern "conduct extending over a period" under s.123(3)(a) of the Equality Act 2010.

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Robin Pickard on the case of Kaur v Sun Mark Ltd and Others [2024] EAT 41, in which the deliberate destruction of evidence

to prevent its inspection ahead of a remedies hearing led to the claim being struck out.

Further, the EAT's adoption of authorities from the civil courts in relation to the suppression of evidence, and its relationship with the ability to hold a fair hearing, is noted.

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Robin Pickard reviews the case of Scottish Water v Edgar [2024] EAT 32, in which the EAT reminds us that there is no substitute for a full and thorough consideration of all of the evidence when determining "the cause of the difference in pay".

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Recommendations

"Robin is very thorough and gets to grips with the key points of a claim. He is effective and calm. He works with solicitors and the client as part of a team."

Legal 500 2027/Employment/Western Circuit

"Robin is a brilliant lawyer. He is personable, intelligent and presents well in court. I had the pleasure of working with him last year [2024] where he represented our client at a final merits hearing, and as a result of his advocacy and legal knowledge we received an exceptional result. I found him wonderful to work with." **Instructing Solicitor**

"Robin is the one to watch, as a rising star in the employment law arena. Meticulous in his preparation and unflappable in his advocacy, he is an excellent trial lawyer and extremely knowledgeable in his field. Robin takes the time and care to ensure that he has fully absorbed everything there is to know about a case, not least the client's hoped for outcomes, and is not afraid to explore and argue difficult or novel points. He has a calm, polite and friendly demeanour, which puts clients at ease and disarms his opponents in equal measure. If I instruct Robin, I know two things for certain – no point will be left unturned, and my client will be in the safest of hands." **Arj Arul, Director, Spires Legal**

Academic qualifications

- BTC, Distinction, BPP Law School
- Master of Laws, LLM, Distinction, London School of Economics and Political Science (LSE)
- LLB/Hons, Law, First Class, University of Sussex

Scholarships

- Middle Temple's Lechmere Essay Competition Winner
- Inns of Court Major Scholarship for the BTC
- Middle Temple's Certificate of Honour for excellent results on the Bar Course
- BPP Excellence, Advocacy and Pro Bono Awards
- The Law Commission Prize for exceptional research contributions
- European Human Rights Moot Competition

- LSE's Anniversary Scholarship to pursue postgraduate study

Professional bodies

- Employment Lawyers Association (ELA)
- Middle Temple

Direct Access

Robin Pickard is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.