



## Damian Phillips

### Partner

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Damian is regarded as one of the leading employment lawyers in South Wales. He has over 20 years' experience of employment law, 12 of them spent as a Partner in Darwin Gray's renowned employment team.

He has considerable experience of advising employers and senior executives in respect of complex and often high value employment disputes and also non-contentious employment law issues. Areas include unfair dismissal, discrimination, TUPE (being of particular interest), business reorganisation, redundancy, corporate acquisitions and disciplinary procedures. Damian also specialises in advising professional sports people on employment matters, particularly high-profile international rugby players and coaches

Damian's technical legal knowledge is excellent but additionally, he strives to provide clear, objective advice and seek commercial and practical solutions when most beneficial. Damian is able to quickly get to the core of complex issues and has developed a keen sense of when to dig in and when to be more pragmatic. Damian is described by clients as "an excellent employment lawyer" and "a level-headed and constructive person whose advice is based on both experience and fact".

Considerate and good-humoured, Damian delivers training on employment and HR, and is a regular legal commentator on BBC Radio and contributor to employment law news. He was the South Wales Representative of the Employment Lawyers Association (ELA) for a number of years and sat on its National Management Committee.

### Recent work For Employers

- Providing employment advice and support for a nationally renowned theatre on its merger with two other arts organisations and the creation of a new arts organisation. TUPE was a particular issue.
- Successfully defending an industrial client in proceedings by a former senior executive for unfair dismissal and age discrimination. The claims were withdrawn before the final hearing as a result of the robust defence.
- Advising a training provider on significant fragmentation issues under TUPE arising from service provision changes.
- Acting for several businesses in removing CEOs/senior executives through firm negotiations.
- Advising a multinational corporation regarding its Sales Agents and the impact of the Commercial Agents Regulations
- Defending claims of race and sex discrimination and whistleblowing by a former employee.
- Advising several businesses in both manufacturing and professional services sectors on enforcing post termination obligations owed by former employees.
- Advising several Housing Association on managing out their Chief Executive, dealing with both employment law and regulatory issues.
- Providing significant support to numerous businesses and organisations on the impact of the COVID-10 pandemic
- Advising on the employment aspects of an £8m sale of a care home

### For individuals

- Advising the UK MD of an international motorbike manufacturer on his exit from the business.
- Advising numerous leading professional rugby players and coaches in respect of contract disputes with Regional and English Premiership clubs and the WRU/RFU.
- Representing an individual in regulatory proceedings by a sport related National Governing Body
- Advising/representing numerous senior executives on exits from various financial institutions in the City

- Advising senior executives in respect of post termination obligations owed to former employers.
- Representing an employee in sexual orientation discrimination proceedings against a university.

## Expertise

- TUPE transfers, particularly relating to service provision changes
- Unfair dismissal
- Restructuring and redundancy
- Self-employed contractors
- Partnership agreements
- Whistleblowing
- Discrimination
- Employment issues involving corporate mergers and acquisitions
- Employment contracts and policies
- Professional sports
- Post-employment obligations and restrictions
- Data protection / GDPR
- Disciplinary and grievance procedures and investigations
- Employment Tribunal litigation

## Career

### Experience

- Partner, Darwin Gray – 2009 – present
- Senior Associate Solicitor, Hugh James – 2003-2009
- Solicitor, Lyons Davison – 2002-2003
- Trainee solicitor/solicitor, Charles Crookes & Jones – 1995-2002

### Education

- Cheltenham College
- Manchester University
- College of Law, York

### Membership

- Member of the Employment Lawyers Association
- Parent Governor at Ysgol Gymraeg Pwll Coch
- Non-Executive Director of Welsh Sports Association
- Non-Executive Board Member of Welsh Rugby Player's Association
- Cardiff and County Club