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King's Bench Walk

Georgina Churchhouse

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AREAS OF EXPERTISE

Employment & Discrimination, Human Rights, Industrial Disease, International & Travel, Insurance, Personal Injury

Georgina specialises in employment, discrimination, commercial employment law, data protection & information law, professional discipline & regulatory disputes, employers' liability and private international law acting for both Claimants and Respondents or Defendants at all levels of court and tribunal. She has a particular interest and expertise in the interplay between her core specialisms with European and human rights law and was recently awarded a Phoenicia Scholarship by the Bar European Group. She has considerable appellate experience, having acted led in the Court of Appeal and unled in the EAT on multiple occasions. She is currently instructed as a junior counsel in a High Court destructive stress at work case led by Steven Snowden QC as well as a number of EAT cases as sole counsel. Prior to joining the Bar Georgina amassed substantial experience in employment & discrimination law as a University Lecturer, Judicial Assistant in the Court of Appeal and at the coal face as a Law Centre Caseworker. She sits on the Executive Committee of the Discrimination Law Association and the Junior Members Committee of the Employment Lawyers Association. Her book, a Practical Guide to Pregnancy and Maternity Discrimination, is due to be published in 2021.

Equally at home in a trial or appellate setting, Georgina enjoys tackling witness heavy, complex and novel litigation at first instance and on appeal either as sole counsel or working collaboratively in a team of counsel. She has appeared before the Court of Appeal (led), Employment Appeal Tribunal (unled), Employment Tribunal and County Court in appeals, multi-day trials, remedies hearings, interim applications and preliminary hearings. Her employment cases have set leading precedent and have been reported in the IRLR, CMLR, All Eng LR, ICLR and WLR as well as featuring in Michael Rubenstein's top employment cases to watch in their respective year. Owing to her prior experience as a Lecturer and Judicial Assistant at the Court of Appeal, she is also adept at drafting pleadings, schedules and advices involving complex points of law.

Having spent time in a solicitor's office Georgina understands the need for prompt, commercial and client friendly advice and enjoys fostering a close working relationship with instructing solicitors in order to achieve the best results for every client. As such she is keen to be involved in litigation from an early stage where clients can benefit from specialist advice on pleadings and litigation strategy to significant commercial gain.

Prior to joining Chambers Georgina was a Judicial Assistant in the Court of Appeal to Lord Justice Moore-Bick (Vice President) and Lord Justice Irwin where she gained experience in a wide range of employment, civil, commercial, public and international law disputes. She also lectured employment & discrimination law at the University of Surrey and tutored constitutional & administrative law and tort law at King's College London and Queen Mary University of London. Additionally, she gained extensive advocacy and advisory experience in employment law as an Employment Caseworker at a Law Centre where she independently ran her own caseload of employment tribunal claims and as a Free Representation Unit volunteer. She has completed a stage at the European Court of Human Rights and was also part of the Cambridge Pro Bono Project Team which advised the Inter-American Court of Human Rights on an Advisory Opinion.

Outside of Chambers Georgina enjoys surfing, tennis, skiing, cycling, guitar, photography and mixology. She also has a love of live music, festivals and travel.

Employment & Discrimination

Georgina has built a thriving **trial, appellate, drafting and advisory employment & discrimination practice** and enjoys repeat instructions from loyal clients at tier 1 Claimant, Senior Executive and Respondent employment firms. She acts in **novel, complex and high value litigation** at first instance and on appeal. Owing to her prior experience as a Judicial Assistant in the Court of Appeal, Lecturer in Employment & Discrimination law, time spent as a FRU volunteer and Law Centre Employment Caseworker, Georgina offers her clients significant litigation, trial and appellate experience relative to her call date. She has appeared **unled in complex multi week trials in the ET** against significantly more senior counsel and in **cases pleaded in excess of 7 figures**. She also has a growing appellate practice and has **appeared twice unled in the EAT and appeared twice led in the Court of Appeal, in novel and precedent setting litigation which has shaped employment law**.

She acts for **Claimants, Senior Executives, Respondents and Trade Unions** across a range of sectors, in the full spectrum of **individual, collective, commercial and international employment law** as well as **discrimination law in employment (including Equal Pay disputes), education, goods and services**. Her work has an increasing focus on **whistleblowing, Equality Act claims and commercial employment law and business protection disputes**, working with clients in the financial services, media, tech, NHS, higher education and civil service sectors. Her practice is split roughly **50/50 between Claimant/Senior Executive and Respondent work**.

Her parallel practice in other areas means she is well placed to deal with cases which overlap with data protection, regulation and professional discipline disputes, occupational stress or with tricky quantum issues presented by personal injuries consequential to discrimination. Her experience in the civil courts also means she is well placed to act in **non-statutory employment disputes** in the **County Court and High Court** which demand a firm grasp of the **CPR** and the **costs regime**.

She sits on the **Junior Members Committee of the Employment Law Association** and **Executive Committee of the Discrimination Law Association** and is currently writing a book on **Pregnancy and Maternity Discrimination due to be published in 2021**.

She regularly presents talks and provides training to solicitors on employment and discrimination law. In particular, she is well placed to act in employment claims arising from **COVID-19** having recently provided training to solicitors on discriminatory redundancies and the CJRS, advised a Trade Union on the rights of its members at work during COVID-19 and advised a Government Department in respect of pregnancy and maternity discrimination issues.

Examples of Georgina's current and recent employment and discrimination work include:

APPELLATE WORK

Court of Appeal

Georgina has experience appearing as junior counsel and drafting grounds of appeal, skeleton arguments and costs protection applications in appeals.

- ***Ibrahim v HCA International Ltd* [2019] EWCA Civ 2007** (led). Appeal clarifying the operation of the subjective limb of the public interest test in *Chesterton v Nurmohamed* [**Whistleblowing**].
- ***Gomes v Higher Level Care Ltd* [2018] EWCA Civ 418**(led). This is the leading case on compensation for breaches of the Working Time Directive and was one of Michael Rubenstein's top employment cases to watch owing to the case's significant implications for the protection of workers' rights. Georgina acted at all stages of proceedings [**Working Time**].
- ***Chesterton v Nurmohamed* [2017] EWCA Civ 979** (as a judicial assistant). Whistleblowing appeal concerning the public interest test under s43A ERA 1996 [**Whistleblowing**].
- ***Interim Executive Board of Al Harij School v Chief Inspector of Education, Children's Services and Skills* [2017] EWCA Civ 1787** (as a judicial assistant). Discrimination appeal concerning the concept of direct mirrored sex discrimination and segregation in schools [**Discrimination**].
- ***Brogden v Investec Bank Plc* [2016] EWCA Civ 1031** (as a judicial assistant). Breach of contract appeal concerning bankers' bonuses [**Commercial, Breach of Contract**].

Employment Appeal Tribunal

Georgina has experience acting as sole counsel drafting grounds of appeal, skeleton arguments and appearing unled in the EAT.

- Instructed to advise on the merits of an appeal concerning the purported misapplication of *Orr v Milton Keynes Council and Patel v Chamberlain Vinyl Products Ltd* [**Unfair Dismissal**].
- Instructed to draft Grounds of Appeal in an appeal against a case management decision and the application of the principles in *Kwik Save Stores Ltd v Swain* [1979] ICR 49 (unled) [**Procedure**].
- Instructed to advise and draft Grounds of Appeal in a case concerning the law of contributory conduct in unfair dismissal. Georgina successfully obtained permission to appeal with a 1-day hearing scheduled in 2021 where she will appear unled (ongoing, unled) [**Unfair Dismissal**].
- ***Gomes v Higher Level Care* [2016] IRLR 678** (unled). This is the leading case on compensation for breaches of the Working Time Directive and was one of Michael Rubenstein's top employment cases to watch owing to the case's significant implications for the protection of workers' rights [**Working Time**].

TRIALS

Georgina regularly appears as sole counsel in multi-day trials for both Respondents and Claimants. Examples of her current and recent work as sole counsel include being:

- Instructed by the Claimant, in a multi week whistleblowing, direct disability discrimination, discrimination arising from disability, failure to make reasonable adjustments, victimisation, unfair dismissal and unauthorised deduction from wages trial pleaded in excess of 7 figures (ongoing) [**Whistleblowing, Equality Act claims – Disability, Unfair Dismissal, Unlawful Deductions**].
- Represented the Claimant, a firefighter, in an 8-day direct disability discrimination, discrimination arising from disability, victimisation, harassment, unfair dismissal and unlawful deduction from wages trial [**Unfair Dismissal, Equality Act claims – Disability, Unauthorised Deductions**].
- Successfully obtained a finding of unauthorised deduction from wages for a Claimant working in the Higher Education sector, in a 7-day direct disability discrimination, discrimination arising from disability, failure to make reasonable adjustments, harassment, and unauthorised deduction from wages trial. The deductions amounted to 63% of the Claimant's income over a 2-year period [**Equality Act Claims – Disability, Unauthorised Deductions**].

- Instructed by the Respondent a Global Marketing agency in the publishing sector, in a 6-day Sex Discrimination, Disability Discrimination, Harassment and Failure to Make Reasonable Adjustments trial) **[Equality Act claims – Sex & Disability]**. Georgina obtained a favourable settlement for the Respondent at a judicial mediation.
- Instructed by the Claimant working in the banking sector in a 5-day direct sex discrimination, discrimination by association, victimisation and sexual harassment case (matter settled on favourable terms to the Claimant shortly before trial) **[Equality Act claims -Sex]**.
- Instructed by the Respondent operating in the financial services sector in a 5-day unfair dismissal, direct race discrimination, harassment and wrongful dismissal trial (ongoing) **[Equality Act-Race, Unfair Dismissal-Conduct, Capability, SOSR, Wrongful Dismissal]**
- Instructed on behalf of the Claimant working the advertising sector, in a 5-day constructive unfair dismissal and health & safety dismissal trial (ongoing) **[Constructive Unfair Dismissal, Health and Safety Dismissal]**.
- Instructed by the Respondent, a national retailer, in a 4-day direct race discrimination, harassment, victimisation and holiday pay case. Georgina advised settlement on very favourable terms to the Respondent shortly before trial **[Equality Act claims – Race, Working Time, Unlawful Deductions]**.
- Successfully represented the Claimant working in the care sector in a 4-day employment status, working time, unauthorised deduction of wages, breach of contract and holiday pay trial. Georgina obtained a 5-figure judgment for the Claimant **[Employment Status, Working Time, Breach of Contract, Unauthorised Deductions]**.
- Instructed by the Claimant working in local authority in a 4-day unfair dismissal and age discrimination claim (ongoing) **[Equality Act -Age, Unfair Dismissal-Redundancy]**.
- Successfully obtained a finding of unfair dismissal for a Claimant working in the civil service in a 3-day unfair dismissal claim following dismissal on gross misconduct grounds. **[Unfair Dismissal – Conduct]**.
- Successfully represented the Respondent, a Global Technology Company, in a 3-day unfair dismissal trial **[Unfair dismissal – Redundancy]**.
- Represented the Claimant, an army reservist, working in economic and business consultancy services, in a 3-day trial **[Unfair Dismissal – Capability]**.
- Instructed by the Respondent in a 3-day whistleblowing, unfair dismissal and holiday pay trial (ongoing) **[Whistleblowing, Unfair Dismissal-Conduct, Working Time]**.
- Successfully represented the Respondent, an NGO, in a 3-day unfair dismissal and indirect race discrimination trial **[Unfair Dismissal-Conduct, Equality Act claims -Race]**.
- Instructed by the Claimant working the Financial Services sector in a 3-day unfair case (ongoing) **[Unfair Dismissal-Conduct]**.
- Successfully represented the Respondent, a Global Marketing Agency, in a 2-day unfair dismissal trial **[Unfair Dismissal – Redundancy]**.
- Successfully represented the Respondent, an Advertising Business Consultancy, in a 2-day trial **[Unfair Dismissal – Redundancy]**.
- Represented the Respondent, a Luxury Global Hotelier, in a 2-day trial unfair dismissal trial. **[Unfair Dismissal – Conduct]**.
- Successfully represented the Claimant working in the tech sector in a 2-day constructive unfair dismissal and wrongful dismissal trial. Georgina obtained a five figure Judgment for the Claimant **[Constructive Unfair Dismissal, Wrongful Dismissal]**.
- Instructed by the Respondent, a Global Company working in the hospitality sector in a 1-day trial (ongoing) **[Unfair Dismissal – Conduct]**

PRELIMINARY HEARINGS & JUDICIAL MEDIATIONS

- Appearing at numerous preliminary hearings on various matters, including applying for or resisting applications for strike out, amendment, deposit orders, disclosure and case management hearings.
- Instructed by numerous Respondents to appear at Judicial Mediations (ongoing).
- Instructed by the Respondent NHS Trust in a 1-day dispute concerning alleged collective consultation failures under TUPE (ongoing) **[TUPE]**.
- Instructed by the Claimants in a 1-day dispute concerning whether a relevant transfer took place for the purposes of regulation 3 TUPE **[TUPE]**.
- Successfully represented the Respondent in a 2-day preliminary hearing on employee and worker

status **[Employment Status]**.

- Instructed on behalf of the Claimant Director and 50% shareholder in the Respondent Company, in a 2-day preliminary hearing surrounding employee and worker status (Matter settled on favourable terms to the Claimant during the course of trial) **[Employment Status]**.

DRAFTING

Georgina's drafting experience includes:

- Drafting Particulars of Claim and Response, Schedules of Loss, requests and responses for further and better particulars and disclosure applications in the full range of statutory employment claims, bonus and business protection disputes.
- Drafting Grounds of Appeal and skeleton arguments in appeals to the EAT and Court of Appeal **[Appellate]**.
- Drafting a Defence for an employer, an NHS Trust, in a Data Protection, Misuse of Private Information & Breach of Confidence Matter **[Data Protection, Misuse of Private Information, Breach of Confidence]**.
- Drafting a Letter Before Action and Deed of Undertaking for an employer, in the recruitment sector, in a data theft case **[Employee Competition & Business Protection]**.
- Instructed by the Claimant to draft a letter before action, DSAR and without prejudice correspondence in a maternity discrimination, whistleblowing, wrongful dismissal and holiday pay claim **[Equality Act claims – pregnancy MAPLE Regs, Whistleblowing, Wrongful Dismissal, Working Time]**.

ADVISORY

Georgina welcomes instructions to advise on all manner of employment disputes. Having acted as a Judicial Assistant at the Court of Appeal producing opinions on appeals for Lord Justices on a daily basis and having herself drafted grounds of appeal and skeleton arguments in matters before both the Court of Appeal and EAT, she is also well placed to advise on potential grounds of appeal.

Examples of Georgina's advisory experience include:

- Instructed to advise a Government Department on the entitlement of transgender men to pregnancy and maternity benefits **[Human Rights Act 1998, EU retained law, SSCBA 1992]**.
- Instructed to advise a Trade Union on the rights of its members during the COVID-19 crisis **[Constructive Unfair Dismissal, Health & Safety Whistleblowing, Detriment, Unlawful Deductions, Interim Injunctions]**.
- Parties confidential: successfully obtained full quantum at the pre-action stage of proceedings in a breach of contract claim against an International & Premier League Footballer **[Breach of Contract]**.
- Parties confidential: advised an employee in the tech sector on the effect of proposed post termination restrictions **[Employee Competition & Business Protection]**.
- Advised peripatetic worker on a complex territorial jurisdiction case **[Jurisdiction, International Employment Law]**.
- Instructed to advise on the merits of claim for constructive unfair dismissal, direct sex discrimination, indirect sex discrimination, direct disability discrimination, indirect disability discrimination, discrimination arising from disability, failure to make reasonable adjustments, less favourable treatment on the grounds of Part Time Workers, and unauthorised deduction from wages, in the NHS **[Constructive Unfair Dismissal, Equality Act claims – Sex & Disability, PTW Regs, Unlawful Deductions]**
- Instructed to advise on the merits of a claim in unfair and wrongful dismissal for a Claimant in the publishing sector **[Constructive Unfair Dismissal, Health and Safety Dismissal]**.
- Instructed to advise on the merits of a claim in unfair dismissal for a Claimant in the energy sector **[Unfair Dismissal – Conduct]**.
- Instructed to advise on the merits of a claims for unfair dismissal and wrongful dismissal for numerous Claimants in the retail sector **[Unfair Dismissal – Conduct]**.
- Instructed to advise on the implications of the TUPE regulations for the Defendant employer in a civil claim **[TUPE]**.
- Parties confidential: advised a Claimant in the retail sector in a complex disability discrimination, harassment,

victimisation, failure to make reasonable adjustments and unfair dismissal claim [**Equality Act claims – Disability, Unfair Dismissal- Capability**].

- Parties confidential: advised a Claimant in the IT sector on a complex perceived disability discrimination claim [**Equality Act claims – Disability**].
- Parties confidential: advised a Claimant in the hospitality sector on an unfair dismissal and unlawful deduction of wages claim [**Unfair Dismissal – Conduct, Unauthorised Deductions**].
- Parties confidential: advised a Claimant in the cleaning industry on an unlawful deduction of wages and breach of contract claim [**Breach of Contract, Unauthorised Deductions**].
- Parties confidential: advised a Claimant in the security sector on the effect of a TUPE transfer [**TUPE**].