

12

King's Bench Walk

Martina Murphy

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AREAS OF EXPERTISE

Employment & Discrimination

Martina Murphy specialises in complex and significant employment litigation including the areas of whistleblowing and discrimination. She is *“Technically excellent, well prepared, detailed, and great with clients. She inspires confidence in clients with clear pragmatic advice. She is also liked by employment judges because she moves the hearing along, especially in cross-examination.”* (Legal 500 UK 2021)

Martina is instructed in cases which typically involve difficult issues of law and are often high profile and reported by the media. She *“possesses expertise in whistle-blowing matters, including those arising in the medical profession.”* (Chambers UK 2021). She has recently successfully represented a Consultant Psychiatrist in her whistleblowing detriment claim (amongst other claims) which was reported by the media (March 2021).

Martina has cross-disciplinary expertise in the related areas of employment, equality and professional discipline and regulatory disputes.

She also offers expertise in investigations and Inquiries.

Martina also offers expertise in cases involving vulnerable parties and or witnesses; she was instructed in the first Employment Tribunal claim to appoint a Registered Intermediary and published an article on the topic ELA Article

Martina is recognised as a leading junior in employment by both Chambers UK and the Legal 500 UK. She is *“Very practical and commercial.” “She is thorough and completely on top of the issues in any case; she gets up to speed quickly and provides pragmatic advice.”* (Chambers UK 2021). *“Technically excellent, well prepared, detailed, and great with clients.”* (Legal 500 UK 2021)

Martina is Vice Chair of the Employment Law Bar Association (ELBA). She has also been appointed to the Bar Council's Race Working Group (2020) and the Bar Council's Flexible Working Group (2021).

Outside Chambers Martina enjoys running, cycling and landscape architecture.

Discrimination & Harassment

Martina has extensive experience in the full range of discrimination claims including race, sex, sexual orientation, disability and religion or belief. She *“successfully defended the respondent in Khan v The WKCIC Group, against all*

claims of unfair dismissal, unauthorised deduction from wages, victimisation and discrimination because of sex, race, disability, age and religion.” (Chambers 2021 UK)

Martina has substantial experience in harassment cases on both sides. Martina acted for a Claimant in her substantial disability discrimination and harassment claim before the EAT which was reported in the IRLRs. She successfully argued a new point of law on harassment – that ‘actual’ unfair dismissal (as opposed to constructive) can amount to a matter of law, to harassment (**U v DWP [2017] IRLR 304**)

Martina acted for a Respondent NHS Trust against a claim for unfair dismissal from their former Head of Midwifery whom they dismissed for bullying and harassment (media interest).

Qualifications & Awards

Masters (LLM), Labour Law, London School of Economics and Political Science

LLB (Hons), University of East Anglia (UEA)

Appointments & Memberships

Appointments

2021	Vice Chair of the Employment Law Bar Association (ELBA)
2021	Bar Council’s Flexible Working Group
2020	Bar Council’s Race Working Group
2019-2021	Secretary of ELBA
2017-2019	Assistant Secretary of ELBA
2014-present	ELBA Committee
c.2005	Metropolitan Police Panel of approved Counsel

Memberships

Employment Law Bar Association

Industrial Law Society (ILS)

Employment Lawyers Association

Administrative Law Bar Association

Publications

Vulnerable parties and witnesses in employment tribunal proceedings, ELA Briefing June 2020

Covert recordings: does the end justify the means L? (with and Jane Wheeler, Keystoneaw) ELA Briefing, 4 February 2020

Ensuring strong equalities legislation after EU Brexit’ (2016), (with Rachel Crasnow QC) on behalf of the Employment Law Bar Association (ELBA) to Parliament’s Women and Equality Committee’s Inquiry;

‘Mandatory gender pay gap reporting: what you need to know’ (2016), *Employment Law round up* (2015), LexisNexis webinars with Ed Stacey, PwC

Small Business, Enterprise and Employment Act (SBEE) 2015, Legal Network TV (LNTV)

Equal pay: gender pay gap reporting (2016) (with Ed Stacey), and Zero hours contracts; Contributor to Westlaw's Insight Employment Law Encyclopaedia (2015-16)

Cases

U v Department for Work and Pensions [2017] IRLR 304

Martina acted for a former employee of the DWP in her substantial disability discrimination and harassment claim before the EAT. Martina successfully argued a new point of law on harassment – that 'actual' unfair dismissal (as opposed to 'constructive') can amount as a matter of law to harassment.

D Baker v Abellio London Ltd UKEAT/0250/16/LA (1.2.2017)

Martina acted for the Appellant, Mr Baker at the Preliminary stage of his appeal before the EAT. The Company had dismissed Mr Baker, a bus driver, a Jamaican national, for not being able to provide a document which would prove that he had the right to work in the UK. Martina persuaded the EAT that the matter should proceed to a full Hearing regarding the reason and the fairness of the dismissal and the claim for unlawful deduction of wages. The Full Appeal was reported in the Press.

Whistleblowing, Unfair Dismissal and Breach of Contract

Martina acted for a Consultant Orthopaedic Surgeon, initially on a direct access basis at his internal appeal against his dismissal and finally at his Remedy Hearing before the Employment Tribunal, where (unusually) the Respondent had refused to comply with an order for re-engagement.

X v Public Sector Employer (2018)

Martina acted for a former employee in his claim for disability discrimination, Harassment and unfair dismissal. There were non-disclosure issues and following Martina's cross-examination of the Respondent's witnesses the matter settled mid-trial.

Multiple Discrimination (Race, Disability)

Martina acted for the MET police in defending claims of multiple discrimination on grounds of race and disability over a 3-week trial period. There were multiple preliminary issues including strike out and wasted costs.

Judicial Review / Regulatory

Holder v Nursing and Midwifery Council [2017] EWHC (Admin) 1565

Martina advised and drafted submissions on behalf of a Nurse judicially reviewing the decision to strike her off the professional register.

Whistle-blowing, Unfair Dismissal, Bonus scheme (2017)

Martina acted for an inter-broker dealer in his claim for whistleblowing, unfair dismissal and bonus. It was successfully mediated.

Dr Arhin v Enfield Primary Care Trust, CA [2010] EWCA Civ 1481

Successfully defended 100% *Polkey* reduction. Obtained £10,000 costs for the Respondent Trust.