12
King's Bench Walk

# Martina Murphy

**Call: 1998**
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## AREAS OF EXPERTISE

Employment & Discrimination, Group Litigation,
Professional Regulatory & Discipline, Sport

Martina Murphy specialises in complex employment litigation, including whistleblowing and discrimination. She also has cross-over expertise in Professional Discipline. She regularly appears unled in the appellate courts including the EAT and the Court of Appeal; often instructed directly on appeals without having appeared below. Martina has been appointed as a member of the editorial board of Harvey (lead practitioner text). She is Chair of the Employment Law Bar Association.

Martina is recognised as a Leading Junior in both Employment and Professional Discipline & Regulatory law. She has been described by the directories in the following terms:

*"Martina's advocacy is excellent, as is her ability to relate to clients and really understand their aims.'* (Legal 500, 2023).

*"Martina is quick to grasp complex legal and factual issues. She is client-focused, practical and technically excellent*" (Chambers, 2023).

*"The quality of her written work and advocacy is impressive, she is unflappable*." (Chambers, 2022).

She "*possesses expertise in whistle-blowing matters, including those arising in the medical profession*." (Chambers, 2021).

"*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, 2021).

"*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).

## Qualifications & Awards

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

Shortlisted for Advocate's Bar Pro Bono Junior of the year 2021 (jointly with Andrew Watson)

## Appointments & Memberships

### Appointments

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|---|---|
| 2023 | Chair of the Employment Law Bar Association (ELBA) |
| 2021 | Vice Chair of the Employment Law Bar Association (ELBA) |
| 2021 | Bar Council's Flexible Working Group |
| 2021 | British Medical Association's (BMA) Panel Counsel |
| 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 Counsel |

### Memberships

Employment Law Bar Association

Industrial Law Society (ILS)

Employment Lawyers Association

Administrative Law Bar Association

## Publications

Contributory Editor, Harvey on Employment and Industrial Relations (2022 to date)

*Social Class as a protected characteristic?* ELA Briefing March 2022

*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

- ***Greene v Davies* [2022] 4 W.LR. 45 [2022], [2022] 6 C.L. 143 Court of Appeal.** Abuse of process (collateral attack) in disciplinary proceedings (SDT). High-profile. Successful on behalf of R Times Law Society President 2021.
- **M v a healthcare provider** (2023, EAT & 22-day ET). Whistleblowing detriment and dismissal. Category 'A' EAT appeal on attribution/reason for dismissal (applying Jhuti (SC)).
- ***Rollett & ors v British Airways plc** (2023, ET)* group employment litigation. Established jurisdiction for 'Chez' type indirect associative discrimination claims under s.19 Equality Act. Successful on behalf of 40+ claimants. Subject to appeal to the EAT. Leading Jessica Franklin. Cited in Harvey, Division L, 3, a, [291.04].
- ***Cohen v K Mahmood MP** (2022, ET).* Whistleblowing detriment and dismissal claim by former parliamentary advisor against Labour MP (succeeded on both on behalf of C). Subject to appeal to the EAT. BBC 23 May 2022 (Guardian, 3 August 2022)
- ***Baker v House of Commons Commission** (2022, ET) high-value (£1m+) and high-profile disability discrimination and personal injury claim.*
- **RK v Imperial College Healthcare NHS Trust** (2020, ET). First ET ever to appoint Registered Intermediary. Led to Presidential Guidance on Vulnerable parties/witnesses (April 2020).
- **D v E [2023] EAT 66.** Novel indirect sex discrimination. Alleged group disadvantage: men more likely to be accused of serious sexual misconduct. Permanent Restricted Reporting Order granted (to protect Convention Rights).
- **Singh v Mersey Care NHS Foundation Trust** (2023, EAT) last straw doctrine (constructive dismissal) and the 'Williams' refinement.
- **Matthaus v (1) MBNA (2) Paymaster (1836) Ltd (T/A Equiniti Hazell Carr)** (2023, EAT) worker / agency status and victimisation appeal.
- **Urso v Department for Work and Pensions [2017] IRLR 304, [2017] C.L.Y. 778,** Authority that direct dismissal can constitute harassment. Knowledge of disability (effects not specific condition).
- **Baker v Abellio London Ltd UKEAT/0250/16/LA.** Correct approach to right to work checks in context of unfair dismissal scandal ; a precursor to the Windrush scandal. Re-formulated grounds of appeal and obtained permission (full appeal went on to be reported [2018] IRLR 186; [2017] All ER (D) 172 (Oct) – high profile).
- **Dye v Royal Free London NHS Foundation Trust (2016, EAT)** employer's reason for dismissal and repudiatory conduct.
- **Dr Arhin v Enfield Primary Care Trust, CA [2010] EWCA Civ 1481** successfully defended 100% *Polkey* Obtained £10,000 costs for the Respondent Trust.