



Chris Milsom

Year of Call: 2006

Call Clerk on 020 7827 4000

PRACTICE AREAS

Commercial Law | Discrimination & Equality | Employment | Human Rights | Personal Injury | Regulatory

HIGHLIGHTS

"Unparalleled among his peers for both depth of knowledge and presence in court." "A very, very talented advocate, who gives his all to his cases." Described by courts and clients alike as "a tour de force" with an "encyclopaedic knowledge of employment law."

OVERVIEW

Chris operates at the cutting-edge of employment and equality law. He wins consistent praise from solicitors and clients alike for his specialist expertise and

his user-friendly style. His practice encompasses the full gamut of employment disputes including discrimination in respect of all protected characteristics, equal pay, whistle-blowing, TUPE, PHA claims, redundancy, collective consultation claims, partnership disputes and high court litigation. He frequently appears against silks and has led a number of barristers at Cloisters.

Chris has appeared at every appellate level including the Supreme Court. He has acted in over 30 full appeals in the EAT. 24 of his cases have been reported in the IRLRs and he made more IRLR appearances than any other advocate in both 2016 and 2018: Chris also has over 20 appearances in ICRs. Many of his cases have been debated in Parliament and frequently generate both national and international media coverage. They have led to the overhaul of pensions calculations in the ET, a landmark challenge to the recruitment of 16-18 year olds in the armed forces, the first successful civil claim of caste discrimination in Europe and the first known "Windrush" employment case.

In recent months Chris has been at the forefront of developments in sexual harassment litigation. In that capacity he was commissioned to undertake an extensive review of the law for the EHRC which has led to significant proposals for reform, advised and represented former employees of Harvey Weinstein, Oxfam, magic circle law firms and the armed forces and acted successfully in a ground-breaking appeal on the approach to privacy applications where allegations of sexual assault are made against high-profile individuals.

Chris is also at the frontline of whistleblowing litigation and has particular experience of complaints in health and social care, education and financial services. He has acted in some of the landmark decisions in the field including *Day v HEE* (whistleblowing protection for 54,000 junior doctors); *Gilham v MoJ* (the employment status of district judges and Article 14); *Bamieh v EULEX and ors* (the right to sue co-workers based overseas), *Kilraine v London Borough of Wandsworth* (the definition of "disclosure of information"), *Timis and Sage v Osipov* (the extent of individual liability for dismissal-related detriments) and *Smania v Standard Chartered Bank* (the first appeal to consider the extra-territoriality test of PIDA complaints).

Chris undertakes work for both claimants and respondents. Professional clients vary from hedge funds to the Church of England and include charities, FTSE 250 companies, the BBC, universities, NHS Trusts and public authorities. When

acting for claimants he is instructed by the EHRC, trade unions, law centres and lay individuals ranging from traders, directors and partners to victims of human trafficking. He has particular expertise in claims arising from the healthcare, education and legal sectors. He has been appointed to the EHRC and the Government Legal Department Panels of Counsel (B and C Panel respectively).

In providing a consistently high standard of service Chris enjoys regular and repeat instructions from solicitors of the highest calibre. His oral and written submissions have recently been described by the EAT variously as "powerful," "eloquent," "scholarly" and a "tour de force." In addition to his advisory work and litigation Chris is adept at conducting internal investigations where he is regarded as balancing scrutiny with fairness.

Chris also enjoys a burgeoning practice outside the employment arena including public law and JR, discrimination in education, goods and services, defamation and libel proceedings and commercial litigation. He maintains an active practice in personal injury including a considerable number of fatal accident and clinical negligence claims. He puts his knowledge of the cross-over between employment and personal injury matters to use in the sensitive area of stress at work claims.

Chris has a long-standing commitment to human rights issues and pro bono work: in this capacity he has collaborated with organisations including the Equal Rights Trust, Global Witness, Amicus, Public Concern at Work, ELAAS, the Bar Pro Bono Unit, and the Anti-Trafficking and Labour Exploitation Unit. He was shortlisted for both the 2014 and 2015 Bar Pro Bono Unit Award by PCAW and ATLEU. Prior to commencing pupillage, Chris worked as a contractual specialist in the legal department of an investment bank and completed an internship at the Commonwealth Human Rights Initiative, Ghana.

REFERENCES

Chris has climbed the rankings of Chambers and Partners year on year (2014-date) and is currently ranked as a band 2 Leader in his Field which belies his year of call:-

"Creative and utterly dedicated to the client's needs." "Committed and enthusiastic" (C&P 2019)

"Has a broad practice, covering the full spectrum of employment and discrimination disputes, including cases concerning gender reassignment and caste and age discrimination. Sources praise his dedication to clients' needs and his advocacy.

Strengths: "Unparalleled among his peers for both depth of knowledge and presence in court. Incredibly easy to deal with and very savvy strategically. He identifies the short and long-term goals and find the best ways to achieve them."

Recent work: Acted in an appeal before the Supreme Court for a victim of trafficking, considering whether the mistreatment of migrant workers who are vulnerable because of their immigration status amounts to discrimination. (C&P 2018)

"Clients say that he is an impressive advocate with "encyclopaedic knowledge of employment law...He is a tenacious advocate and engenders confidence in clients both in conference and at trial." "He is terribly user-friendly and is very quick to evaluate the value and strength of a case"... "Instructed in *Bamieh v Foreign and Commonwealth Office, EULEX and Others*, a claim of de-selection brought by a prosecutor seconded by the FCO to EULEX in Kosovo after she blew the whistle on systemic corruption in the Kosovan judiciary." (C&P 2017)

"Acts for both respondents and claimants in employment disputes, and is highly rated by respondents for his courtroom presence. Sources particularly praise the excellence of his cross-examination...A very, very talented advocate, who gives his all to his cases." "He is astute, pragmatic and personable." (C&P 2016)

"A sought-after employment and discrimination law expert, with a flourishing appellate practice. He also has personal injury expertise and is notable for his work on those matters which straddle personal injury and employment, such as stress at work cases...A very good advocate who shreds his opponents because he is straightforward and precise." "He produces excellent written work, and is a very enthusiastic and committed barrister." (C&P 2015)

"An expert in a range of discrimination matters, he can handle the gamut of employment-related disputes. He is also noted for his strength in dealing with workplace stress cases. He's someone who understands not only law in its abstract sense, but also the personal aspect involved." (C&P 2014)

He has also been consistently ranked as a Leading Junior in the Legal 500:

"A hard-working barrister who is utterly dedicated to his clients' needs."

"He is creative and has thorough and detailed legal expertise."

"An eye for a good appeal point and the determination to take a case as far as it will go"

"Innovative in his use of the law and tenacious in putting forward a case."

"He goes the extra mile to understand the client's business"

From solicitors:-

"Chris possesses an outstanding style of delivery. It is effective, persuasive, dynamic and extremely influential. You never have any doubt that you are in the hands of an expert:" Nicola Ihnatowicz, Partner Trowers & Hamlins LLP

"A flawless performance made all the more impressive because it was delivered with apparent ease. The facts, law, opposition and Tribunal were all handled with complete assurance and a very challenging aim indeed was delivered with room to spare:" Peter Daly, Associate, Bindmans

"Having practised as an employment lawyer for over twenty years, I believe that Chris is 'one to watch:"Gordon Turner, GTE Law

"Chris is someone I would want in my corner in any employment dispute and who I will constantly recommend"

"An extremely capable and effective advocate...works hard to secure the best possible result for clients. Chris has the ability to inspire confidence in clients whilst putting them at their ease." 'Definitely a 'go-to' barrister for any employment law related query...his passion for his work is reflected in the excellent rapport that he develops with both clients and instructing solicitors alike.'

"This was a fantastic result- my client is delighted. Chris really did pull out all

the stops on this one."

From lay clients:-

"A great ability to read the tribunal and strategically change direction achieving a better outcome than we ever expected."

"From our first meeting Chris predicted the outcome with precision which enabled me to manage the 'unknown' and my expectations. I felt listened to, supported and understood throughout; a barrister I strongly recommend."

APPOINTMENTS AND MEMBERSHIPS

Appointed in 2015 to the Equality and Human Rights Commission Panel of Preferred Counsel (B-Panel). One of only six barristers on the B-Panel under 10 years' call nationwide

Appointed in 2016 to the Government Legal Department Panel of Counsel (C Panel)

Director of the Discrimination Law Association

Member of the ELA, ELBA, Industrial Law Society, Bar Human Rights Committee, A4ID, Bar Pro Bono Unit, ELAAS, Discrimination Law Association and Lawyers for Liberty

Former National Pupil Representative and Midlands Circuit Representative for the Young Barristers Committee

Trustee of Age UK Lambeth

PUBLICATIONS AND TRAINING

Chris has been asked to provide comment to the media (including Sky News, the Independent, Radio Four's PM and BBC Breakfast) on matters as varied as

TUPE, the proposed British Bill of Rights and anti-terror legislation

Talks and Seminars:-

Whistle-Blowing: the New Landscape (Travers Smith, BWB and CM Murray among others)

You're (Not) Hired: Discriminatory Practices in Recruitment Talk to the Discrimination Law Association, January 2017

Now that's what I call Equality Law Roadshow delivered to Slater and Gordon, Reed Smith, Lewis Silkin Bates Well and Brawithwaite, Osborne Clarke, Hempsons, Farrer&Co and others described as "engaging, enlightening, good humoured and perfectly pitched."

The Nuts and Bolts of Partnership Law Gordon Dadds, July 2015

Domestic Servitude: Releasing the Shackles (Leigh Day July 2014)

Caste Discrimination: Panel discussion at Manchester Metropolitan University with the authors of the EHRC Caste Report (April 2014)

PCPs, Comparators and Reasonable Adjustments: the Bear Traps of Discrimination: One day workshop for the NUT (April 2014)

Equal pay and the Private Sector: Ticking Clock or Toothless Threat? (with Paul Epstein QC, Herbert Smith July 2013)

Publications:-

Is the Leak Fixed? Pimlico Plumbers and the Gig Issue Counsel Magazine, September 2018

'Uber'ising the workforce: An Update on Status Counsel Magazine, June 2017

Discrimination in the Church of England: a New Relationship between Minister and Church ELA Briefing, March 2017

The Fluency Duty: Speaking in Tongues? DLA Briefing

Caste doubt Employment Law Journal 2015, 165(Nov), 6-8.

Blurred lines: "direct," "indirect" and "association" following CHEZ ELA Briefing

Benkharbouche and Reyes: Immunity or Incoherence? ELA Briefing

Whole Career Loss following Griffin: Michael Rubenstein blog

Legal Advice Privilege: An update following Prudential (ELA Briefing with Dee Masters)

Contributor to Westlaw Insight , a leading online legal encyclopaedia

Co-author (with Robin Allen QC et al) of Family Rights at Work (Jordans, February 2012)

Former contributor on access to the Bar for The Times Law Section

QUALIFICATIONS

Keble College, Oxford (2005 BA (Hons) Jurisprudence)

BPP Professional Education (2006 BVC)

Pupillage and tenancy at St Philips Chambers, Birmingham (2007-2010)

Twice-shortlisted for the Bar Pro Bono Unit Award

HIGHLIGHT CASES

Supreme Court:-

Taiwo v Olaigbe [2016] 1 WLR 2653, Times July 4, 2016, [2016] ICR 756, [2016]

UKSC 31; CA report at [2014] 1 WLR 3636; [2014] ICR 571 (led by Robin Allen QC). Domestic servitude and race discrimination: mistreatment of a migrant worker does not constitute discrimination on the grounds of nationality. Chris acted for Ms Taiwo throughout and established before the EAT (reported at [2013] ICR 770) that costs borne by a backing organisation may be recovered "on behalf of" a litigant.

Court of Appeal:-

Agoreyo v Lambeth LBC [2017] All ER (D) 78 (Aug); [2018] ELR 159. When does suspension constitute a breach of the implied term of trust and confidence? To be heard by the CA in January 2019 (led by Caspar Glyn QC).

Jagoo v Bristol City Council [2019] WLR(D) 46; Admin Court decision at [2017] PTSR 888; [2017] All ER (D) 06 (May); [2017] RA 159; [2017] WLR (D) 315; Ed. L.M. 201, May, 6-9. A test case raising "important points of principle about the status of disabled students" (per Lewison LJ) requiring reasonable adjustments to meet the requirements of tertiary education. Chris successfully acted for the student.

Timis and Sage v Osipov [2019] IRLR 52; [2018] WLR(D) 695; [2018] All ER (D) 145 (Oct). An individual may be held liable for the detriment of "dismissal" under Part V ERA 1996 and consequently answerable for all post-termination losses. A landmark decision in which Chris, led by Schona Jolly QC, successfully acted for Protect (the Intervener)

Kilraine v London Borough of Wandsworth [2018] ICR 1850; [2018] IRLR 846, [2018] WLR(D) 382; [2018] All ER (D) 44 (Jul). The first CA decision on what is meant by a "disclosure of information" in s43B ERA 1996; information/allegation dichotomy in *Cavendish Munro* overruled. EAT decision reported at [2016] IRLR 422 (leading Rachel Barrett)

Gray v Mulberry Design [2019] ICR 175; [2018] IRLR 893; [2018] WLR(D) 569. Is a belief in the "moral, statutory and human right for an individual to own his/her creative works" protected under EqA 2010? A significant appeal on definition, disadvantage and justification in belief claims. Chris will lead Rachel Barrett at the appeal hearing in October 2019

Bamieh v Foreign and Commonwealth Office and ors Chris acts for the Claimant at the heart of the EULEX corruption allegations reported by the Wall Street Journal, Le Monde, Die Zeit, Le Figaro, the Guardian, Independent, Le Monde, Daily Mail, BBC, Wikipedia and others. Leading Nathan Roberts, Chris successfully argued that the Claimant could pursue complaints against individual co-workers based overseas: the appeal is to be heard in 2019.

Capita v Ali [2018] ICR 1591; [2018] IRLR 586; Hextall v Chief Constable of Leicestershire Police [2018] ICR 1632; [2018] IRLR 605. Chris acts for the intervener Working Families in these landmark appeals on whether the failure to equalise enhanced pay for those on shared parental leave constitutes direct or indirect sex discrimination. The first instance decisions were reported by the Times, the Telegraph, the Mirror, the Mail and the Sun. The EAT adopted the approach urged by Working Families in its "useful" and "helpful" intervention that whilst the unique features of maternity leave must be preserved, differences in pay may nevertheless give rise to indirect discrimination complaints. The CA will hear both appeals in April 2019.

Gilham v Ministry of Justice [2018] ICR 827; [2018] IRLR 315; [2017] WLR(D) 856; Times January 25 2018 Are district judges workers for the purposes of whistle-blowing protection? Does Art.14 prohibit the lack of whistle-blowing protection for office-holders in an employment relationship? Instructed to act for Public Concern at Work as the intervener in this important test case led by Daniel Stilitz QC. PCAW's intervention has received commentary in the Guardian and the Times. To be heard by the SC in June 2019.

Hak v St Christopher's Fellowship Article 6, the power to strike-out and the right of access to an interpreter. Chris acted for the successful Respondent in both striking out the claim and resisting the appeal before the EAT: [2016] ICR 411 and [2016] IRLR 342. The Claimant's appeal was dismissed upon withdrawal following exchange of submissions.

Day v Lewisham and Health Education England [2017] ICR 917; [2017] IRLR 623; Times, June 26, 2017; [2017] WLR (D) 307 (see also EAT decision at [2016] ICR 878 and [2016] IRLR 415). A test case on the rights of 54,000 junior doctors to pursue whistleblowing complaints against their training provider (which enjoys ultimate control over vocation), Health Education England in which Chris acts for Dr Day. The case has been debated in Parliament and reported by the

Mail on Sunday, ITN News at Ten, Evening Standard, Daily Mail, Private Eye, BBC Radio 4, ITV, the Independent, the Mirror and New Statesman. It is also one of the most successful instances of crowdfunding: Dr Day has obtained over £200,000 by way of over 6000 individual donations. On remission HEE conceded the issue in relation to all 54,000 junior doctors and agreed to pay £55,000 of Dr Day's costs.

Blackwood v Birmingham and Solihull Mental Health NHS Foundation Trust [2016] ICR 903; [2016] IRLR 878; [2016] WLR(D) 336; IDS Emp. L. Brief 2015, 1014, 8-10. Leading Rachel Barrett, Chris overturned the decisions below so as to ensure that those on work placements can bring discrimination claims against the placement providers in the ET. A paradigm judgment on Marleasing principles handed down the day before the EU Referendum.

Griffin v Plymouth Hospital NHS Trust [2015] ICR 347; [2014] IRLR 962; [2014] Pens. L.R. 689; IDS Emp. L. Brief 2014, 1009, 11-14 (led by Joel Donovan QC) Future loss, the Ogden tables and the correct approach to pensions in a disability discrimination case. The case led to the withdrawal of the 2003 Pensions Guidance

Hainsworth v Ministry of Defence [2014] IRLR 728; [2014] 3 CMLR 43; IDS Emp. L. Brief 2015, 1015, 14-16 (led by Paul Michell). Intervention for the EHRC: reasonable adjustments and carers' rights

Jessemey v Rowstock Ltd [2014] 1 WLR 3615; [2014] ICR 550 (led by Karon Monaghan QC): post-termination victimisation restored. Chris intervened unled on behalf of the EHRC before the EAT (see [2013] ICR 807; [2013] IRLR 439; [2013] EqLR 438).

JJ Food Service Ltd v Zulhayir [2014] C.P. Rep. 15. The CA considered the costcapping provisions of CPR52.9A for the first time.

JJ Food Service Ltd v Zulhayir [2013] WLR (D) 396; [2013] All ER (D) 176 (Oct); [2014] ICR D3.

EAT:-

A & B v X & Y (The Times Intervening) Landmark appeal on the correct

approach to contested privacy applications in the context of serious sexual harassment allegations against a prominent individual in the wake of #MeToo. Chris acted for the Claimants in their successful appeal.

Phoenix House Ltd v Stockman (No 2) Does the covert recording of meetings by an employee constitute a breach of the implied term of trust and confidence? If so, what is the "just and equitable" remedy for an unfair dismissal claim where the fact of those recordings is discovered after dismissal? To be heard in January 2019.

Sehgal v University of Roehampton Leapfrog application to the Supreme Court on the correct approach to unfair dismissal complaints post-Reilly.

Gutierrez v University of London Third party harassment post-Nailard and the correct approach to identifying whether a contract worker relationship exists. Thought to have significant implications on an estimated 3.3 million outsourced workers. Forthcoming.

Z Ltd v A Constructive knowledge of a mental health condition in circumstances where the Claimant has resolutely refused to disclose the full circumstances of her health. Forthcoming.

Baker v Abellio [2018] IRLR 186; [2017] All ER (D) 172 (Oct) Important appeal on the proper approach to right to work checks in the context of unfair dismissal complaints: a precursor to the Windrush scandal neatly summarised here. Chris acted for the successful Claimant and secured his reinstatement.

Philander v Leonard Cheshire Disability Guidance on the capability/conduct divide in unfair dismissal complaints.

East Coast Main Line Co Ltd v Phillips The duty to give reasons in Polkey projections

Hemdan v Ishmail and Al-Meghraby [2017] ICR 486; [2017] IRLR 228. Presidential guidance on the purpose of and approach towards deposit orders, the direct effect of the Anti-Trafficking Convention and the right to a fair trial. The remitted trial has been widely reported by the Times, the Mirror, the Mail and the Sun among others

Compass Group plc v Morgan [2017] ICR 73; [2016] IRLR 924; [2016] All ER (D) 203 (Jul). An EC certificate can cover future events. Presidential guidance on Early Conciliation

Faithorn Farrell Timms v Bailey [2016] ICR 1054, [2016] IRLR 839, P.L.C. 2016, 27(7); S.J. 2016, 160(31), 29; IDS Emp. L. Brief 2016, 1052, 12-15. The first EAT judgment to consider protected conversations. Chris secured the admission of important documentation for the Claimant's discrimination claim and obtained a costs order in his client's favour before the EAT and a highly favourable settlement of the claim.

Phoenix Futures Ltd v Stockman [2017] ICR 84; [2016] IRLR 848; [2016] All ER (D) 212 (May); P.L.C. 2016, 27(7); IDS Emp. L. Brief 2016, 1050, 5-7; N.L.J. 2016, 166(7709), 9-10. The ACAS Code does not apply to SOSR dismissals. An elegant restatement of the reasonableness test and the burden of proof in PIDA claims.

Ngwenya v Cardinal Newman School [2015] All ER (D) 305 (Jul) Unfair dismissal and victimisation

Chandhok and anor v Tirkey [2015] ICR 527; [2015] IRLR 195; [2015] All ER (D) 91; N.L.J. 2015, 165(7640), 9-10. Caste discrimination is already captured as an aspect of ethnic origins. A landmark appeal before Langstaff P in which Chris successfully led Tamar Burton. On remission, Chris secured a resounding victory for his client and a total award of nearly £260,000 (£183,000 for non-payment of wages and nearly £60,000 by way of a non-pecuniary award making it the highest award for injury to feelings in any case in 2015). Reported in The Guardian, the Telegraph, ITN News at Ten, Le Monde Diplomatique, New Internationalist and the BBC

Harris v AET and ors [2015] ICR 617; [2015] IRLR 208; [2014] All ER (D) 89; N.L.J. 2015, 165(7635), 1011. Presidential guidance on the overriding objective in ET proceedings post-Mitchell/Denton

Smania v Standard Chartered Bank [2015] ICR 436; [2015] IRLR 271 Whistle-blowing, Art.10 ECtHR and territorial scope. Discussed in depth at IDS Emp. L. Brief 2015, 1014, 16-18

Onyx v Shah [2014] All ER (D) 198 (Sep). Costs and the right to be heard. The ET at first instance rejected a request for a costs application to be heard. On remission Chris obtained a costs order of £20,000 for his client

Hakki v Instinctif redundancy situation despite increased headcount (July 2014)

Costain v ERH and Armitage [2014] All ER (D) 64 (Sep); Emp. LJ 2014/15, 156(Dec/Jan), 16- 19; IDS Emp. Law Brief 2014, 1009, 8-10; PLC 2014, 25(10), 67-68. SPCs and assignment

Pathan v South London Islamic Centre [2014] All ER (D) 06: guidance on extensions of time and the limits of the Burns/Barke procedure.

Single Homeless Project v Abu and ors Wasted costs and the right to be heard; Harveys at [1112].

Lemonious v Church Commissioners [2013] All ER (D) 199 (Jun); Harveys at [2571]. Nil award re-affirmed on remission: Chris acted for the Church Commissioners. The high-profile allegations of discrimination discussed in the Mail and the Daily Telegraph were resoundingly rejected by the ET

High Court/Admin Court:-

Freedom of expression on campus: Advising the therapist whose proposed study of gender detransitioning was deemed too "politically incorrect" by a University. Widespread coverage by the Today programme, the Times, the Guardian, the BBC, Independent, the FT, the Sunday Telegraph, Metro and the Daily Mail (twice)

O v NHS Trust Contractual redundancy payment; refusal of suitable alternative employment

B and 68 others v Department for Work and Pensions Class action before the High Court in which Chris acted for the Claimants alleging multiple breaches of contract in a job regrading scheme. Settled on excellent terms.

Securitas v A Union Chris acted for Securitas seeking injunctive restraint of industrial action which risked multi-million pound losses due to the potential

closure of four steel works: settled on excellent terms.

G v A Bank Use of injunctive relief to restrain disciplinary action which failed to follow company procedure; ongoing

PR Co v S Breach of contract and agency/fiduciary relationship due to alleged poaching of team work

R (Child Soldiers International) v Ministry of Defence [2016] 1 WLR 1062; [2016] 1 CLMR 20; [2015] ACD 128 Is the army recruitment policy of 16-18 year olds compatible with the UN Convention on the Rights of the Child and/or the Framework Directive? Led by David Wolfe QC; the issue was widely reported by the Guardian, the BBC, the Independent and Channel 4 among others

F v Government Department Injunctive proceedings to retain flexible working of an employee with primary care responsibilities for his disabled partner on the grounds that associative discrimination constituted a breach of the implied term. Resolved on excellent terms.

Price v Butlins Skyline Ltd Discrimination claim on the grounds of Traveller status due to the requirement for guests to be placed on the electoral roll. Funded by the EHRC: settled on excellent terms. The issue has generated coverage in the Independent and the Mail

X v NHS Trust Action under HRA and EqA 2010 on behalf of a patient unable to speak English who was detained under MHA 1983 in the absence of an interpreter

H v Birkbeck Students Union A complaint of harassment, defamation and discrimination in which Chris acted for the union. An excellent outcome obtained

C v U and ors Defending a union in response to a negligent advice complaint. An excellent outcome obtained

P v H Trafficking, harassment and personal injury.

B v Chief Constable of Y False imprisonment leading to seismic psychiatric

injury.

X v Y and Chief Constable of Z Chris acted for the Claimant teacher in a test case against his former employer. What duty of care does a school owe to staff for disclosures made to the police which later spoil employment when repeated on a CRB Certificate? Excellent outcome obtained.

E v NHS Trust Breach of contract complaint arising from the failure to implement the Agenda for Change pay scales. Excellent outcome obtained

C v NHSBSA Appeal against decision of Deputy Pensions Ombudsman concerning the statutory interpretation of NHS Injury Regulations 1995. Excellent outcome obtained.

In addition Chris has acted in a number of post-termination restrictions cases in sectors as varied as recruitment consultancy, medical research, marketing and freight services.

ET:-

Braine and ors v National Gallery Chris acts for a group of 27 against the National Gallery in this "gig economy" test case: the Claimants pursue complaints including holiday pay and discrimination. The case has been widely reported in the Guardian, the Observer, the Financial Times, the Independent, the Telegraph and the Today Programme and is subject to crowd-funding

Casamitjana-Costa v League Against Cruel Sports Is veganism a protected belief? Landmark discrimination complaint generating widespread reportage by the Guardian (repeatedly), the Independent, the Times, the BBC, the Washington Post, the Mail, the Sun and CNN among others

G and Z v Ministry of Defence Is the requirement on members of the armed forces to present admissible service complaints before launching discrimination complaints compatible with ECHR and EU law? Forthcoming test case.

Barrasso v New Look Retailers Ltd The first decided case on the employee shareholder provisions in s205A ERA 1996. Subject to an application for permission to appeal.

Charlotte Lloyd v Callaways Chris advised the Claimant in this successful and well-publicised case of sexual harassment, victimisation and constructive dismissal reported in the Telegraph, the Times, the Mail, the Mirror, the Express and the Sun.

O'Sullivan v Islington Borough Council The first case to consider s60 EqA 2010 (pre-employment health questions): Chris succeeded at trial and obtained an excellent settlement on remedy.

Kumrai v Ministry of Justice A test case on judicial immunity in discrimination claims: ongoing.

Turner v Brixton Hill Court and Warwick Management Estates Test case on the application of TUPE to "Right to Manage" schemes: a single caretaker was found to be an economic undertaking who transferred (acted for the successful Claimant).

Fullaway v South Central Ambulance Service NHS Foundation Trust OCD not a disability having regard to reasonable coping strategies which the Claimant could be expected to adopt. Chris acted for the successful Respondent

Spencer v Westcountry Housing Association Ltd EOR vol.270 Equal pay, victimisation, harassment and whistle-blowing claim

N v Y NHS Trust 20-day discrimination case in which Chris successfully resisted each of 44 allegations of discrimination advanced over a 5-year period.

Akubat v Barking, Havering & Redbridge University Hospitals NHS Trust EOR Vol 260: limitation in the post-fees regime

Ganeshamoorthy v Redefine Hotel Management Ltd [2014] EqLR 720. Sunday working, religious discrimination and "particular disadvantage"

Bryan v British Telecommunications [2014] EqLR 632: tinnitus in a call centre; the social model of disability

Peaden v President of the Methodist Church (led by Paul Michell) Are Methodist Ministers "workers" within the meaning of EA 2010 or otherwise entitled to

protection? The Church conceded that P had standing to pursue discrimination complaints as an officeholder curbing the scope of Preston.

X v Y School and Z LA (July 2013) Chris acted for a teacher undergoing gender reassignment in a claim raising complex issues of discrimination and third party harassment. Achieved a highly favourable settlement and, most importantly, facilitated a successful return to work

Sanchez and Ors v CFBT and ors (ET, January 2013). Chris acted for 28 of 96 employees in the course of TUPE proceedings arising from national changes to the Connexions careers service. The complexity of the TUPE question was such as to warrant an 7-day PHR. A favourable outcome was obtained.

International Human Rights Work:-

Dorzema v Dominican Republic Inter-American Court of Human Rights October 2012. The killing of Haitian nationals; amicus curae on behalf of the ERT. Having considered the ERT's intervention, the IACHR determined that the Dominican Republic had not complied with its legal obligation to investigate allegations of race discrimination against state actors.