



Jason Galbraith-Marten QC

Year of Silk/Call: 2014/1991

Call Clerk on 020 7827 4000

PRACTICE AREAS

Arbitration & Mediation | Commercial Law | Discrimination & Equality | Employment | Human Rights | Professional Discipline | Public & Administrative Law | Sport & Entertainment

HIGHLIGHT

*"He is a smart and confident advocate with a strong profile in the employment status area, and he explains complicated matters in an accessible way." "He's pragmatic and really experienced, and he knows how to negotiate in very difficult situations. His advice is also effective and he can bring real momentum to a negotiation." "He is very good at making even a weak point attractive to the court. He is very bright, he is careful in his preparation, and is a good strategist who knows which points to pick and which to leave alone." **Chambers & Partners 2022***

"Great for tricky and complex discrimination cases and a real team player."

Legal 500 2022

"Jason Galbraith-Marten QC is one of the foremost names at the employment bar. Market sources applaud his deep knowledge and experience in employment and equality law." **Who's Who Legal 2022**

OVERVIEW

Jason Galbraith-Marten QC has established himself as one of the UK's most-respected practitioners in employment and equality law, but whatever the field of law, he is single-mindedly focused on successful dispute resolution and the promotion of his client's best interests.

Jason is highly regarded for his sound commercial judgment and clear, pragmatic advice. He always demonstrates a real understanding of, and dedication to, his client's needs.

Jason has appeared in a significant number of the leading employment and equality cases. He works across all sectors but has particular expertise in financial services, the pharmaceutical, healthcare, rail and motor industries.

Jason is also a qualified mediator, using his perceptive analysis and easy-going charm to help parties reach agreement in otherwise intractable disputes.

AWARDS

Listed in *The Lawyer* Hot 100 2022

Labour and Employment Lawyer of the Year 2020, Lawyer Monthly Magazine

Listed in the 'Chambers 100' published by Chambers & Partners as one of the top 100 business lawyers in the UK

Employment Junior of the Year 2009

1994 Pegasus Scholar to New Zealand

Middle Temple Astbury Scholar

REFERENCES

Who's Who Legal 2022 "Jason Galbraith-Marten QC is one of the foremost names at the employment bar. Market sources applaud his deep knowledge and experience in employment and equality law."

Chambers & Partners 2022 "He is a smart and confident advocate with a strong profile in the employment status area, and he explains complicated matters in an accessible way." "He's pragmatic and really experienced, and he knows how to negotiate in very difficult situations. His advice is also effective and he can bring real momentum to a negotiation." "He is very good at making even a weak point attractive to the court. He is very bright, he is careful in his preparation, and is a good strategist who knows which points to pick and which to leave alone."

Legal 500 2022: "Great for tricky and complex discrimination cases and a real team player."

Chambers & Partners 2021: "He has an encyclopedic knowledge of employment law and is very, very experienced." "He's very easy to deal with, really knows the employment status area and is a very strong advocate and strategist."

Legal 500 2021: "Excellent to work with as he is down to earth, very knowledgeable, practical, prompt, and gives straightforward advice."

Chambers & Partners 2020: "Very knowledgeable, well liked by tribunals and a clear and effective advocate." "Really clever, hard-working and has good judgement."

Legal 500 2020: "A skilful and articulate advocate, who is very effective in court."

Chambers & Partners 2019: "Acts across all aspects of employment law, advising clients from local government, media organisations and the motor industry. He is particularly well regarded for his work on disability discrimination cases, as well as matters concerning TUPE and collective employment law." "Incisive, bright and extremely professional." "He is very experienced and inspires confidence. He is also very good with clients."

Legal 500 2019: "He has the rare combination of a sharp legal mind and a client-friendly approach."

Chambers & Partners 2018: "Approachable, accessible, charming and persuasive with clients, opponents and courts. He is extremely bright and gets to the killer point quickly and without fuss."

Legal 500 2016: "A very strong and skilful court advocate, who is tenacious and smart at the same time."

Chambers & Partners 2015 commends Jason for the excellent judgment he displays and the tireless work he puts in for his clients. "Someone that Judges respect highly." "A real Trojan; who is very good on discrimination and disability cases." "He's very easy to deal with, practical, straightforward and is someone that clients really like."

Legal 500 2015 says "His legal skills are magnificent but, equally importantly, he is so user-friendly and a real delight to work with."

Chambers & Partners 2014: "Universally acclaimed as a star of the Bar", "Intellectually, he's very strong and very astute. He's able to pick out the pressure points in a case very quickly." "He's outstanding, reasonably priced and ... as smooth as any silk out there."

Legal 500 2014: "an absolutely outstanding operator, and technically very gifted."

Chambers & Partners 2013: "an 'outstanding advocate' who sources rate highly for his intellectual abilities."

Chambers & Partners 2012: "a fleet-footed advocate" who "knows his stuff"

and is tough to the appropriate degree." "Ferociously bright," he is always prepared and wins cases with his imaginative arguments. Charming and engaging with clients, in court "he changes tribunals' minds like no other."

APPOINTMENTS AND MEMBERSHIPS

Jason was Chair of the Industrial Law Society between 2010 and 2013 and remains a very active member of the Society. He is a long-standing member of the Employment Law Bar Association and the Employment Lawyers Association. Jason is a fellow of the RSA.

PUBLICATIONS AND TRAINING

- 'Employment Status 2019' for Industrial Law Society and the Employment Lawyers Association.
- 'Whistleblowing in 2018 - Where are we now and where are we going' 22 QC
- 'Vicarious Liability - the developing legal landscape' for Industrial Law Society 2017
- 'The EU Anti-Discrimination Directives' at the Academy of European Law, Trier, Germany
- 'Legal Effects of a TUPE Transfer' for IRS
- 'A bad year for Christianity: the clash between religious belief and sexual orientation'
- 'The law and practice of Industrial Action' for Solicitors in the Local Government Employment Special Interest Group
- Co-author of Bullen & Leake & Jacob's and of Butterworths Employment Law Guide

QUALIFICATIONS

MA (Cantab)

HIGHLIGHT CASES

- ***Stojsavljevic & Turner v DPD Group UK Limited* EAT Case No: EA-2019-000259-JOJ**, 21 December 2021: successfully defending decision of an Employment Tribunal that DPD van drivers are not workers or employees.
- ***R. (on the application of United Trade Action Group Ltd) v Transport for London, Uber London Ltd v Transport for London [2021] EWHC 3290 (Admin)*** acting for Uber drivers to establish that the Private Hire Vehicles Act 1998 requires Uber and other PHV operators to contract with passengers as principal and not as agent.
- ***Uber BV v Aslam [2021] UKSC 5***, successfully defending decision of the EAT [2018] ICR 453 and Court of Appeal [2019] ICR 845 re: the employment status of Uber minicab drivers.
- ***B v Yodel Delivery Network Ltd (C-692/19) [2020] IRLR 550, CJEU***, acting for the successful Respondent in a case concerning the employment status of Yodel delivery drivers.
- ***Varnish v British Cycling Federation [2020] IRLR 822, EAT***, acting for the successful Respondent in a case concerning the employment status of an Olympic athlete.
- ***Guvera Ltd v Butler [2017] 11 WLUK 486***, acting for the successful Claimants in a class action concerning the application of TUPE to a share sale.
- ***Dewhurst v Citysprint UK Ltd [2017] 1 WLUK 16***, acting for the successful Claimant in a case concerning the employment status of Citysprint cycle couriers.

- ***University of London v Morrissey* [2016] ICR 893; [2016] IRLR 487, EAT**, definition of employee representatives under Information and Consultation of Employees Regs 2004.
- ***Little v Richmond Pharmacology Ltd* [2014] ICR 85, EAT**, effect of successful internal appeal on claim of indirect sex discrimination.
- ***East Midlands Trains Ltd v National Union of Rail, Maritime & Transport Workers* [2013] EWCA Civ 1072**, successful application to injunct strike action on the east coast route between London and the Midlands.
- ***Various claimants v Glasgow City Council* [2013] 3 WLUK 527**, acting for c. 4000 low paid female employees in an equal pay claim against Glasgow City Council.
- ***Turner v East Midlands Trains* [2013] ICR 525, CA**, seminal case considering the interplay between the 'band of reasonable responses' test for unfair dismissal and the European Convention on Human Rights.
- ***Russo v British Airways* [2012] EqLR 987**, Indirect race discrimination. A class action brought by employees who lost travel benefits following a period of industrial action.
- ***R & R Plant (Peterborough) Ltd v Bailey* [2012] IRLR 503**, in which the Court of Appeal held that Sch.6 para.2(1)(a) of the Employment Equality (Age) Regulations 2006 required an employer to inform an employee approaching retirement specifically that he had a right to make a request not to retire under para. 5 of Sch 6.
- ***Cordell v. Foreign & Commonwealth Office* [2012] ICR 280**, a disability discrimination claim brought by a diplomat refused a posting overseas as Her Majesty's Deputy Head of Mission because of the cost of providing reasonable adjustments.
- ***O'Reilly v. British Broadcasting Corporation* [2011] EqLR 225**, an age and sex discrimination complaint brought by a former presenter of 'Countryfile'.
- ***Buckland v. Bournemouth University Higher Education Corporation***

[2010] ICR 908, CA a case that attracted significant media interest concerning allegations of 'dumbing down' of academic standards and which raised a novel but important point of law on the correct legal test to be applied in constructive dismissal cases.

- ***Allen v. GMB* [2008] IRLR 630** CA and **[2007] IRLR 752, EAT**, a high-profile, national test case concerning allegations of unlawful sex discrimination against the GMB.
- ***Brennan v. Sunderland City Council and Others* [2008] ICR 955** and **[2009] ICR 479**, defending further allegations of discrimination by the main trade unions.
- ***Corrigan v. GMB* [2008] ICR 197, EAT**, concerning the lawfulness of Paul Kenny's appointment as General Secretary of the union.
- ***Irving v. GMB* [2008] IRLR 202, EAT**, concerning the proper construction of the union's rulebook and the interpretation of s.108A of the Trade Union and Labour Relations (Consolidation) Act 1992.
- ***Wetherill v. Birmingham City Council* [2007] IRLR 781, CA**, a national, multi-party test case concerning 'car user allowance' paid to local government employees.
- ***Bull v. Nottinghamshire & City of Nottingham Fire & Rescue Authority* [2007] ICR 1631** CA, a national test case concerning 'co-responding' whereby firefighters were required to answer calls to the ambulance service.
- ***HM Prison Service v. Johnson* [2007] IRLR 951, EAT**, a complex disability discrimination appeal.