



Emily Gordon Walker

Year of Call: 2007

Direct Access: No

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Emily Gordon Walker has a specialist **employment and discrimination** law practice. She is ranked as a leading junior in the employment field in both Chambers and Partners and the Legal 500, which identify her as “a fantastic up-and-coming barrister” who “cuts straight to the pertinent issues, however complex the case”.

Emily’s advocacy is consistently commended in the legal directories. She is an experienced trial and appellate advocate recognised as robust and skilful in her cross examination.

Emily’s advisory skills are also singled out for praise in the legal directories, which record that she provides intelligent, thoughtful, realistic and pragmatic advice.

Emily has been a member of the Attorney General’s panel since 2015.

Areas of Expertise

Employment

Emily’s practice covers all statutory employment tribunal claims, High Court litigation and discrimination law.

Emily acts for businesses and individuals. Her client base includes public and private sector employers such as government departments, local authorities and companies ranging in size from SMEs to global corporations. On the employee side, Emily is instructed by trade unions, insurers and high net worth individuals.

Discrimination

As noted in Chambers and Partners, discrimination disputes form a major part of Emily’s employment practice, particularly disability-related claims. Emily is experienced in all strands of discrimination law.

Examples of Emily’s work include:

London (Main Office)

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- Instructed by Bindmans LLP in a multi-million pound sex and age discrimination claim brought against a major bank (ongoing)
- Instructed by Dentons LLP to represent the respondent secondary school in a five-week race, sex and disability discrimination claim (ongoing)
- Instructed by Bindmans LLP to represent the claimant in a ten-day race and victimisation claim against a London Borough Council (ongoing)
- Instructed by Dentons LLP to represent a senior executive in a disability discrimination claim against DHL. The tribunal awarded over £250k in damages
- Instructed by Thompsons to represent a union member in her pregnancy and maternity discrimination claim. The claim challenged the interpretation of the statutory maternity pay regulations and their compatibility with the Equality Act
- Instructed by GLD, successfully defending the DWP in a six day disability discrimination claim
- Instructed by a London Borough Council, successfully representing the respondent primary school in a ten-day trial, defending claims of equal pay, sex and age discrimination
- Instructed by BDBF LLP to act for the claimant in a sex and age discrimination claim brought against a global newspaper. The case settled for a six figure sum

Whistleblowing

Emily acts for employers and employees in sensitive and high value whistleblowing claims requiring a detailed understanding of the operation and regulation of financial and other regulated industries.

Examples of Emily's work include:

- Successfully represented British Airways in a six-day whistleblowing trial which considered the Court of Appeal's new guidance on the meaning of public interest disclosures
- Instructed by DAC Beachcroft LLP, to represent an NHS trust in an eight-day whistleblowing trial. Successfully defended the NHS against over twenty allegations of detrimental treatment
- Instructed by Bates Wells Braithwaite LLP to represent the former CFO of a large FCA regulated firm in his whistleblowing claim (ongoing)
- Successfully represented a nursery school in a whistleblowing claim brought by their former manager. Costs awarded against the claimant
- Instructed by Charles Russell Speechlys LLP to act for the former director of a financial directorship company. The claim settled for a six figure sum.

TUPE

The legal directories report that Emily is adept at handling difficult TUPE issues. Emily is often instructed in complicated multiparty TUPE litigation regarding issues such as service provision change, contractual variation, informing and consulting.

Examples of Emily's work include:

- Instructed by the former CEO of an aviation company, who claimed that his employment had transferred and his employer had failed to inform and consult
- Advised a London Borough on the TUPE requirements for a large outsourcing process

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- Instructed by RadcliffesLeBrasseur to represent an employee in a claim concerning the variation of his contract following a transfer

Working Time and Wages Claims

Emily is experienced in all areas of this field, including the calculation of holiday pay.

Examples of Emily's work include:

- Instructed by Latham & Watkins LLP to represent a global technology company in an unlawful deduction of wages claim arising from the transfer of liability for employer NICs following the grant of share options
- Advised a London Borough on the calculation of holiday pay for school staff undertaking voluntary overtime
- Advised a large public sector employer regarding a disparity in overtime rates and the potential legal consequences of this, including claims for breach of working time regulations, breach of contract and equal pay
- Acted for a large private sector employer in a claim brought by multiple claimants for unpaid holiday
- Instructed by Olswang LLP to represent Lotus Cars Ltd. Successfully defended an unlawful deduction of wages claim brought by their CTO for unpaid bonus of over £200k

Jurisdiction

Emily developed a particular interest in employment status claims after representing the claimant in **Conroy v Scottish Football Association UKEATS/0024/13/JW**, which is the only appellate case regarding the employment status of a referee. Emily's interest in jurisdictional matters extends to issues of territoriality.

Examples of Emily's work include:

- Instructed by the RMT to represent one of their members at a preliminary hearing on territorial jurisdiction and the applicability of the Equality Act 2010 (work on ships and hovercraft) Regulations 2011. The tribunal disregarded the regulations, applying the Bleuse principle
- Acted for an international commuter formerly employed by a global multinational at a preliminary hearing on the issue of employment status and territoriality
- Provided advice on territorial jurisdiction to a US national employed as COO of a global company based in Kazakhstan.

High Court Litigation

Emily has been instructed in a wide range of employment-related High Court matters including restrictive covenant injunctions, wrongful dismissal, breaches of fiduciary duties and claims for commission and bonuses.

Examples of Emily's work include:

- Instructed by Latham & Watkins LLP to advise a Global Communications company on suspected competitive activity by its former CEO following a share acquisition
- Instructed by a recruitment company to advise on potential breaches, by their former directors, of fiduciary duties and restrictive covenants
- Advised a care home on suspected competitive activity by their former employee
- Instructed by a senior salesman in his six-figure wrongful dismissal claim

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- Instructed by a senior employee of a global hotel chain in her wrongful dismissal claim.

Notable Employment cases

Jones v Secretary of State for BIS UKEAT/0238/16/DM

Instructed by the Government Legal Department to represent the Respondent. The main issue on appeal was whether the ET was required (pursuant to Rule 60 ET rules) to send a witness order to a party that had not been copied into the original application (pursuant to Rule 32). The case is of wider importance as the outcome of the EAT hearing means that the ET's current practice (of not copying the witness order) is contrary to the ET rules.

Conroy v Scottish Football Association UKEATS/0024/13/JW

Instructed by Anderson Strathern LLP to represent the claimant referee in the ET and EAT on the issue of employment status. At first instance, obtained the first finding of worker status and employee status (for the purposes of s.83(2)(a) Equality Act 2010) for a referee against the Scottish Football Association. This is the only appellate case on the employment status of a referee.

Ochieng v Stantonbury Campus UKEAT/0304/15/RN

Instructed by Dentons LLP to represent the respondent secondary school at a two-day appeal hearing before HHJ Hand QC. The appeal, which concerned the strike out of the appellant's fourth claim on the grounds of cause of action estoppel and abuse of process, was dismissed. Five-week race, sex and disability discrimination claim to be heard by the tribunal in 2016.

Flint v Coventry University UKEAT/0147/14/KN

Acted for the appellant through the Bar Pro Bono Unit. Successfully persuaded HHJ Eady QC that the tribunal had failed to judicially exercise their discretion to consider the appellant's ability to pay a costs award.

Brighthouse Group Holdings Ltd v Bourne UKEAT/0098/13/LA

Instructed by Thomas Mansfield LLP to represent the appellant at an appeal before HHJ Richardson QC against the tribunal's refusal to grant an adjournment.

Meme v Reed Business Information Ltd UKEATPA/0559/14/KN and Monfared v The Spire Healthcare Ltd UKEATPA/0697/14/BA

Two successful rule 3(10) hearings in February 2015 before The Hon Mrs Justice Slade, acting through the ELAAS scheme.

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Memberships

- Junior Counsel to the Crown (C Panel) (2015 – 2020)
- ELBA Management Committee (2014 – 2018)
- [Employment Lawyers Association](#)
- [Employment Law Bar Association](#)
- [Industrial Law Society](#)

Publications

- Tolley's Employment Law Looseleaf, Absence from Work (2016)
- Contributor to specialist publications, including ELA briefing

Awards

- Queen Mother major BVC Scholarship (Middle Temple) (2006)
- Queen Mother major PgDL Scholarship (Middle Temple) (2005)
- James MacFarlane Philosophy Prize (Edinburgh University) (2004)
- James Seth Philosophy Prize (Edinburgh University) (2002)

Recommendations

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