



Martina Murphy

Year of Call: 1998

Direct Access: No

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Martina Murphy practice focuses on **employment**, group litigation and **professional discipline**.

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

She regularly appears unled in the appellate courts including the EAT and the Court of Appeal and is often instructed directly on appeals without having appeared below. She is currently instructed in group litigation on behalf of 100+ Claimants before the EAT on a novel point of law BA v Rollett and others. She has also recently been led by **Andrew Short KC** in the Court of Appeal case of R (on the application of the Fire Brigades Union (FBU) and others v (1) HMT and (2) The SoS for the Home Department [2024] EWCA Civ 355; a pensions, public law and discrimination case where the potential quantum of litigation is valued at £19 billion+.

Martina is also the Chair of the **Employment Law Bar Association (ELBA)**.

In the Directories she is ranked as a leading junior for Employment and for Professional Discipline.:

"*The quality of her written work and advocacy is impressive, she is unflappable...*" "*She has a good eye for detail and she is very tenacious*" (Leading Junior, Chambers 2022)

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

"*Bright, thorough and easy to work with, and she has a great ability to comprehend the factual scenario and to get to grips with the points of law and formulate a pragmatic approach.*" (Legal 500, 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,

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2021).

Areas of Expertise

Employment & Discrimination

Martina has a broad employment, commercial and equality law practice including the areas of whistleblowing and discrimination. She is regularly instructed in complex trials in the Employment Tribunal with weighty documentary and oral evidence.

She acts for both claimants and respondents and is a member of both the British Medical Association's and the MET Police's Panels of Counsel. She frequently undertakes work on behalf of the BMA and public bodies and has particular expertise in the healthcare sector.

Martina is often sought out in cases involving vulnerable parties and or witnesses; she was instructed in the first Employment Tribunal case to appoint a Registered Intermediary. The case contributed to the issuing of Presidential Guidance on Vulnerable parties and witnesses (April 2020).

Recent instructions include:

- R (on the application of the Fire Brigades Union (FBU) and others v (1) HMT and (2) The SoS for the Home Department [2024] EWCA Civ 355
- Rollett & Ors v British Airways plc (2023), ET and BA v Rollett and others (EAT) 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 a junior. Cited in Harvey, Division L, 3, a, [291.04].
- 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)).
- 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). [Cohen v Mahmood \[2023\] EAT 144](#).
- 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). Cited in Harvey.
- 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

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(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. Cited in IDS.
- Green v the Lichfield Diocesan Board of Finance. A clergy status test case (the Gilham extension) on behalf of the Diocese.

Professional Discipline and Regulatory

Martina’s employment law expertise complements her notable professional disciplinary and regulatory practice. She was shortlisted for Advocate’s Pro Bono Barrister of the Year Award 2021, largely as a result of her ongoing work as case leader on GMC v M.

- Greene v Davies [2022] 4 W.L.R. 45, 6 C.L. 143 Court of Appeal [2022] Abuse of process (collateral attack) in disciplinary proceedings (SDT). High-profile. Successful on behalf of the Respondent.
- GMC v M (2021, MPT) 6-day professional discipline hearing. Client cleared of all serious allegations including dishonesty.
- Holder v Nursing and Midwifery Council [2017] EWHC (Admin) 1565 Judicial review of decision to strike nurse off the professional register.

Group Litigation

Martina’s experience in complex and high-value employment litigation has led to her instruction on a number of group employment claims including:

- Rollett & Ors v British Airways plc (2023, ET) Group claim arising out of a ‘fire and rehire’ situation. Established jurisdiction for ‘Chez-type’ indirect associative discrimination claims (race, sex and disability) in Equality Act. Successful on behalf of over 40 claimants. Subject to appeal to the EAT.
- Group redundancy and breach of contract – Successfully represented over 30 claimants in a group redundancy and breach of contract claim.

Memberships

- Member of Employment Law Bar Association
- Chair of the Employment Law Bar Association (ELBA)

- Member of Industrial Law Society (ILS)
- Member of Employment Lawyers Association
- Member of Administrative Law Bar Association
- Member of Bar Council’s Flexible Working Group
- Member of Bar Council’s Race Working Group
- Member of British Medical Association’s (BMA) Panel Counsel

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- Member of Metropolitan Police Panel Counsel

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)

Awards

Masters (LLM), Labour Law, London School of Economics and Political Science
Shortlisted for Advocate's Bar Pro Bono Junior of the Year 2021

Recommendations

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Chambers
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Privacy Policy

Read Martina's [privacy policy](#) and [data retention policy](#).

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