



Martina Murphy

Year of Call: 1998

Direct Access: No

	martina.murphy@outertemple.com
	+44 (0)20 7353 6381



Martina Murphy specialises in complex **employment litigation**, **professional discipline** and group litigation. She is particularly interested in the interaction between these specialisms and the fields of sport and healthcare.

Martina 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.

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 is also Chair of the Employment Law Bar Association. Her employment expertise has led her to be instructed on group employment claims including *Rollett & Ors v British Airways plc (2023, ET)*.

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).

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

Recent instructions include:

- *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].
- *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). Subject to appeal to the EAT. BBC 23 May 2023 (*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). 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 (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.

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

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.

Sports Law

Martina brings her extensive employment experience in contractual disputes and cross-over expertise in professional discipline and the regulatory sector to this specialist sector. She has advised a sports club in relation to a manager termination and also advised clubs on disciplinary matters.

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
- 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;

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com

- '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

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com



Chambers
RANKED IN
UK
Bar
2024

Outer Temple Chambers

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com



Privacy Policy

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

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596
E: OTC-UAE@outertemple.com

Dubai

Level 15, The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584
F: +971 4401 9578
E: OTC-UAE@outertemple.com