



About us

Following a series of lateral hires 39 Essex Chambers has a growing presence in employment law and allied areas. Our members regularly act in some of the leading cases in statutory employment law, High Court employment disputes, industrial relations cases, judicial reviews and pensions litigation at first instance and on appeal.

Our members have particular expertise in areas where employment issues and insolvency issues overlap, equalities issues and lawful positive action and diversity initiatives, difficult issues of contractual construction and trust and confidence, employee fraud, issues concerning immigration control and right to work, employee injury and safety at work, income tax, and employer or employee confidentiality, data protection issues and safeguarding. The employment team work closely with those in the sports law group, immigration, data protection teams, tax and commercial and civil liability groups when a case requires.

There is also particular expertise in large scale group litigation. Some members have acted in some of the most recent significant challenges in the public sector, with members acting on both sides of the recent public sector exit payments litigation and acting in the litigation following from the 2015 changes to public sector pension schemes and advising on PPE in the Covid-19 pandemic.

- For our pensions expertise please see our pensions capability statement [HERE](#)
- For our safeguarding expertise please see our safeguarding capability statement [HERE](#)
- For our education related expertise please see our education capability statement [HERE](#)



SIMON MURRAY
(Call 2000)

Simon, a member of Attorney General's A Panel of counsel, has considerable experience of employment litigation,

both at first instance and on appeal, he frequently acts for government departments and agencies notably in complex claims concerning discrimination, harassment and data protection issues. He acted for the *National Crime Agency in the leading case of Cooper v NCA* [2019] EWCA Civ 16 regarding information sharing between law enforcement agencies in the employment context. He is also experienced in dealing with especially sensitive employment matters which contain a National Security element. He also has particular experience of the interface between public law/judicial review and employment litigation, for example acting in proposed judicial reviews of employment provisions.



DAVID MITCHELL
(Call 2004)

David advises and represents employees and employers across the range of employment and industrial disputes.

He is consistently ranked as a leading junior in employment law. He is versed in all forms of discrimination law (within the ET and civil courts) and has particular experience of whistleblowing and other victimisation claims. Current and recent appellate work includes *Irwell Insurance Company Ltd v Watson & Ors* (CA: jurisdiction of ET to hear claims under the Third Parties (Rights Against Insurers) Act 2010), *PGA European Tour v Kelly* (EAT: basis for an ET to order re-engagement), *Agarwal v Cardiff University* (EAT rejected the claimant's expanded *Royal Mail Group Ltd v Jhuti* case on requirements for establishing whether or not a redundancy dismissal was tainted by unlawfulness) and *London Underground Ltd v Amissah & Ors* (CA: leading authority concerning liability and apportionment under the Agency Worker Regulations 2010). In the civil courts David acts in breach of confidence and restraint of trade injunctions, contractual employment disputes (including wrongful dismissal) as well as in discrimination claims regarding public services and education. He has represented ACAS before the Central Arbitration Committee and also acts in judicial review challenges concerning statutory employment rights.



**KELLY
STRICKLIN-COUTINHO**
(Call 2006)

Kelly has acted on several aspects of employment taxation, including IR35 (for individuals, agencies,

NHS trusts and government bodies and in respect of potential judicial review), the tax treatment of employee benefits, tax treatment of employee settlements, employee share schemes, and tax issues relating to owner-managed businesses. She has a wide ranging commercial public law practice and has advised on matters such as local authority powers in relation to council members. She has also been involved in disciplinary matters in an education context.



KATHERINE APPS
(Call 2006)

Consistently ranked in the legal directories, Katherine is described in Chambers and Partners 2021 as "Her technical ability is

quite outstanding and she's very on top of the issues." "She has a phenomenal brain." Legal 500 describe her as "Extremely clever and the right person to go to with a difficult and novel point of law." Katherine's employment practice spans equality law, statutory employment law, industrial relations, public law and human rights issues, pensions and EU law. She has a particular interest in where insolvency and employment law meet, having acted in many of the leading cases including *Ince Gordon Dadds LLP v Tunstall* [2020] ICR 124, *Graysons Restaurants v Jones* [2019] EWCA Civ 725 and authoring the chapter on the employment protection in the Insolvency Directive in Gore Brown on EU company law. Katherine has represented trade unions in English and EU Courts, acting for EPSU in C 928/19 P *EPSU v Commission*, on the correct interpretation of Title X TFEU in relation to social partners' agreements. Katherine co-authors the leading textbook on the Law of Industrial Action and Trade Union Recognition and recently secured protection of picketing during Covid-19 lockdown, through judicial review proceedings. Katherine regularly acts in the leading cases on discrimination law at first instance and appellate level including *Ministry of Justice in the Lord Chancellor v McCloud* [2018] EWCA Civ 2844 and has particular expertise in bringing and defending employment related judicial review claims. Katherine is on the Attorney General's A Panel and EHRC B Panel.



JENNIFER THELEN
(Call 2007)

Jennifer regularly appears for both claimants and respondents in Employment Tribunals in cases concerning:

- discrimination, including disability, sex, equal pay, race and age, as well as harassment and victimisation;
- unfair dismissal (including constructive unfair dismissal);
- public interest disclosures;
- redundancy; and
- wrongful dismissal and breach of contract.

A large number of Jennifer's claims involve central or local government. She regularly appears for these authorities in complex claims involving discrimination and public interest disclosure claims. Jennifer appeared before the Employment Appeal Tribunal in the matter of *Howells School v Gerrard* on behalf of the Appellant. The EAT allowed the appeal, clarifying that in making a "Polkey" deduction the anticipated level of salary of the employee must be taken into account. She also appeared before the Employment Appeal Tribunal in a claim where a claimant, who had been found (separately) liable for knowing receipt in connection with his employment, sought to maintain his employment tribunal claim for a procedurally unfair dismissal. Mrs Justice Eady considered the correct approach of an Employment Tribunal in these circumstances in *Evans v London Borough of Brent*.



GETHIN THOMAS
(Call 2017)

Gethin's broad practice spans public and commercial law. He is developing a practice in pensions law. He

has assisted in advising on a number of pensions matters including, for example, the implications of *R (on the application of Palestine Solidarity Campaign Ltd and another) v Secretary of State for Housing, Communities and Local Government* [2020] UKSC 16, and the Restriction of Public Sector Exit Payments Regulations 2020. Gethin also gained experience of pensions issues as consultant counsel to the Financial Ombudsman Service. Gethin has also delivered training to the Pensions Regulator.



DANIEL KOZELKO
(Call 2018)

Daniel is developing a broad practice incorporating employment and pension law. He has experience in a number of claims raising

workplace safety issues, and has acted pro bono through the Free Representation Unit advising on unfair and wrongful dismissal claims. Daniel has a keen interest in employment law, having previously written on the impact of the restrictions enacted in the Covid-19 pandemic on employees, particularly in the context of sports. Most recently, Daniel returned from a secondment at the Supreme Court of the United Kingdom, where he was judicial assistant to Lord Carnwath and Lady Arden. In the course of that secondment Daniel worked on a number of cases raising employment and pension issues, including *Royal Mencap Society v Tomlinson-Blake*. He looks forward to expanding his practice in these areas.



PHILIPPE KUHN
(Call 2017)

Philippe is developing a broad practice with an emphasis on commercial, public and employment disputes. He

has experience of the full range of statutory and commercial employment matters as a pupil at 11KBW and judicial assistant at the Supreme Court. Current instructions include acting as junior counsel in test claims against several police authorities concerning historic pay and leave entitlements under the Police Regulations (led by Sadie Crapper) and in *PGA European Tour v Kelly* (currently on appeal to the Court of Appeal, with David Mitchell). Relevant previous experience includes assisting on *Egon Zehnder Ltd v Tillman* [2019] UKSC 32 (on the restraint of trade doctrine) and *International Petroleum Limited v Osipov* [2019] IRLR 52 (CA) (on individual whistleblowing liability).

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