



# Catherine Rayner

Called 1989

## Areas of Practice

All types of discrimination including equal pay, maternity rights, mental health and disability issues and particularly race discrimination, both in employment, education and other areas.

All aspects of employment litigation including large equal pay multiples for trade union claimants; Whistle blowing; TUPE transfers and all aspects of dismissals.

Professional disciplinary issues and professional regulatory work.

## Notable Cases

### **Coventry City Council v Nicholls & ors** [2009] IRLR 345

Catherine represented the UNITE Union claimants who claimed pay equality with male comparators who received bonus pay. The EAT rejected the GMF defence and accepted that the statistical disparity was significant enough to require justification from the council. A defence of an intervening cause was also rejected. The Court of Appeal refused leave to appeal in December 2009.

### **Garret v Lidl** EAT

Represented the claimant in a claim for disability discrimination. The EAT accepted that the ET had erred in law in rejecting a claim for harassment and victimisation.

### **Babula v Waltham Forest College** Court of Appeal, 2007 EWCA Civ 174.

Consideration of the requirement of the claimants reasonable belief, CA successfully overturning the rule in **Kraus v Penna**, to hold that that the claimants belief in the existence of a legal provision need not be correct, as long as it is reasonably and genuinely held.

### **Whitefield v General Medical Council** [2003] 39 IRLR Privy Council

A case examining the professional regulation of doctors, through the GMC disciplinary and fitness to practice hearing, with appeal to the Privy Council, on questions of Natural Justice and Human Rights in the context of the withdrawal of practicing certificate

### **Rihal v London Borough of Ealing** Court of Appeal, 2004 IRLR 642

Successfully defended ET judgement that the claimant had been discriminated against on grounds of race, by various people, and had been disadvantaged by a "glass ceiling".

took  
chambers

81 Farringdon Street  
London  
EC4A 4BL  
DX 68 Chancery Lane

Telephone  
020 7842 7575

Facsimile  
020 7842 7576

Emergency  
07850 823676

E-mail  
clerks@took.co.uk

Web  
www.took.co.uk



**Collins v Royal National Theatre Board Ltd** Court of Appeal, 2004 EWCA Civ 144. Disability Discrimination and the legal test for justification of reasonable adjustments pre amendment of the act to its present form.

**Clarke v Telewest Communications plc.** Employment Tribunal, 21.4.05 (1301034/04) IDS Brief 790, October 2005. A claimant was entitled to rely on statistics compiled by the Equal Opportunities Commission to successfully argue that a requirement that she work evenings and weekends indirectly discriminated against her. In addition, her employer was in breach of the statutory procedures that apply when considering requests for flexible working.

## Publications

### ***Discrimination Law Update – Legal Action, magazine of Legal Action Group***

September and October 2009- A twice yearly update on all developments in discrimination law appearing regularly for the last 10 years.

### ***Mental Health and Reasonable Adjustments***

Equal Opportunities Review – July 2009.

### ***Damages For Discrimination*** – November 2002

***Maternity and Parental Leave – The New Regulations*** – February 2000

for the Legal Action Group Magazine - Legal Action.

### ***Data Protection: A Guide for Good Practice*** - 1999

***Guide to the Working Time Regulations*** - 1999

Published by the Association of Colleges.

### ***Managing the Contract of Employment*** - 1996

***Job sharing in SE Essex: A report*** - 1987

with Professor Patricia Leighton for the Employment Relations Research Centre at Anglia University.

## Speaking Events and Training, Seminars

### ***Employment Law in a Cold Climate***

Tooks Chambers Employment Team Conference – 2009

### ***Discrimination Law for Public Lawyers***

with Hugh Southey - 2009

Tooks Chambers Legal Snapshots Seminar.

### ***Equality and Diversity training for Chambers***

Provided in association with the Bar Council and Legal Action Group - various dates throughout 2008/9.

### ***The Probative Value of Statistics in Indirect Discrimination Cases***

with Jane Russell – 2008

Tooks Chambers Legal Snapshots Seminar.

### ***Equality and Diversity training for individual Chambers***

Training devised and presented by Catherine tailored to needs of individual chambers - 2008/9.

### ***Mental Health and the Disability Discrimination Act***

with Leonie Hirst – 2008.

Tooks Chambers Legal Snapshots Seminar.

***The Burden of Proof Directive and Evidence in Discrimination Cases***

Training for European Judges on European Discrimination Law for European Rights Academy in Trier - 2006/2007/2008.

***Age Discrimination and the New Age Regulations***

Age Concern advisors – 2007.

***Discrimination Law Update - 2006***

Tooks Chambers Legal Snapshots Seminar.

***Employment Law Essentials; Update on Discrimination Law; Update on Employment law; Training for Tribunals***

Designed and delivered for Legal Action Group with Elaine Heslop – various dates from 2003 to present date continuing.

***Hot Topics in Discrimination Law – Sexual Harassment and the New Regulations***

For Michael Rubenstein and Lexis Nexis 2005; 2006.

## What Others Say

***'I was terrified but the barrister was the nicest lady I could have ever hoped to have met. She was friendly and professional and prepared me for the case brilliantly, advising me on where my best chances of success were and what questions I may be asked. "Don't have sleepless nights, let me do the worrying," she said to me.'***

Royal College of Nursing member who took action against sexual harassment in the workplace.

## Membership and Societies

Discrimination Law Association  
Legal Action Group  
Industrial law Society  
Employment Law Bar Association  
Shelter  
Bar Pro Bono Group  
Haldane Society  
Lawyers for Liberty  
Justice

## Other Relevant Information

Co opted member of the Bar Standards Board Equality Committee for 2010