



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

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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.

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