

Gillian Crew

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Introduction

Gillian is an established practitioner specialising in all areas of employment law and property. Gillian was called to the bar in 1998. Gillian is a member of the both the Employment Law Bar Association and the Employment Lawyers Association as well as the Property Bar Association.

Gillian provides pragmatic advice and advocacy to a wide range of clients, from police forces to multi-national firms and local authorities. In court, Gillian has a quietly confident demeanour: she is tenacious and completely unflappable in achieving the best results for her client. Gillian is described by those instructing her as “I have seen Gill’s advocacy skills on a great number of occasions. Her greatest attribute is her ability to remain calm and unflustered, even when faced with the most confrontational opponent, allowing a clear delivery in court.”

Gillian is an Accredited Mediator and is qualified to take on Direct Public Access work.

Away from work, Gillian enjoys scuba diving, boxing, salsa and gin!

Employment Law

Gillian has a busy employment law practice in both advice and litigation and has been practising in employment law for 15 years. She appears regularly in Employment Tribunals throughout the United Kingdom and the Employment Appeal Tribunal on behalf of both claimants and respondents, although her practice is predominantly respondent-based. Her practice includes the whole range of employment issues, including TUPE, Working Time Regulations, and claims of unfair dismissal through to discrimination claims. She is also instructed in cases involving the enforcement of restrictive covenants in employment contracts in the High Court and discrimination claims arising out of the provision of services in the County Court. Gillian has a particular expertise in complex discrimination claims, with an emphasis on disability claims. In terms of her respondent work, Gillian is regularly instructed by police forces, local authorities and higher education bodies, including colleges schools and universities as well as public companies and small and medium sized business. In terms of her Claimant work, Gillian is regularly instructed by a well-known union and has been

advising on claims for failure to inform and consult and on ongoing industrial relations issues and holiday pay issues. Gillian also assists in the ELAAS scheme in the Employment Appeal Tribunal.

Gillian deals efficiently and effectively with drafting pleadings and advices, and attends case management preliminary hearings, preliminary issues, applications, judicial mediation hearings, full merits hearings, remedy hearings, reconsiderations and appeals dealing with the following areas:

- Discrimination based on sex, race, pregnancy and maternity, religion and belief, age, disability, including hearings to determine disability, particular interest in disability claims
- Whistleblowing claims, including detriment and dismissal claims and vicarious liability for acts of colleagues
- Ordinary and automatically unfair dismissal
- Redundancy
- Employment status
- Interim relief
- Negotiating and drafting settlement agreements and COT3 agreement
- Regulatory fitness to practice panels – GMC and NMC
- Service provision discrimination cases in the County Court
- Employment related injunctions in the High Court in relation to restraint of trade and confidential information
- Rule 50 applications
- Admissibility of pre-termination negotiations
- National Minimum Wage and other wages claims
- Holiday pay claims
- Applications for costs

Gillian carries out training sessions, including seminars and mock tribunals, in-house for instructing solicitors as well as being involved in chambers' seminar program. Recent seminars include: Whistle-blowing, an update in light of the recent cases of Osipov and Jhuti and Working 9-5, an update on employment status and the gig economy.

Gillian also regularly writes articles on employment-law related topics. Recent articles include: The “banter” defence, does it ever succeed? Life after Lockdown – is it safe to go back to work and how can staff return to work safely, looking at the Government Guidance on social distancing in the workplace against the backdrop of employment law remedies for dealing with health and safety concerns arising out of the Covid-19 pandemic.

Recent Cases

Gillian has successfully appeared the following recent cases since 2018:

- Successfully represented a police force in a sexual orientation discrimination claim where information was disclosed by the force to the NCA that an officer on sabbatical working in an orphanage abroad had historic links to paedophiles.
- Successfully represented a police force in repeated race and disability discrimination claims brought by a restricted officer over a ten year period, who had frankly become unmanageable and took every act in the workplace to the tribunal.
- Successfully represented local authority in Equal pay claim against local authority made by male street cleaning operatives and lorry drivers against a historic female cleaner.
- Successfully represented a well-known theatre arts school in 5 cases over three years of unfair dismissal and whistle blowing brought against them by their senior management team.
- Successful represented a charitable housing association in a 15 day disability discrimination, discrimination arising, direct sex discrimination, victimisation, harassment and unfair dismissal brought against it by one of its estate officers, who was dismissed for breakdown of relationship between her and the whole of the management team.
- Successful represented Glaxosmithkline during a ten day full merits hearing for a s 15 discrimination arising claim and failure to make reasonable adjustments brought by an sales representative. Claim successful dismissed due to cross-examination showing that the Claimant had never raised issues about his disability as an explanation for his poor performance despite the tribunal finding that the Respondent's had failed to follow its own policies properly.
- Successfully represented the Claimant in a 5 day claim for reasonable adjustments and disability discrimination The Claimant was a program manager with the MOD who suffered from osteoarthritis, which resulted in her having significant period of time off following operations to her hip and her feet. The Respondent had failed to make reasonable adjustments for the Claimant and had discriminated against her because of something arising out of her disability when upon her return from sick leave she was not considered for temporary promotion and was not permitted to reduce her hours despite the evidence being that she could not cope with full time hours.
- On behalf of the Unite the Union, Gillian represented 30 Claimants in a claim for indirect sex discrimination arising out of the lack of pay for the largely female cabin crew during adverse weather conditions whereas pilots who are almost exclusively male did get paid in exactly the same circumstances.