

## Rebecca Thomas

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Rebecca is the Head of the 42BR Employment Team. She was called to the Bar in 1999 and is a specialist in employment law. She is a member of the Employment Law Bar Association and the Employment Lawyers Association. She has extensive experience of all areas of employment work including unfair dismissal, discrimination, trade union law, whistleblowing and TUPE.

In May 2024, Rebecca published a book on pregnancy and maternity in the workplace. The book, published by Law Brief Publishing, titled 'a Practical Guide to the Law of Pregnancy and Maternity at Work', can be purchased [here](#).

Rebecca is ranked in both Chambers & Partners and the Legal 500.

Rebecca is also active on Twitter where she shares regular 42BR and Employment Law news. You can view her feed [here](#).

## Employment

Rebecca specialises in all areas of Employment Law, with a particular interest in discrimination law developed during her time on the panel for the Equal Opportunities Commission. She is experienced in dealing with complex aspects of discrimination law such as indirect discrimination, maternity and equal pay.

Rebecca regularly represents Claimants and Respondents both in Tribunal and at appellate level. She is highly valued for her skills in dealing with sensitive discrimination cases and is often instructed in complex, high value and lengthy cases.

She is also experienced in alternative dispute resolution and frequently advises and represents parties in judicial mediations.

In addition to representing individuals and small firms, her regular clients include national companies, public sector organisations and several local authorities. She has particular experience in acting for the transport sector and representing employers with highly unionized workforces.

In addition to her advocacy and advisory work Rebecca also provides in house training and seminars on a range of employment matters. Her 'Witness Workshop' designed to provide employees with an introduction to the Tribunal process is particularly popular.

As well as being a skilled advocate Rebecca is also known for her excellent client care skills and her calm approach to difficult cases.

## Selected Cases

- Jarosinski v. Nestle UK Ltd [2024] ICR 357

Acted for the Respondent in this appeal and cross appeal about the correct approach to a reconsideration application.

- Wilson v. FCA

Acted for the Respondent in a claim brought by a senior manager for breach of the flexible working regulations over a refusal to let her undertake 100% homeworking.

Judgment available [here](#).

[Financial Times News Coverage](#).

- Jones v London Underground

Acted for the Respondent in a discrimination and breach of the working time regulations claim regarding requirements to undertake Saturday working.

Judgment available [here](#).

[BBC News Coverage](#).

- Spread v. London Fire Commissioner: 3305435/18; 3315931/19;3307410/20

Successfully defended the Respondent in a complex case involving over 100 allegations of direct sex discrimination, harassment and violation

Judgment available [here](#).

- Itulu v. London Fire Commissioner UKEAT/0298/18/BA

Successfully resisted an appeal against a Tribunal's order striking out the Claimant's disability discrimination claim. Went on to successfully defend the remaining multiple claims at a 20 day trial in September 2020.

Judgment available [here](#).

- Barnatt v. Network Rail 2600563/2019

Represented the Respondent in a whistleblowing claim brought by a senior employee.

Judgment available [here](#).

- Jarosinski v. Nestle UK Ltd 2601914/2020 2600301/2021

Represented the Respondent against multiple allegations of discrimination and unfair dismissal.

Judgment available [here](#).

- Folarin v. TFL 3200703/2020

Represented the Respondent in claim brought by a Trustee of the Respondent's pension scheme.

Judgment available [here](#).

- McEwen v. London Underground Ltd 3327815/2019(V)

Represented the Respondent in a claim where the Claimant had been dismissed for the offensive content of his social media posts

- Gary Carney v. London Underground Ltd 3204903/2021

Represented the Respondent in a high profile claim where the Claimant was dismissed for failing to undertake an unannounced drug and alcohol test. The Claimant's allegation that he was subjected to a detriment for his Trade Union activities was rejected.

Judgment available [here](#).

- Dr R A Hackley v. Queen Mary University of London

Successfully represented the Respondent in a claim where a university alleged that her failure to obtain promotion was race discrimination.

- Wieclawski v. London Underground UKEAT/0074/17/LA

Successfully defended appeal against Tribunal findings on disability and reasonable adjustments.

- CD v. (1) XC Trains (2) ASLEF and ors [2016] IRLR 745

Successfully appealed Tribunal's finding that employer had indirectly discriminated against female train driver.

- Rule v. University of the Arts UKEAT/0245/10/CEA

Successfully represented Claimant in Tribunal and in the EAT (with costs) in a case of disability and sexual orientation discrimination. The tribunal award was the highest compensation awarded in a mixed jurisdiction case that year

- Kelly-Madden v. Manor Surgery [2007] IRLR 17 leading case on the interpretation of s98A ERA 96

## Professional Memberships

- ELBA
- ELA

## Education

- MA (Cantab)
- Inner Temple Bursary