

Emma Greening

Year of Call: 2022

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Overview

Emma accepts instructions in all areas of civil law with a particular interest in employment, property and housing.

Emma Greening joined 3PB in October 2023 following the successful completion of her pupillage with chambers. She is based in the Oxford office. Emma was called to the Bar in July 2022 having obtained a distinction in her BTC qualification. Emma graduated with a First Class law degree and on completion of her degree was awarded '*Student of the Year*' for the highest academic achievement amongst her graduating class.

Outside of work, Emma is attempting to learn Italian and enjoys reading, keeping fit and travelling. A former personal trainer, Emma runs half-marathons and 10kms races when time allows.

Academic qualifications

- LLB (Hons), Open University, First Class
- Barrister Training Course, BPP Law School, Distinction

Scholarships

- Career Commitment Scholarship, BPP Law School

Professional bodies

- Member of Middle Temple
- Employment Law Association
- Employment Law Bar Association

Expertise

Employment and discrimination

Emma Greening has a busy employment practice acting for claimants and respondents in preliminary hearings, final hearings and judicial mediation, both in person and via CVP. She also regularly drafts pleadings and provides written advice.

Her recent work includes:

- Successfully defending an application for strike out made in relation to time limits
- Successfully challenging employment/worker status
- Advising on whistleblowing
- Drafting pleadings to establish principal/agent status.

Emma has also advised/acted in claims involving:

- Unfair dismissal (including automatic unfair dismissal and constructive unfair dismissal)
- Discrimination (direct and indirect discrimination, failure to make reasonable adjustments, and harassment)
- Whistleblowing
- Redundancy
- Annual leave/holiday pay
- Trade Union detriment
- Unlawful deduction from wages
- Breach of Contract
- TUPE status.

Property and Estates

Emma Greening's property practice focuses on the law of landlord and tenant and residential property. She accepts instructions in both the County Court and First Tier Tribunal (Property Chamber). Recent matters have included disputes arising from:

- Nuisance
- Trespass
- Easements
- Possession proceedings
- Disrepair

Most recently Emma has advised and drafted pleadings in a variety of claims concerning nuisance, easements and disrepair, she also regularly appears in possession hearings and has experience dealing with applications to suspend warrants of possession.

Articles

Emma Greening considers the case of *Walsall Metropolitan Borough Council v Christine Oliver* [2024] EAT 193 in which it was held an Employment Tribunal was wrong to determine a complaint that had not been part of the Claimant's original claim.

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Emma Greening reviews the case of *Shakil v Samons Limited* [2024] EAT 192, in which HHJ Tayler provides a useful recitation of how to approach quantum in an injury to feelings award.

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Emma Greening summarises the case of *Hilton Foods Solutions Ltd v Andrew Wright* [2024] EAT 28, in which the EAT considers if an employee can be considered to have 'sought' to take parental leave if they have not yet given formal notice.

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Emma Greening considers *Mrs R Kealy v Westfield Community Development Association* [2023] EAT 96. In this case concerning protected disclosures a defective List of Issues led to a serious misapplication of the law. The EAT's judgment is an illustrated warning that the List of Issues can play a pivotal role in the ETs decision-making and that we should take great care not to shortcut or summarise our way through drafting these documents.

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Emma Greening reviews *Rolec (Electrical and Mechanical Services) Ltd v Mrs J Georgiou* [2023] EAT 46, a case which demonstrates that for there to be a fair hearing a tribunal must not demonstrate a closed mind or the appearance of having taken a side.

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Pupil Barrister Emma Greening looks at *Mr T Smith v Tesco Stores Ltd* [2023] EAT 11 in which the EAT upheld a decision to strike out a claim where the claimant, who was a litigant in person, acted in a manner that was considered vexatious.

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3PB Pupil Barrister Emma Greening discusses the case *Health & Safety Executive v Mr M Jowett* [2022], and documents from claimant's previous employment with the respondent being admissible in respect of remedy.

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Emma Greening summarises the case of ***Mr J Hilaire v Luton Borough Council* [2022] EAT 166**, in which the EAT concluded that an appeal could not succeed based on the fact that the ET were best placed to conclude it was not the effects of disability which prevented the claimant's compliance with a PCP, rather it was a choice he made.

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Emma Greening summarises the case of *University of Dundee v Mr Prasun Chakraborty* [2022] EAT 150, in which the EAT ruled that an original un-amended document does not become retrospectively privileged even in circumstances where a comparison to the final version might allow inferences to be drawn about the legal advice given.

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