

Emma Greening

Year of Call: 2022

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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

Articles

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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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