



Naomi Webber

Year of Call: 2017

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Employment and discrimination

Naomi has a thriving employment practice, acting for claimants and respondents in preliminary hearings, multi-day final hearings, and judicial mediation. She also regularly drafts pleadings and provides written advice.

Her practice covers a wide range of employment law. She has advised and acted in claims involving:

- Unfair dismissal (including automatic unfair dismissal and constructive unfair dismissal)
- All forms of discrimination (direct and indirect discrimination, failure to make reasonable adjustments, and harassment)
- Whistleblowing
- Equal pay
- Unlawful deduction from wages
- Annual leave/holiday pay
- Worker status
- Redundancy
- National Minimum Wage
- Breach of contract (in the Employment Tribunal and County Court)

Naomi has particular expertise in the field of holiday pay. She was junior counsel for the Respondent in **Harpur Trust v Brazel [2022] UKSC 21** (appeal to the Supreme Court, concerning holiday pay for part-year workers). She has since provided extensive training on the implications of the judgment, as well as on other aspects of the law of holiday pay.

Naomi's background in university teaching means she is willing and able to provide training in a range of areas of employment law.

Prior to pupillage, Naomi worked as a judicial assistant in the Court of Appeal, where she worked on a number of ground-breaking employment cases, in areas including National Minimum Wage, whistleblowing, territorial jurisdiction, and harassment.

Articles

[Naomi Webber](#) reviews the changes to the annual leave entitlement and holiday pay of part-year and irregular hours workers,

as The Employment Rights (Amendment, Revocation and Transitional Provision) Regulations 2023 and the Holiday pay and entitlement reforms came into force on 1 January 2024.

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[Naomi Webber](#) considers the first case relating to Covid-19 and s.100(1)(d) of the Employment Rights Act 1996 to reach the Court of Appeal, *Rodgers v Leeds Laser Cutting* [2022]. The case determines the employers liability in relation to serious and imminent danger claims from an employee during the pandemic.

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The counsel team for Mrs Brazel in the much publicised *Harpur Trust v Brazel* case, [Mathew Gullick KC](#), [Lachlan Wilson](#) and [Naomi Webber](#) reflect on the recent Government consultation paper looking at holiday pay for part-year workers.

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Nursing and Midwifery Council v Somerville [2022] EWCA Civ 229

[Naomi Webber](#) analyses the Court of Appeal's judgment in *Nursing and Midwifery Council v Somerville* [2022] EWCA Civ 229, which provides a useful clarification when assessing the worker status of an individual who provides work under an overarching or other service level agreement, and confirms that the concept of a 'limb (b) worker' is broader than may have previously been thought.

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[Naomi Webber](#) analyses *R (the Motherhood Plan & Anor) v Her Majesty's Treasury* [2021] EWCA Civ 1703, 'in which the Court of Appeal dismissed the appeal brought by women who were disadvantaged by the Self Income Support Scheme. It did demonstrate, however, that care must be taken not to discriminate when creating schemes that rely on factors which may be affected by periods of maternity (and other) leave.

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[Naomi Webber](#) reviews *R (Cornerstone) v Ofsted* [2021] EWCA Civ 1390, a case considering whether a requirement for foster parents to be in heterosexual marriages on religious grounds was discriminatory.

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[Naomi Webber](#) reviews *Steer v Stormsure Ltd* [2021] EWCA Civ 887, a case which examines whether the lack of provision for interim relief in discrimination and victimisation claims under the Equality Act does not breach ECHR rules.

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[Naomi Webber](#) examines the Court of Appeal's decision in *National Union of Professional Foster Carers v The Certification Officer* [2021] EWCA Civ 548, the latest in a number of decisions to look at the unique position of foster carers, this time considering the ability to form trade unions, under Article 11 European Convention on Human Rights and Fundamental Freedoms ('ECHR') (the right to freedom of association).

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R (On the application of Motherhood Plan & Anor) v HM Treasury & Anor [2021] EWHC 309 (Admin)

[Naomi Webber](#) analyses the case of *R (On the application of Motherhood Plan & Anor) v HM Treasury & Anor* [2021] EWHC 309 (Admin). A case concerning direct discrimination.

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[Naomi Webber](#) analyses *Steer v Stormsure Ltd* UKEAT/0216/20/AT, a case which could well add another tool in the armoury for claimants bringing in claims for discriminatory dismissals.

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Disability Discrimination in the Employment Tribunal: lessons for education lawyers

Sarah Bowen and Naomi Webber consider two recent appellate decisions (*Khorochilova v Euro Rep Limited* UKEAT/0266/19/DA and *Robinson v DWP* [2020] EWCA Civ 859) in respect of the provisions of the Equality Act 2010 (EqA) in relation to the protected characteristic of disability. Whilst the facts of the cases relate to the employment sector, the same definition of disability applies in the context of education. Accordingly, their principles are directly relevant and applicable to disability discrimination claims in education.

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Employment law barrister, Naomi Webber analyses the case of *Varnish v British Cycling*.

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3PB's employment law barrister Naomi Webber reviews the case of *Gould v St Johns Downshire* UKEAT/0002/20/BA.

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Be wary of the 'last straw': *Williams v Alderman Davies Church in Wales Primary School* UKEAT/0108/19/LA

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Is the law of vicarious liability still 'on the move'? *Barclays Bank plc v Various Claimants* [2020] UKSC 13

The 126 claimants in this case were all employees of Barclays Bank who, at the start of their employment between the late 1960s and early 1980s, were required to undergo a medical examination. Examinations were carried out by Dr Bates (now deceased), a general practitioner who was not an employee of the Bank but engaged as an independent contractor to provide this service, and did so at his home. The Claimants alleged that they were sexually assaulted by Dr Bates while undergoing this examination and brought a group action against the Bank for compensation. A preliminary issue was whether Barclays could be vicariously liable for his actions.

At first instance, the High Court found that Barclays had been vicariously liable. The Court of Appeal agreed, applying the five-part test in *Various Claimants v Catholic Child Welfare Society* [2012] UKSC 56, and *Cox v Ministry of Justice* [2016] UKSC 10.

Supreme Court Decision (Lady Hale) - the key issue was whether the relationship between Dr Bates and Barclays was 'akin to employment'. The Supreme Court held unanimously that it was not.

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EAT Case Summaries by Daniel Brown and Naomi Webber.

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Diplomatic immunity and leapfrog: Naomi Webber analyses *Basfar v Wong* UKEAT/0223/19/BA

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Ethical veganism: a philosophical belief. Naomi Webber analyses *Casamitjana v The League Against Cruel Sports* (ET case no. 3331129/2018).

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Is a belief in the moral importance of copyright a 'philosophical belief'? Naomi Webber analyses *Gray v Mulberry* [2019] EWCA Civ 1720

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Shared parental leave – Discrimination against men? Naomi Webber analyses *Ali v Capita Customer Management Ltd, Chief Constable of Leicestershire v Hextall* [2019] EWCA Civ 900

Recommendations

Naomi Webber is adept at representing both respondents and claimants in employment proceedings spanning unfair dismissal, wage disputes and discrimination claims. She has appeared in a Supreme Court appeal concerning holiday pay for part-year workers.

Strengths: "Naomi Webber's relatively junior call belies an incredibly capable, strong and diligent advocate."
"Naomi is able to get to the core of the issues involved in complex cases to achieve the desired result."

Chambers UK 2024/Employment/South Easter Bar

Strengths: "Naomi was really commercial with what we needed and did it quickly, which was a large part of what allowed us to attack and ultimately settle."

Chambers UK 2023/Employment/South Eastern Bar

'Naomi has the ability to explain fairly technical aspects of employment law clearly, thoroughly and without unnecessary jargon.'

Legal 500 2024/Employment/Rising stars/South Eastern Circuit

'Naomi is excellent – she is extremely thorough and capable. She is highly approachable and has excellent attention to detail. Her attendance notes are always comprehensive.'

Rising star Naomi Webber is 'an incredibly capable, strong, and diligent barrister' and successfully represented an employer in direct and indirect sex discrimination claims relating to breastfeeding and childcare.

Legal 500 2023/Employment/Rising stars/South Eastern Circuit

Academic qualifications

- Bar Professional Training Course, City Law School, 2016-17
- LLM in Law, University College London, 2015-16
- BA Jurisprudence (Law), Worcester College, University of Oxford, 2011-2014

Scholarships

- Inner Temple Exhibition Award, 2016

Professional bodies

- Constitutional and Administrative Law Bar Association (ALBA)
- Education Law Association (ELAS)
- Employment Lawyers Association (ELA)
- Employment Law Bar Association (ELBA)
- Industrial Law Society (ILS)

Legal 500 – Rising Star (Employment, South East)

Chambers and Partners – Up and Coming (Employment, South East)