



## Rachel Avery

Year of Call: 2003

Rachel has extensive experience in all areas of employment law including discrimination, unfair dismissal, redundancy, breach of contract, parental rights, discretionary bonus schemes and has appeared in Employment Tribunals throughout the UK, in the EAT as well as High Court. She also has experience of breach of contract and insurance and reinsurance claims and has advised on professional negligence matters.

Since 2010 she has been a lecturer at Durham University and has been actively involved as a module leader and tutor for the employment, contract and commercial law modules. This will influence her availability for cases but the clerks will be able to assist as they have access to her diary.

### Employment

Rachel has extensive experience in all areas of employment law including discrimination, unfair dismissal, redundancy, breach of contract, parental rights, discretionary bonus schemes, restrictive covenants, trade union disputes, Working Time, holiday pay, flexible working, jurisdictional issues and the statutory disciplinary and grievance procedures.

Rachel regularly appears in Employment Tribunals throughout the UK and has represented clients in the Employment Appeal Tribunal and High Court.

#### Recent cases include:

- *Patel v Prada Retail UK Limited* (2007) (successfully represented the Respondent in a race discrimination and redundancy claim)
- *McGill v Secretary of State for Work and Pensions (Jobcentre Plus)* (2008) (successfully represented the Respondent at a PHR in which the Claimant's claims for sex discrimination were struck out)
- *Desai v Endeavour Speciality Chemicals Limited* (2008)(successfully represented the Respondent in a 3 day unfair dismissal and breach of contract claim)
- *Thurlow v Secretary of State for Work and Pensions (Jobcentre Plus)* (2008) (successfully represented the Respondent in a 6 day disability discrimination claim)
- *Ryan v (1) East Thames Buses (2) Transport for London* (2008) (successfully represented the Respondent at a PHR to determine whether the Claimant suffered from a disability within the meaning of the Disability Discrimination Act 1995)
- *Gergas v Pizza Express* (2008) (successfully represented the Respondent in a race discrimination claim).
- *Kabaka v Harrods* (2008) (successfully represented the Respondent in a 5 day race discrimination claim).
- *Beatty v British Airways Plc* (2008) (successfully represented the Respondent at a PHR in which a number of the Claimant's claims were struck out)

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**Recent advisory work includes:**

- Advising a government department on a disability discrimination claim after an employee was required to undergo an Occupational Health assessment before changes could be made to her workstation
- Advising a company on a high value, multi-day whistleblowing and constructive dismissal claim
- Advising an employee on a redundancy and sex discrimination claim after she was made redundant while on maternity leave
- Advising a multinational company on a claim brought against it for sex discrimination and breach of the flexible working provisions of the ERA 1996
- Advising an employee about the enforceability of a number of restrictive covenants contained in their contract of employment

**Commercial Litigation**

Rachel advises and acts in the professional negligence field, particularly in cases involving solicitors' negligence.

She also has experience of breach of contract and insurance and reinsurance claims, in addition to claims involving the construction of insurance policy wordings and breach of warranty.

**Recent cases include:**

- Advising a Defendant on whether standard terms had been incorporated into the contract between it and the Claimant and whether, if they had been, one of the clauses was a penalty clause
- Advising a Defendant on the application of The Conduct of Employment Agencies and Employment Businesses Regulations 2003
- Advising an insurer in relation to a solicitors' negligence claim
- Advising a Claimant on coverage issues under an insurance policy
- Advising a Defendant on entitlement to commission based on an analysis of express and implied terms

**Tax**

Instructed by HM Revenue and Customs to assist panel counsel in a number of cases involving Missing Trader Intra-Community fraud.

**Additional Information**

In 2003, she interned at the San Francisco office of the California State Public Defender working on habeas corpus appeals on behalf of death row inmates. She authored "Killing kids who kill: an international perspective on the juvenile death penalty in the United States" published in the UCLA Journal of International Law and Foreign Affairs (7 UCLA J.Int'l L & Foreign Aff 303).

Since 2010 she has been a lecturer at Durham University and has been actively involved as a module leader and tutor for the employment, contract and commercial law modules.

## **Appointments**

2019-present - Associate Professor (Teaching), University of Durham Law School

2015-present - Honorary Fellow, University of Durham Law School

2015-present - Trustee of the Rambert School of Ballet and Contemporary Dance

2015-present - Lay Adviser to Durham MAPPA

2005-2006 - Judicial Assistant to the Law Lords (assigned to Lord Scott of Foscote and Baroness Hale of Richmond)

## **Memberships and Associations**

ELBA, Bar Pro Bono Unit

## **Awards and Scholarships**

Trinity College Tripos prizes (Lizette Bentwich) 1999, 2000 and 2001

John Hall (Cambridge University) Prize for Family Law 2000

Senior Scholar of Trinity College

Hollond Fund Scholarship (Trinity College) 2001

Whittaker Scholarship (Trinity College) 2002

Hardwicke Entrance Award (Lincoln's Inn) 2002

Mansfield Scholarship (Lincoln's Inn) 2002

## **Education**

Bar Vocational Course, Inns of Court School of Law (Very Competent) 2002-2003

LLM, University of California, Berkeley 2001-2002

MA Law Trinity College, Cambridge (Double First Class Honours) 1998-2001

Newcastle-Upon-Tyne Church High School 1988-1998