



NATHAN ROBERTS

MAIN AREAS OF PRACTICE:

Discrimination and Equality
Employment Law
Human Rights
Public Law
Sports Law

Called to the Bar 2014

CONTACT:

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Alison Scanes, Senior Practice
Manager
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Nathan acts across employment, discrimination, public, human rights, sports and regulatory law, and other civil practice areas.

He has appeared as sole or junior counsel in the High Court, Employment Appeal Tribunal, Court of Appeal and Supreme Court.

He is on both the Equality and Human Rights Commission's panel of counsel and the Attorney General's civil panel, and was appointed to each panel in his first year of eligibility.

EMPLOYMENT

Nathan is an established employment practitioner who is typically instructed, both in court and tribunal, in cases that require robust representation.

Clients value his legal expertise and his commercial acumen. He is skilled in handling sensitive cases and obtaining favourable settlements; he is regularly instructed to act in mediations.

Areas on which Nathan has advised or acted include: restrictive covenants; discrimination; employment status; contractual disputes; international law; military rights; equal pay; holiday pay; redundancy; unfair dismissal; complex pension loss; whistleblowing; TUPE transfers and costs.

Highlight cases include:

Bamieh v Foreign & Commonwealth Office [2019] EWCA Civ 803 – Court of Appeal – junior counsel in the first appellate case on the territorial jurisdiction test for co-workers; a whistleblowing claim regarding alleged judicial corruption in the EU's rule of law mission in Kosovo. Covered in the [Wall Street Journal](#) and the [Guardian](#) among others.

Gan Menachem Hendon Ltd v De Groen [2019] IRLR 410 – Employment Appeal Tribunal – acted successfully for the claimant in her claim of sex discrimination after she was dismissed in relation to cohabiting with her partner. Nathan acted successfully as sole counsel in claims of sex and religious discrimination at first instance and was led by Robin Allen QC on appeal. The case was funded and supported by the Equality and Human Rights Commission. Covered in the [Times](#) and the [Telegraph](#) among others.

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Chadwick v Sainsbury's Supermarkets Ltd [2019] – Employment Appeal Tribunal – sole counsel for the employer in the claimant's appeal following strike out of the claim during the final hearing.

Bamieh v Eulex Kosovo & Ors [2018] – Employment Appeal Tribunal – junior counsel in the EAT on numerous questions of international law, including the legal personality of international organisations, before President Simler.

Michalak v GMC [2017] 1 WLR 4193 – Supreme Court – junior counsel for the successful intervenor in the leading case on the forum for claims against qualifications bodies.

Hollinghurst v James Hall & Co [2017] – Employment Appeal Tribunal – sole counsel in the EAT on the burden of proof in Employment Rights Act detriment claims and Equality Act claims.

Butler & Ors v Blinkbox Music Ltd [2016] – a group-litigation case regarding a TUPE transfer in the context of a share purchase. Nathan acted as sole counsel for 68 of the successful claimants and as co-counsel with Jason Galbraith-Marten QC. Claim valued at £10m. Covered in the [Guardian](#) and the [Financial Times](#) among others.

Nathan's cases as sole counsel also include:

- Representing a senior television producer in an age discrimination claim against a large broadcasting organisation.
- Successfully enforcing restraint of trade provisions.
- Representing a corporate bank in a reputationally sensitive claim by an executive.
- Acting for a broadcast journalist in an equal pay and race discrimination claim.
- Acting for c.40 claimants in a high-value group-litigation holiday pay claim.
- Successfully resisting applications for interim relief.
- Acting for a successful respondent to a Norwich Pharmacal application.

Nathan also acts in and advises on regulatory matters. He has acted in the leading case on the appropriate forum for discrimination claims in a regulatory context: *Michalak v GMC [2017] 1 W.L.R. 4193* (above).

PUBLIC, DISCRIMINATION AND HUMAN RIGHTS

Nathan has a broad public and human rights law practice. Prior to the Bar, he was one of Liberty's five-strong legal team. In 2012-13, he was a stagiaire at the European Court of Human Rights, with responsibility for drafting Single Judge and Chamber judgments. He also contributed research to a number of Grand Chamber judgments, including: *Vallianatos & Ors v Greece [2013]*

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(same-sex unions); *IB v Greece* [2013] (workplace HIV discrimination); *Del Rio Prada v Spain* [2013] (retroactive punishment); *Fernandez Martinez v Spain* [2014] (religious discrimination and private life at work); and *O'Keefe v Ireland* [2014] (positive obligations to prevent sexual abuse).

He also has particular expertise in discrimination claims outside of employment, including housing, goods and services, associations, education and transport.

Highlight cases include:

European Court of Human Rights Grand Chamber advisory opinion: Nathan was instructed on the Grand Chamber's first advisory opinion, issued under Protocol 16, concerning surrogacy and the rights engaged under French law. He represented the United Kingdom Government, led by Sarah Hannett.

Hussain v Manningham Housing Association: successful Equality Act and public law challenge to a refusal to apply the Right to Acquire scheme to a disabled unit.

Forum for claims: acted as junior counsel in the Supreme Court in *Michalak v GMC* [2017] 1 W.L.R. 4193 on the appropriate judicial forum for claims against qualifications bodies.

Labour Party: appointed by the Labour Party in 2018 to its panel advising on internal disciplinary proceedings. He has been instructed on cases concerning allegations of antisemitism and sexual harassment.

Daley v Bakiyev [2016] EWHC 197: acted as junior counsel in a two-week High Court trial regarding an alleged attempted assassination in the Kyrgyz Republic.

Duce v Worcestershire Acute Hospitals NHS Trust [2018] P.I.Q.R. P18: acted as junior counsel in the Court of Appeal about the scope of causation, and patients' right to informed consent.

Trans rights: advised a local authority on trans people's right of access to same-sex leisure facilities.

Child sexual abuse: instructed by the CPS when it is added as a third party to claims concerning historic sexual abuse against children.

Farhi v Birmingham City Council & Ors [2018]: acted in a claim of racial harassment and discrimination brought by a local authority tenant.

Benefits challenges: advising on the DWP's alleged discriminatory handling of a PIP application made by a blind applicant.

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T v Health Trust X: acting for the Claimant's family in a human rights claim for completing a "do not resuscitate" form without consent.

Transport claims: instructed on a claim of disability discrimination against an airline, testing the scope of the Montreal Convention; acted successfully both for and against bus companies in relation to wheelchair use.

Services, goods and facilities: successfully represented a wheelchair user in relation to shop access in **Leighton v Kahraman [2017]**; covered in the **Mirror**. Nathan has also acted in a broad range of claims brought against organisations such as shops, restaurants and dance companies.

Education: successfully represented a disabled PhD candidate against a university; advising a parent in a claim against a primary school for victimisation; advised a university union on whether a proposed enhanced redundancy scheme amounted to age discrimination.

Associations: Gleeson v 10th Harpenden Scout Group [2018]: represented a scout member in a disability discrimination claim at an interim stage; case resulted in a successful £42,000 settlement. Covered in the **BBC** and the **Telegraph** among others.

AWARDS

Eastham scholarship, Lincoln's Inn

Droop scholarship, Lincoln's Inn

Kaplan Law School BPTC prize for highest overall performance in: civil litigation, criminal litigation and ethics

BPP Law School highest GDL performance in two courses: land and constitutional law

APPOINTMENTS

May 2019: appointed to the Equality and Human Rights Commission's panel of counsel (C Panel)

March 2018: appointed Junior Counsel to the Crown (C Panel)

QUALIFICATIONS

BA Philosophy, Politics and Economics, University of Oxford

GDL, BPP Law School: Distinction

BPTC, Kaplan Law School: Outstanding

Nathan accepts instructions under the Bar Council Standard Contractual Terms, details of which can be found on our website under Code of

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Conduct.