



Robert Moretto



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Profile

Robert is an expert in employment, public law and human rights law. He has recently been involved in several high-profile and ground-breaking cases in both employment and public law, including:

- **Gilham v Ministry of Justice/Lord Chancellor**, Supreme Court (representing the MOJ/Lord Chancellor) - whether judges are workers within the Employment Rights Act; and/or that Act breaches judges' Article 10 human right to freedom of expression and Article 14 discrimination rights.
- **NUPFC v Certification Officer and Others**, EAT (representing the Secretary of State for Education) – whether foster carers are workers; and whether the Trade Union and Labour Relations Act 1992 breaches their Article 11 rights to freedom of association and Article 14 rights.
- **McNeil & others v HMRC**, Court of Appeal (representing HMRC) – multi-party equal pay claim in the Court of Appeal on the correct approach to establishing particular disadvantage
- **A & B v Criminal Injuries Compensation Authority**, Court of Appeal (representing CICA) - whether the provisions of the Criminal Injuries Compensation Scheme breach the Art 4 rights (slavery and forced labour) and Article 14 rights of victims of trafficking.
- **JT v Criminal Injuries Compensation Authority**, Court of Appeal (representing CICA) - whether the same roof rule provisions of the Criminal Injuries Compensation Scheme breached the Article 1, Protocol 1 rights (possessions) and Article 14 rights of victims of childhood sexual abuse
- **DSD & NVB**, Mayor of London & News Group Newspapers v Parole Board, Secretary of State for Justice, & John Worboys (representing the Parole Board) – judicial review of Parole Board's decision to release taxi cab rapist John Worboys

Robert has been on the Attorney General's A Panel of Counsel since 2015 and represents and advises an extensive range of Government Departments and Agencies. He also appears regularly on behalf of Trade Unions and Trade Union funded clients, as well as NHS Trusts.

Appointments:

Appointed Junior Counsel to the Crown (A Panel). September 2015 -
Appointed Junior Counsel to the Crown (B Panel). March 2010 – August 2015
Appointed Junior Counsel to the Crown (C Panel). February 2006 - March 2010

Memberships:

Administrative Law Bar Association



Employment Lawyers Association
Employment Law Bar Association
Industrial Law Society
ELAAS Scheme

Recent and current work

Recent and ongoing cases include:

Supreme Court

Gilham v Ministry of Justice. Supreme Court, 5-6 June 2019. Court of Appeal judgment reported at [2018] 3 All ER 521. For press coverage please see; [The Guardian](#) & [The Times](#)

Court of Appeal

McNeil v HMRC, 19-20 March 2019. Judgment awaited. EAT Judgment reported at [2018] ICR 1529; [2018] IRLR 398

Rana v Ealing [2019] 1 All ER 1078, Court of Appeal, 25 September 2018

JT v First-Tier Tribunal [2019] 1 WLR 1313, Court of Appeal, 24 July 2018; For press coverage please see [The Times](#) & [Sky News](#)

A & B v Criminal Injuries Compensation Authority and MOJ [2018] 1 WLR 5361, Court of Appeal, 3 July 2018. Petition to Appeal to Supreme Court pending; For press coverage please see [The Times](#)

Criminal Injuries Compensation Authority v First-Tier Tribunal [2018] EWCA Civ 1175, Court of Appeal, 24 May 2018

Divisional Court

R (DSD) v Parole Board (John Worboys release decision) [2019] QB 285; [2018] 3 All ER 417, Divisional Court, 28 March 2018; For press coverage please see [BBC News](#) & [The Guardian](#)

Employment Appeal Tribunal

National Union of Professional Foster Carers v Certification Officer (IWGB, Secretary of State for Education and Others intervening), EAT, 28 March – 1 April 2019. Judgment awaited

Callender v South London & Maudsley NHS Foundation Trust, UKEAT/0012/18, 6 September 2018

Mbubaegbu v Homerton University Hospital NHS Trust, UKEAT/0218/17, 18 May 2018

Upper Tribunal

Criminal Injuries Compensation Authority v First-tier Tribunal and SN (Criminal injuries compensation - reduction and withholding of awards) [2018] UKUT 248 (AAC), 20 July 2018