

Spotlight: The firm fighting for women at work

By Annabel Tinson | 8 March 2024

This week on Spotlight, we're bringing you an International Women's Day special, with employment and discrimination boutique Didlaw.

The market: The last two years have seen mass redundancies at large companies make headlines as global economic headwinds continue to see organisations face financial pressure. Proving a woman has been made redundant in a mass redundancy round because she was pregnant is virtually impossible. This is because it is difficult to interfere with an employer's decision about who should be made redundant and what the criteria is as long as companies follow an ostensibly fair process.

Menopause in the workplace is also a hot topic. While employers might think putting mass menopause policies in place will help their employees and improve diversity and inclusion, it could also contribute to women in a certain age bracket being forced out of the door prematurely or becoming a target. The Maria Rooney case, which saw a former social worker initiate legal action against Leicester City Council, was the first case to consider menopause symptoms as a disability. A common misconceived perception around this case was that it established menopause

The team: Didlaw is led by founder **Karen Jackson**, whose practice focuses on disability and discrimination law. The firm's other two partners are **Anita Vadgama**, who specialises in whistleblowing as well as disability and discrimination law, and **Elizabeth McGlone**, who specialises in gender-critical cases alongside predominantly employee-side cases. The firm has one other solicitor, **Yavnik Ganguly**, finance director and owner **Chris Jackson**, practice manager **Ellie Rowley**, and client relations manager **Kim Evans**.

as a disability, which it did not. Menopause is a natural stage of life, so it cannot be an impairment. What it did establish is that women who get particularly bad menopause symptoms might get protection under the Equality Act.

Another area to watch is the gender-critical scene. The cases revolve around a growing number of women fighting

their employers over the right to hold philosophical beliefs on gender, which include the belief that sex is immutable and not to be conflated with gender identity. A high-profile example would be when Garden Court Chambers' barrister Allison Bailey's took the set and LGBTQ+ charity Stonewall to the High Court in 2020.

Karen Jackson founded Didlaw (which stands for disability, illness, and discrimination law) in 2008. Having trained at Mishcon de Reya before becoming head of legal at L'Oreal UK and Ireland, Jackson was reluctant to return to private practice after her heart transplant. Instead, she decided to set up her own employment boutique, free from the hierarchical structures of City firms.

However, with hundreds of employment practices already in the market, Jackson decided that Didlaw needed to differentiate itself by specialising in one area. She decided that disability and discrimination was the specialism her firm needed. Her firm's launch coincided with the ground-breaking case *Helen Green v Deutsche Bank*, which saw former employee Green receive £800,000 in damages and opened the door to a new form of damages claim for employees

Key cases: Much of Didlaw's work is confidential due to its nature. Key public cases include *Williams v The Trustees of Swansea University Pension Scheme*, the first Supreme Court employment case concerning discrimination arising in consequence of disability (Section 15 of the Equality Act 2010), which now stands as an authority on how Section 15 works. Another case includes *Kong v Gulf International Bank*, a whistleblowing case that partner Anita Vadgama took to the Court of Appeal.

complaining about bullying and harassment at work.

While Jackson didn't set out to focus on women, there were a lot of cases coming in from women, many of which were at the intersection between mental health and pregnancy. Jackson heard from women, who were doing very well at work, that the tone changed when they told their boss they were expecting a child. Jackson previously had a client

who worked on a trading floor and told her boss – whom she had a good relationship with – that she was having IVF. The next time she saw him, he gave her a settlement agreement, despite her not even being pregnant yet.

The firm also has a number of gender-critical cases, of which partner Elizabeth McGlone specialises in. These include acting for writer Julie Bindel when she was “deplatformed” by Nottingham City Council, as well as representing Denise Fahmy in her harassment and victimisation claims against Arts Council England. McGlone also represents claimant Sarah in a “safe spaces” case, in which she alleges Brighton's Rape Crisis Centre refused to provide a women-only peer support group. In addition, McGlone is representing individuals in two separate cases against the Green Party.

Didlaw further deals with sexual harassment in the workplace cases, particularly in the wake of #MeToo, as women have felt more emboldened to come forward and call out bad behaviour. The team is seeing a rise in the number of people telling their employers they have neurodiverse conditions such as ADHD and

autism, and the firm is picking up more cases in this area when employees are discriminated against for a neurodiverse condition.

Key sets: Outer Temple, 7BR, Old Square and Devereux

Key barristers: Old Square's Spencer Keen, Anya Palmer and Rebecca Tuck KC, Outer Temple's Will Young, Devereux Chambers' Jesse Crozier, Matrix's Karon Monaghan KC, Outer Temple's Naomi Cunningham and 7 Bedford Row's Jeffrey Jupp and Chris Canning

Key competitors: BDBF, CM Murray and Doyle Clayton