

Jason Braier

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Introduction

Jason is a very experienced employment law specialist. Highly regarded for his meticulous approach to all aspects of case preparation, he is responsive, an effective strategist and very good with clients. Jason has built a reputation for his knowledge and analysis of case law, with thousands of employment lawyers, academics, students and even judges following him on Twitter to read his commentary on the latest appellate decisions.

Employment Law

Jason has extensive experience acting for both employers and employees in claims and appeals involving all aspects of employment law, including unfair dismissal, contractual claims, all forms of discrimination, whistleblowing, TUPE and jurisdictional issues.

Jason has a particular interest in discrimination and whistleblowing claims, and is often instructed in high-value, complex and sensitive matters. Among the many interesting discrimination cases in which he has been involved, Jason appeared in the Court of Appeal in the leading case on post-termination victimisation, *Jessemey v Rowstock Ltd* [2014] IRLR 368.

Jason delivers regular seminars – recently speaking at the ELA Annual Conference – and writes on employment law matters for a range of publications, including the ELA Briefing, DLA Briefing, Practical Law Employment Blog and XpertHR

Current and recent cases of interest

- [*Jessemey v Rowstock Ltd* \[2014\] IRLR 368](#) – *Junior counsel for the respondent company in this leading Court of Appeal case about post-termination victimisation and statutory construction.*
- [*Adebowale v Isban UK Ltd & Others* \[2015\] \(UKEAT/0068/15\)](#) – *Persuaded the EAT to resurrect most of the Claimant's direct discrimination and harassment claims, all of which had been struck out at a preliminary hearing at which the Claimant had represented himself. Laing J praised the submissions as 'very ably argued'.*

- [Sheredes School v Davies](#) [2016](UKEAT 0196/16) – On behalf of the school, Jason successfully appealed an ET’s decision not to strike out an unfair dismissal claim for being presented out of time in circumstances where the claimant’s solicitor was intervened in by the Law Society days before time limits expired. HHJ Shanks described the case as being argued “with skill and enthusiasm”.
- [Feltham v. Feltham Management Ltd & Others](#) [2017] (UKEAT/0201/16) – Represented the respondent in an 8-day unauthorised deduction, unfair dismissal and discrimination claim and in an EAT appeal whose issues included when a dismissal occurs and the shifting burden of proof in discrimination claims.
- Represented a global team leader solicitor in defending against two multi-million pound sexual harassment claims (led by James Laddie QC) [2020-2021]
- [Bampton v. Chief Constable of Nottinghamshire Police \(Home Office intervening\)](#) – Represented the claimant in an equal pay and PTW Regs challenge to the lawfulness of the ill-health pension provisions of the Police Pension Regulations 1987 (led by Daphne Romney QC) [2015-2017].
- *Kumbharati v Network Rail* – Representing the company in defending ongoing wide-ranging equal pay, discrimination and whistleblowing detriment and dismissal claims, including multiple successful strike out and deposit order applications and successfully resisting an interim relief application [2019-2021, ongoing]
- [Digpaul v Entrust Datacard Corp](#) – Successfully defended against race discrimination, TUPE and unfair dismissal claims from the relocation of a senior manager’s role from the UK to the USA. The case involved interesting novel arguments on when a single person constitutes an organised grouping of employees under Reg 3 TUPE Regs and whether relocation of a role to a country with protective citizenship requirements for employment amounted to indirect discrimination [2019-2020].

Publications

Books

- International Adoption (Jordan Publishing, 2012) – co-author

Articles

- Judicial Review for Material Unfairly Presented to the Decision-Maker (2005) 10 JR 156
- When Is a Fetter Not a Fetter? (2005) 10 JR 216
- Calling Time on Sham Contracts in Employment (15/12/2009) Local Government Lawyer
- Autoclenz Ltd v. Belcher & ors: Sham Contracts (October 2011) ELA Briefing
- [Indirect discrimination by association – the problems with CHEZ](#) (26/01/2106) Field Court Website
- [When is misconduct ‘gross’ and what compensation can be claimed for wrongful dismissal?](#) (27/01/2017) Field Court Website
- [TUPE – service provision changes and the ‘principal purpose’](#) (27/03/2017) Local Government Lawyer
- [Ours is not to reason why – Essop and Naeem examined](#) (05/04/2017) Field Court Website

- [Is this article in the public interest? – Chesterton explained](#) (12/07/2017) Field Court Website
- [ET fees order declared unlawful ab initio](#) (26/07/2017) Field Court Website
- [Risk assessments for breastfeeding workers](#) (20/02/2018) for Practical Law Employment Blog
- [Pay terms for shared parental leave: the implications of Ali and Hextall](#) (06/06/2018) for Practical Law Employment Blog
- [Positive action in recruitment: Cost of getting it wrong](#) (11/04/19) for XpertHR
- [“Something arising” from disability – the stretchiest words of the Equality Act 2010](#) (21/08/19) for XpertHR
- Protecting whistleblowing research: a step too far? (01/11/19) for ELA Briefing, with Shoshana Bacall of Fox and Partners LLP
- Regular case notes for Discrimination Law Association Briefings and for Daniel Barnett’s Employment Law Bulletin
- Hundreds of threads analysing employment case law on Twitter

Education

- LLB (London) (2:1) (placed 4th in year)
- LLM (Comparative, European and Public Law) (Birmingham) (placed top in year)
- BVC (Very Competent) (BPP) (placed 3rd in year)

Prizes and Scholarships

- Drapers Company Prize for final year exam performance
- Major Scholar, Inner Temple

Memberships

- Employment Lawyers Association
- Employment Law Bar Association
- Industrial Law Society

Follow me for my employment law commentary on Twitter at [@jasonbraier](#)