

Jason Braier

Call 2002

Telephone [020 7831 0222](tel:02078310222)

Email clerks@42br.com



Introduction

Jason is a busy specialist in employment law, with experience across a wide range of cases. He has a particular interest in discrimination law and was involved as junior counsel *Rowstock Ltd v. Jessemey* [2014] IRLR 368. Jason lectures and writes extensively on employment law and regularly delivers legal training seminars for which he receives consistently excellent speaker feedback.

Jason is able to accept instructions directly from members of the public.

Employment

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

With a particular interest in discrimination law, both within and outside the employment field, Jason appeared as junior counsel in the Court of Appeal in *Rowstock Ltd v. Jessemey* [2014] IRLR 368. Jason appears regularly in appeals before the EAT.

Jason delivers regular well-received seminars and workshops. Recent training includes an annual discrimination law update, webinars and podcasts on religious dress in the workplace and a mock tribunal for the British Transport Police concentrating on disability discrimination.

Jason also writes employment law articles for a variety of publications and is well-regarded for his analyses on Twitter of new case law and other issues of interest to employment lawyers.

Current and recent cases of interest

- *Feltham v. Feltham Management Ltd & Others* – Represented the respondent in an 8-day unauthorised deduction, unfair dismissal and discrimination claim and in a wide-ranging appeal before the EAT (see Notable cases, below)
- *Rachel Burns v Surrey County Council* – Represented the local authority in this unfair dismissal and

disability discrimination claim that was widely reported in the media, including a Radio 4 documentary and a slot on The One Show on BBC1.

- *H v. Commissioner of Police of the Metropolis & Another* – Representing the claimant in a wide-ranging whistleblowing claim against the police.
- *E v. NHS* – Representing the claimant in a breach of contract claim concerning pension loss resulting from breach of the implied duty to inform about a valuable contractual right.
- *G v. Estate Agent* – Successfully represented the claimant in a claim for direct age discrimination and constructive dismissal arising from comments that the claimant, in her 60s, would be more suited to a ‘traditional estate agency’.
- *L v Property Management Company* – Representing the respondent to whistleblowing dismissal and detriment claims from a husband and wife. Having successfully opposed the application for interim relief, trial is listed for 10-days in July 2019.
- *E v Recruitment Company* – Representing the respondent in a wide-ranging religious discrimination claim listed for trial for 15 days in June 2019.

Notable cases

- [*Feltham Management Ltd & Others v. Mrs J Feltham & Others*](#) [2017] UKEAT 0201/16/RN (21 December 2017) – Represented the appellant in a wide-ranging appeal concerned, among other matters, with when a dismissal occurs and the shifting of the burden of proof under section 136 Equality Act 2010.
- *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).
- *Sheredes School v Davies* [2016] UKEAT 0196_16_1309 (13 September 2016) – Representing the school in successfully appealing an ET decision on unfair dismissal time limits. The claimant is currently awaiting the outcome of an application for permission to appeal to the Court of Appeal. HHJ Shanks described the case as being argued “with skill and enthusiasm”.
- *Adebowale v Isban UK Ltd & Others* [2015] UKEAT 0068_15_0508 (05 August 2015) – Appearing for the Claimant, Jason successfully had resurrected 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. In her judgement Mrs Justice Laing commented:

“The appeal was very ably argued by Mr Braier for the Appellant and by Mr Mansfield QC for the Respondent. I am grateful to both of them for their helpful skeleton arguments and focussed oral submissions.”

- *Aurelie Fhima v. Travel Jigsaw Ltd* – Appeared on behalf of the successful claimant in an indirect discrimination claim for a Jewish job applicant turned down for a job solely because she could not, for religious reasons, work on Saturdays.

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
- International Adoption (Jordans, 2012), co-author with Ruth Cabeza and Ayesha Bhutta
- [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
- Regular contributions to Daniel Barnett’s Employment Law Bulletin
- Regular case notes for Discrimination Law Association Briefings