

Susan Chan

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Susan has been a barrister practising in civil law for over 27 years. She did her pupillage at 13 King's Bench Walk in 1994-95 and practised there for 19 years before moving to 42BR Barristers in 2014. She specialises in employment law, public law, inquests and personal injury/ clinical negligence claims. She was on the Attorney-General's panel of Civil Treasury Counsel for 16 years including 5 years on the highest 'A' panel, during which she acted for the government in many hundreds of public law challenges, employment cases and inquests.

Employment Law

Susan has extensive experience of advising and representing claimants and respondents in all areas of employment law, particularly in discrimination and whistleblowing claims. Her practice is conducted predominantly in employment tribunals and the Employment Appeal Tribunal.

Reported cases

- *Agbeze v Barnet, Enfield and Haringey Mental Health Trust* [2022] IRLR 115 EAT: whether zero hours worker is entitled to full pay when suspended during a disciplinary investigation;
- *Dobbie v Felton* [2021] IRLR 679 EAT: what is required to satisfy the required "public interest" element in a whistleblowing disclosure;
- *O'Connor v Jaguar Land Rover (27.1.20)*: Susan acted for successful Claimant who was found to have been automatically unfairly dismissed for walking off-site from the Midlands Jaguar Land Rover factory, despite his action being prompted by his reasonable belief that his health was in serious danger from unextracted car exhaust fumes on the factory line;
- *Fahim Afzal v Domino's Pizza* [2018] ICR 1652 EAT: Susan acted for the claimant in his successful appeal to the EAT: employer's failure to give him an appeal in circumstances where the employer had believed his immigration leave had expired, made his dismissal potentially unfair.
- *Witts v Wyre Forest School (13.3.17)* EAT: Susan acted for a teaching assistant in his successful appeal to EAT against a tribunal's decision dismissing his unfair dismissal claim. He had been dismissed for gross misconduct after

a special needs pupil fell after attacking the appellant, but the tribunal had failed to take account that appellant was acting in self-defence.

- *Unison v Lord Chancellor and Equality and Human Rights Commission* [2014] IRLR 226: Unison and ECHR's challenge to legality of Fees Scheme introduced in Employment Tribunals and Employment Appeal Tribunal in July 2013. Susan was successful on every occasion that she represented the Lord Chancellor, whether as the sole counsel defending the two separate 2013 and 2014 judicial review challenges in the Divisional Court or when led in the Court of Appeal (by David Barr QC);
- *Jones v Judicial Appointments Commission* [2014] EWHC 1680: Susan successfully defended the JAC when its refusal to appoint a judicial applicant on character grounds, because he had 7 current driving licence points, was challenged by the applicant in judicial review proceedings.
- *Sivanandan v Cole* (2011): Susan successfully defended an employment judge in a 6-week long hearing against multiple discrimination claims brought by a lawyer who had appeared in front of him.

Related accreditations

"Susan provides clear, concise and practical advice. A key strength is Susan's ability to grasp the legal issues that are relevant to the claim quickly and provide assistance using a calm and considered approach." Legal 500 2022

"Provides calm and measured counsel, handles clients confidently, and manages tribunal hearings with authority." Legal 500 2021

"If you're in a pickle she's really good as she's very supportive and instils confidence" (Solicitor)

"Susan Chan is my first port of call on difficult employment cases. Her intellect and experience speaks for itself but for me and for my clients her main quality is her ability to keep her nerve when it seems everyone else is losing theirs" (Solicitor)

