

Safia Tharoo

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Introduction

Safia is an experienced employment practitioner, with expertise across the whole range of employment matters representing both Claimants and Respondents. She has a particular interest in discrimination cases and is regularly instructed in high value, complex cases. Safia has a wealth of trial experience in both the Employment Tribunal and the appellate courts, and is renowned for her incisive cross-examination skills.

Safia is direct access qualified and welcomes instructions on this basis. She also provides training and seminars on a wide range of issues, often tailored to the client's specific needs.

Safia is currently Head of Pupillage and a pupillage supervisor, and relishes the opportunity to support the careers of those entering the profession.

Employment Law

Safia represents Claimants and Respondents throughout the spectrum of employment issues, including dismissals, discrimination issues, TUPE and contract claims. Her Respondent clients range from large national corporations, to small businesses and start-ups. She has particular experience of the transport sector, where she regularly represents names such as Network Rail and Transport for London, the education sector, where she has represented a host of universities including the University of Oxford, Queen Mary University and SOAS, and the banking, retail and services industry.

Safia is happy to be involved at every stage of a case - from advising clients on potential issues before a claim is made, through to drafting claims/responses and advising on merits and negotiation tactics. She is regularly instructed in high value, complex discrimination cases (which are her forte), especially in cases where numerous allegations are made.

Safia is particularly skilled in trial representation and cross examination, and is noted for her ability to forensically dismantle a witness's testimony to the benefit of her client.

Safia also has experience of conducting investigations on behalf of clients, including interviewing relevant

individuals and compiling a report on her findings.

Recent Cases

Examples of recent work include:

- Jayaram v Network Rail – UKEAT/0164/19/LA – Safia successfully represented NR in a claim alleging discrimination at interview, and then successfully resisted an appeal from Mr J that he had not been afforded a fair trial due to his disability.
- L v Q Ltd – [2019] IRLR 1033 – Safia represented Q Ltd in L's unsuccessful appeal to the Court of Appeal to try and prevent a copy of the ET judgment from being placed on the Register of judgments.
- Secrett and others v Galloway Travel Group and others – Safia successfully defended Galloway in a group claim by 39 former and current employees alleging a failure to inform and consult under TUPE and a failure to accurately calculate holiday pay. Thereafter, she obtained an costs order against the Claimants (based on their unreasonable behaviour) of £20,000, being the maximum the tribunal can award.
- Walker v Arco Environmental Ltd – Safia successfully represented Mrs Walker, who had been forced to leave her job just a few days after informing her employer that she was pregnant. Not only did Mrs Walker receive an award for injury to feelings and loss of earnings, but Safia also obtained an award for aggravated damages, on the basis of the way that the employer had defended the proceedings.
- Miss YF Akinkuolie v Corps Security (UK) Ltd – Safia successfully represented the Respondent against multiple claims of disability discrimination spanning a number of years, up to and including dismissal.
- Mr G v Network Rail Ltd – Safia successfully represented NR in a claim where the Claimant argued that he had made 14 safety related disclosures, resulting in 12 detriments in addition to an automatically unfair dismissal. Safia demonstrated that in some cases the detriments could not be made out, and where they could, there was no link between that and the disclosures.
- Safia represented the Personal Estate of a former employee of Slater & Gordon Solutions Legal Ltd who sadly committed suicide soon after his resignation. This matter settled shortly after a contested hearing in which Safia obtained specific disclosure of documents relating to the settlement agreements of other former employees.
- Safia is currently representing a large organisation against six separate claims of discrimination which have been brought by C in relation to a failure to support him following a diagnosis of ADHD.

Other Reported Cases

- Khan v Royal Mail Group Ltd & Others – [2014] EWCA Civ 1082 – Safia successfully represented the Respondent employer in the Court of Appeal and the Employment Appeal Tribunal (UKEAT/0160/11), having earlier been successful in the employment tribunal following a 10 day hearing in a claim for race and religious discrimination claim comprising 24 separate allegations. The appeals were predicated on the basis that the tribunal had misdirected themselves on the applicable burden of proof when determining the issues but after being taken carefully through the tribunal's reasons, they accepted that the tribunal had in

fact properly directed themselves notwithstanding some poorly phrased conclusions.

- *Eastman v Tesco Stores Ltd* – UKEAT/0143/12 – Safia successfully represented the employer in a case where the EAT found that an employment judge was entitled to strike out a claim of unfair dismissal as having no reasonable prospect of success; the judge was entitled to resolve crucial core disputes as to facts at a pre-hearing review and so determine the prospects of the case on that factual basis.
- *El Kholy v Rentokil Initial Facilities Services Ltd* – UKEAT/0472/12 – Safia successfully represented the employer in a case where the EAT reaffirmed the principle in *Dedman* that where a Claimant instructs solicitors to represent him, he cannot rely on the ‘not reasonably practicable’ defence when his claim is submitted out of time. The Claimant had sought to argue that since he had only instructed his solicitors to deal with his internal appeal, and did not know that he could bring a claim of unfair dismissal, much less the time limits for doing so, the *Dedman* principle should not apply, however the EAT disagreed.

Accreditations

- *‘A formidable advocate, with a tenacious yet diplomatic manner’*