

## Safia Tharoo

Call 2004

Telephone [020 7831 0222](tel:02078310222)

Email [clerks@42br.com](mailto:clerks@42br.com)



### 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.

In addition, she has a thriving personal injury practice, often related to injuries sustained at work.

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 Profile

Safia represents Claimants and Respondents throughout the spectrum of employment issues, including dismissals, discrimination issues, TUPE and contract claims.

She is happy to be involved at any stage – from advising prior to issues or allegations being 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.

### Personal Injury Profile

Safia's personal injury practice encompasses advising and representing both Claimants and Defendants across

a wide range of areas, including accidents at work or arising from employment (where her employment experience is invaluable), trips and slips, and road traffic accidents.

Safia accepts work under a conditional fee arrangement, and also on a direct access basis.

## Clinical Negligence & Personal Injury

Safia's personal injury practice includes injuries arising from road traffic accidents, trips and slips, and accidents at work. She advises and acts for both Claimants and Defendants, and is happy to undertake work under a Conditional Fee Arrangement.

### Related professional memberships

- Personal Injury Bar Association

## Recent Cases

Examples of recent work include:

- Safia successfully represented an employer who dismissed an employee on the basis that he was unable to perform his role due to his disability even though adjustments had been made to allow him to continue in his role for the previous two years. As a result of a serious incident, the employer took the view that those adjustments were no longer viable. Safia successfully argued that the fact that adjustments had been in place for such a considerable period of time did not mean that they could not be revoked at a later date, if it was considered that they were no longer 'reasonable'.
- Safia successfully represented a large transport employer in a claim of unfair dismissal and disability discrimination where the Claimant was dismissed for failing an alcohol test in circumstances where she had agreed to completely abstain from alcohol for the duration of her employment, given the safety critical nature of her job and her past history.
- 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 an employer in the coach industry 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, as well as an individual claim by the lead Claimant alleging automatic unfair dismissal for acting as an employee representative.
- Safia represented a teacher who was dismissed for allegedly failing to bring safeguarding issues in relation to a pupil to the attention of senior management at an earlier stage. Safia demonstrated to the tribunal that the teacher had acted in this way due to a genuine belief that it was in the child's best interests for them and their family to receive support and guidance at that stage, rather than escalate the issues.
- Safia successfully represented a very large organisation against a group action supported by their trade

union, alleging that their contract did not require them to work on Sundays despite the fact that they were regularly rostered to do so. Their claim for compensation for all the Sundays they had worked would have amounted to millions of pounds.

## 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 Kholly 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.

## Qualifications and Appointments

- University College London LLB (Hons)

## Accreditations

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

## Education

- Watford Grammar School for Girls

- University College London (LLB (Hons))