



Rachel Crasnow QC

Year of Silk/Call: 2015/1994

Call Clerk on 020 7827 4000

PRACTICE AREAS

Arbitration & Mediation | Commercial Law | Discrimination & Equality |
Employment | Human Rights | Professional Discipline

HIGHLIGHTS

"She is a really good advocate: she is succinct, she cuts to the chase, she is appealing to judges, and she is clever, knowledgeable and experienced in employment law." **Chambers & Partners 2022**

"Calm under pressure, quick on the uptake, client friendly, and engaging." **Legal 500 2022**

According to an article in *The Lawyer* magazine in 2019, Rachel Crasnow QC was one of "top 10" female silks appearing in the Court of Appeal.

OVERVIEW

Rachel Crasnow QC is a leading employment and equality law silk, often appearing in complex and high-value cases, which frequently challenge the scope and limits of discrimination and human rights law.

Rachel specialises in all aspects of discrimination work as well as equal pay and whistleblowing cases. Her work often overlaps with regulatory and medical law, education and public law issues.

Rachel represents a wide variety of clients (including the EHRC, city firms, political parties, public authorities, charities and trade unions).

Some of Rachel's ground-breaking litigation involves the long-running and ongoing *O'Brien* judicial pensions litigation, where she had been instructed since 2009. She has appeared six times in the Supreme Court and twice in the CJEU in this case and further has been counsel of choice for hundreds of judicial office holders on the implications of the *O'Brien* judgment for their pension rights, representing them at all their hearings.

Rachel's equal pay work covers a wide range of sectors. She has been instructed in public sector cases in local government and education involving thousands of carers, school-based workers and female professors. Her private sector equal pay cases have involved the BBC, LLPs, care homes, trade unions and drama schools. She is currently involved in multi claimant supermarket equal pay litigation.

Her specialism in whistleblowing includes challenging the bar against such protection for judges using human rights law: see the test case of *Gilham v MOJ*. She also has significant experience in NHS whistleblowing cases.

Rachel's other "status" casework includes representing foster carers at Court of Appeal level in their fight to be declared "workers" (see *NUPFC v CO* [2020] ICR 607) and gig-economy challenges for couriers involving trans-discrimination.

Her disability discrimination expertise led to her appearing in the first Supreme Court hearing concerning s.15 Equality Act 2010 and disability-related discrimination (*Williams v Swansea University* [2018]).

Outside the employment sphere, Rachel appears and advises in equality cases on a diverse range of matters including from trans-discrimination in Girlguiding, single-sex choir membership, discriminatory dress-codes in London hotels as well as benefits discrimination against tenants.

Rachel's High Court practice has recently included resisting injunctions on behalf of the Labour Party brought by a variety of individuals, confidential information cases and successful applications for civil restraint orders.

Rachel has long-standing experience in defending and presenting cases of professional misconduct for regulatory bodies including the British Psychological Society and the GMC. In 2015 she was appointed a Police Appeals Tribunal Chairman. As well as working as an appeal judge in this jurisdiction, she adjudicates over high profile misconduct hearings for senior police officers. She is also a Legal Advisor to the UK Board for Health Care Chaplaincy (UKBHC).

Rachel sits as a mediator and is frequently instructed to mediate in highly sensitive disputes in areas such as equal pay, race discrimination and religion.

She is sought after to carry out complex investigations where there are significant reputational issues at stake.

Rachel is a long-term supporter of greater inclusion at the Bar and campaigns for diversity and well-being in the legal profession via pro bono work with the Bar Council and beyond, being awarded a Diversity Law Champion award in 2018.

She was appointed to the Equality and Human Rights Commission's Panel of Preferred Counsel in 2019 and also advises bodies in relation to Commission enforcement powers.

Rachel was appointed a Recorder in 2020.

AWARDS

Awarded Diversity Law Champion in 2018.

Chair of Bar Council Legislation and Guidance Committee

Employment Law Bar Association elected Committee Member

Member of the Bar Council's Equality and Diversity Committee

Member of ELA, ELAAS, DLA. ILS and the Human Rights Lawyers' Association.

Shortlisted for Employment Silk of the Year 2018, Employment Junior of the Year 2013 and for the 2013 Chambers & Partners Bar 100

REFERENCES

Chambers & Partners 2022: "She is a really good advocate: she is succinct, she cuts to the chase, she is appealing to judges, and she is clever, knowledgeable and experienced in employment law." "Despite being really busy, she is super responsive and insightful."

Legal 500 2022: "Calm under pressure, quick on the uptake, client friendly, and engaging."

Chambers & Partners 2021: "She's very calm, very insightful and has a huge amount of experience." "She is really bright, tactical and good with clients; she's the all-round package."

Legal 500 2021: "Excellent with clients; they really engage with her, and she has the ear of the court and its respect. She can disseminate facts quickly and make instant decisions, and makes complex facts simple."

Chambers & Partners 2020: "She's absolutely fantastic: she has a really

impressive manner and the gravitas to make her point very effectively." "She's someone who just lives, breathes and eats employment law."

Legal 500 2020: "Incredibly knowledgeable on all things discrimination and very constructive and commercial in her approach."

Chambers & Partners 2019: "Acts across the full gamut of employment law and has a particular aptitude for discrimination cases. She is often instructed by clients in the banking, media, healthcare and education sectors." "Creative and fantastically hard-working." "Client-friendly and pragmatic."

Legal 500 2019: "She is 100% committed to getting the right outcome for the client."

Chambers & Partners 2018: "Always 150% committed to the case; clients warm to her caring manner and are impressed by her shrewd cross-examination style."

Chambers & Partners 2017: "a gutsy advocate who is good on her feet and provides excellent tactical advice"; "very knowledgeable"; "a very strong reputation in the disability discrimination field"; "killer cross-examination skills" and "an unflappable nature in the courtroom".

Legal 500 2017: "Pragmatic and persuasive."

APPOINTMENTS AND MEMBERSHIPS

Recorder

Police Appeals Tribunal Chairman

Legal Advisor to the United Kingdom Board for Health Care Chaplaincy (UKBHC)

Chair of Bar Council Legislation and Guidance Committee

Employment Law Bar Association elected Committee Member

Member of the Bar Council's Equality and Diversity Committee

Member of ELA, ELAAS, DLA. ILS and the Human Rights Lawyers' Association.

Shortlisted for Employment Junior of the Year 2013 and for the 2013 Chambers & Partners Bar 100

PUBLICATIONS AND TRAINING

Publications

Editor and co-author of Family Rights in Employment Law (Jordans, 2012)

Co-author with Robin Allen QC and Anna Beale of Employment Law and Human Rights (OUP 3rd edition 2018)

Co-author of Blackstone's Guide to the Equality Act (3rd ed OUP 2021)

Co-author of Supreme Court Yearbook 2020

Contributor and editor to Bullen, Leake and Jacob: Human Rights and ECJ sections

Early editor of the Educational Law Journal's Case Commentaries

Training

Rachel is a much sought-after speaker and lectures in the UK and internationally, including to lawyers and jurists at the prestigious European Commission funded European Rights Academy. Her many regular speaking engagements include the annual TUC/EOR Discrimination Law Conference, the ILS Spring Conference and the 22 QCs conference.

Rachel gave evidence to the House of Lords Select Committee on the Equality

Act 2010 and Disability on behalf of the Bar Council in September 2015 arising from her expertise in disability discrimination law:

<https://publications.parliament.uk/pa/ld201516/ldselect/ldeqact/117/117.pdf>.

She addressed the All-Party Parliamentary Group for Sex Equality on the EU Withdrawal Bill in September 2017. Recent talks have been around the topic of positive action, NDAs, harassment, dress codes, flexible working and parental leave, diversity and the Prevent Duty as well as post Brexit employment issues and has written the Bar Council's Positive Action Guidance.

Rachel is a co-editor of the [Cloisters Covid-19 Back to Work Toolkit](#) as well as acting for and advising employees, employers and Government in matters arising out of the pandemic.

QUALIFICATIONS

BA (Oxon)

Dip (Law) City University

HIGHLIGHT CASES

[***Neslen & Ors v Evans \[2021\] EWHC 1909 \(QB\)***](#)

[***National Union of Professional Foster Carers v The Certification Officer \[2021\] EWCA Civ 548***](#)

[2021] IRLR 588

[***Corbyn v Evans \[2021\] EWHC 130 \(QB\)***](#)

[***Howell v Evans \[2020\] EWHC 2729 \(QBD\)***](#)

obtained civil restraint order against vexatious litigant.

[Howell v Evans \[2020\] EWHC 2070 \(QBD\)](#)

defended Labour Party against application for urgent injunctive relief.

Rentrack Ltd v Green [2020] 9 WLUK 314 QBD confidential information injunctive relief.

[Miller v Ministry of Justice SC \[2020\] ICR 1143](#)

Supreme Court decide part-time judges can count all sitting days for pension purposes (pre-Part-Time Workers Directive).

[Williamson v Formby \[2019\] EWHC 2639 \(QBD\)](#)

successful defence of Labour Party in application for injunctive relief: see [here](#)

[O'Brien v Ministry of Justice \(C-432/17\) \[2019\] 1 CMLR 40 | \[2019\] ICR 505 | \[2019\] IRLR 185 CJEU](#)

Court of Justice rule on part-time judges counting all sitting days for pensions.

[National Union of Professional Foster Carers \(NUPFC\) v Certification Officer \[2020\] ICR 607 | \[2019\] IRLR 860](#)

foster carers challenge question of status using human rights for trade union purposes.

O'Brien v Ministry of Justice (No.2) [2019] IRLR 185 part-time judges seek to achieve just remedy in pensions and discrimination case.

[Williams v Trustees of Swansea University Pension and Assurance Scheme and another \[2019\] IRLR 306 | \[2019\] I.C.R. 230 SC](#)

Supreme Court consider what amounts to “unfavourable treatment” in disability related discrimination.

[Abertawe Bro Morgannwg University Local Health Board v Morgan CA \[2018\] EWCA Civ 640 | \[2018\] I.C.R. 1194 | \[2018\] I.R.L.R. 1050 CA](#)

successfully defended appeal on reasonable adjustments for disability claim including time limits under s.123(4) EqA 2010.

Gilham v MOJ [2018] I.R.L.R. 315 CA human rights and the employment status of whistleblowing judges.

O'Brien v Ministry of Justice Supreme Court [2017] I.C.R. 1101 judgment and reference to CJEU concerning how whether compensation utilised pre-Directive years of service for the purpose of determining judicial pensions.

[Birmingham City Council v Bagshaw EAT \[2017\] I.C.R. 263](#)

pre action disclosure in equal pay litigation.

O'Brien v Ministry of Justice [2017] IRLR 939 SC Supreme Court refer remedy question in judges' pension litigation to Court of Justice.

[Moutrie v Ministry of Justice \[2015\] IRLR 264](#)

appeal concerning medical members seeking judicial pensions and comparisons required under discrimination law.

O'Brien v Ministry of Justice (No.2) [2014] IRLR 440 EAT appeal concerning determination of the Year 2000 point appeal for judicial pension cases.

Dziedziak v Future Electronics Ltd [2012] UKEAT/0271/11 | [2012] Eq LR 543 being ordered not to speak in your "own language" amounts to direct race discrimination.

Miles v Insitu Cleaning Co Ltd [2012] EAT TUPE guidance on what changes to the function of the workforce mean in an ETO context.