



Rachel Crasnow QC

Year of Silk/Call: 2015/1994

Call Clerk on 020 7827 4000

PRACTICE AREAS

Commercial Law | Discrimination & Equality | Employment | Human Rights |
Regulatory

HIGHLIGHTS

"Creative and fantastically hard-working" **Chambers and Partners 2019**. 'She is 100% committed to getting the right outcome for the client' **Legal 500 2019**.

OVERVIEW

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

She 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, 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.

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 in their fight to be declared "workers" 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)

Rachel's equal pay work has included both public sector work undertaking cases against local authorities representing thousands of carers and school-based women and against universities. Her private sector work has involved cases against many institutions such as trade unions and universities.

Outside the employment sphere, Rachel has recently advised on benefits discrimination against tenants, dress codes in hotels, disability discrimination in the retail and leisure industry, single-sex associations and local authorities' approach to religious conflicts.

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, 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.

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 2019: "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."

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

APPOINTMENTS AND MEMBERSHIPS

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.

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PUBLICATIONS AND TRAINING

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 (2nd ed OUP 2017)

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

Editor of the Educational Law Journal's Case Commentaries until 2004

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. For more details see here: <http://www.parliament.uk/business/committees/committees-a-z/lords-select/equality-act-2010-and-disability/news-parliament-2015/lawyers-evidence-session/>.

Recent talks have been around the topic of NDA's, harassment, dress codes, diversity and the Prevent Duty as well as post Brexit employment issues. She addressed the All-Party Parliamentary Group for Sex Equality on the EU Withdrawal Bill in September 2017.

QUALIFICATIONS

BA (Oxon)

HIGHLIGHT CASES

O'Brien v Ministry of Justice (No.2) - [2019] IRLR 185

Williams v Trustees of Swansea University Pension and Assurance Scheme and another - [2019] IRLR 306

Abertawe Bro Morgannwg University Local Health Board v Morgan CA [2018] EWCA Civ 640; 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 on the employment status of 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.

Miller v Ministry of Justice [2016] UKEAT 0003_15_1503 (15 March 2016) appeal regarding determination of primary time limits for judicial pension cases.

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 Please click here for reference SC

Moutrie v Ministry of Justice - [2015] IRLR 264 appeal concerning medical members seeking judicial pensions.

O'Brien (respondent) v Ministry of Justice (appellant) (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. L.R. 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.