



JILLIAN MERCHANT



Year of Call

2026

Devil Masters

Dominic Scullion

Barney Ross

Shane Dundas

Frances Connor

Practice Profile

Jillian called to the Bar in 2026, as a Lord Hope Scholar. Prior to calling, she spent 14 years in private practice, latterly as a Partner and Solicitor Advocate in one of Scotland's leading litigation firms. Her practice encompasses employment and discrimination, public law, professional regulation, fatal accident inquiries and reparation.

She has appeared in courts and tribunals at all levels, including the Sheriff Court, Employment Tribunal, Employment Appeal Tribunal and Court of Session. Her work has regularly involved statutory interpretation, human rights, equality law, the public sector equality duty and judicial review. Previous experience working in the Scottish Parliament also provides first-hand insight into legislative competence and the devolution settlement.

Her employment practice includes unfair dismissal, discrimination, TUPE, contractual disputes, holiday pay, pregnancy-related claims and sexual harassment. She has advised on industrial action, trades union recognition, interdicts and collective disputes.

Jillian has represented professionals in fitness to practise proceedings and advised on professional conduct and discipline. She has represented prison officers, Police Scotland staff and healthcare professionals in Fatal Accident Inquiries, and was instructed as junior counsel for two core participants in the Scottish Covid-19 Inquiry.

Immediately prior to devilling, she practised as a solicitor advocate specialising in personal injury litigation. Her experience included fatal and serious injury claims, historical abuse litigation and claims arising from major incidents, including acting for those injured in the Jenners fire.

Education & Professional Career to Date

Diploma in Legal Practice, University of Strathclyde (2011)

LL.B Law (Hons.) University of Dundee (2010)

Professional career before coming to Bar:

Thompsons Scotland LLP (2011-2025)

Partner and Solicitor Advocate (2023-2025) - Member of the firm's internal advocacy unit, undertaking solicitor advocate instructions in reparation, employment and inquiry work.

Partner (2021-2023) - Conducted appellate, strategic employment and professional regulatory litigation and held responsibility for client relations.

Associate (2017-2021) and Solicitor (2013-2017) - Practised in employment law, professional regulation and fatal accident inquiries.

Trainee Solicitor (2011-2013) - Litigation traineeship focused on employment, discrimination and professional regulation.

Parliamentary Researcher, The Scottish Parliament (2007-2009)

Appointments

- Legal Member, Conduct in Sport Panel, Cricket Scotland (2022–present)
- Member, Board of Directors, Scottish Sports Association (2017–present)

Selected Cases

- **Public Law (as solicitor/solicitor advocate)**
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- **Petition of SB for Judicial Review (2024), CSOH (unreported)**

Judicial review of unlawful termination of membership of private members' club, sex discrimination, instructing solicitor for the petitioner.
- **Scottish Covid-19 Inquiry (2024-2025)**

Junior counsel with Susanne Tanner KC, for two core participants: Scottish Trades Union Congress and Scottish Hazards.
- **Koren Brown v the Advocate General for Scotland and the College of Policing [2024] EAT 189**

Appeal concerning mandatory fitness standards and issues arising under equality legislation, instructing solicitor for the claimant
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- **Employment, discrimination and industrial relations (as solicitor/solicitor advocate)**
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- **Stewart and others v Tesco (2025), CSOH (unreported)**

Petition for interdict preventing the "fire and rehire" of employees to remove a "retained pay" benefit, solicitor advocate for petitioners.
- **Unite the Union v TAC Healthcare Group Limited (2025)**

Application for trades union recognition before Central Arbitration Committee, solicitor advocate for Unite the Union.
- **MBCC Foods Limited v A (2022) (unreported)**

Appeal to EAT (Lord Fairley), successfully resisted appeal by respondent re. sexual harassment,

solicitor for claimant

- **Cowie & others v Scottish Fire and Rescue Service, [2022] EAT 121, [2022] I.C.R. 1693**
ET and EAT sex and disability discrimination arising from policy application during covid-19, instructing solicitor for the claimants
- **Hakim v The Scottish Trades Union Congress, UKEATS/0047/19/SS**
Appeal to EAT, instructing solicitor for the respondent
- **Reid v Department of Work and Pensions (2018)**
Disability discrimination and unfair dismissal, ET, solicitor for claimant (5-day hearing)
- **Claimant v Scottish Fire and Rescue Service (2018)**
Pregnancy discrimination and unfair dismissal for a Station Commander, ET, solicitor for the claimant (5-day hearing)
- **Babcock Marine (Clyde) Ltd v Unite the Union (2017) CSOH (unreported)**
Petition for interdict and interim interdict re. industrial action, instructing solicitor for the respondent
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- **Fatal Accident Inquiries & Public Inquiries (as solicitor)**

- **Scottish Covid-19 Inquiry**
Junior counsel with Susanne Tanner KC, for two core participants: Scottish Trades Union Congress and Scottish Hazards.
- **Inquiry into the death of Alan Hay (13-day FAI, Sheriff Ruxton, Glasgow, 2019)**
- **Inquiry into the death of Alan Smith (2-day FAI, Sheriff N McFadyen, Edinburgh, 2019)**
- **Inquiry into the death of Dawn Marshall (1-day FAI, Sheriff Robertson, Stirling, 2018)**
- **Inquiry into the death of Dionne Kennedy (2-day FAI, Sheriff Gilchrist, Stirling, 2018)**
- **Inquiry into the death of Dale Thomson (11-day FAI, Sheriff Way, Dundee, 2017-2018)**
- **Inquiry into the death of Ian Loudon (12- day FAI, Sheriff Normand, Glasgow 2015)**
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- **Professional Regulation (as solicitor)**

- **Registrant v Health and Care Professions Council (2021)**
Appeal to CSH, re. decision of HCPC panel to suspend registration, instructing solicitor for appellant
- **General Teaching Council for Scotland v Teacher (2019)**
Professional misconduct hearing re. dishonesty, solicitor for registrant (2-day hearing)
- **Scottish Social Services Council v Registrant (2018)**
Professional misconduct hearing re. allegations of physical abuse of children, solicitor for registrant (5-day hearing)
- **Registrant v Scottish Social Services Council (2017)**
Appeal by summary application to Dundee Sheriff Court against decision of Conduct Committee, solicitor for the appellant
- **Special Committee of the Presbytery of A v Minister (2017)**
Disciplinary hearing re. allegations of dishonesty, Presbyterial Commission of the Church of Scotland, solicitor for the Minister (4-day hearing)
- **Nursing and Midwifery Council v Registrant, (2016-18)**
Various interim orders hearings re. charge of culpable and reckless conduct & theft of epidural drugs, solicitor for registrant

Areas of Practice

- Clinical and Professional Negligence
- Crime
- Employment, Discrimination and Harassment
- Personal Injury
- Public and Fatal Accident Inquiries
- Public Law

Additional Information

Jillian is an experienced non-executive director and media commentator