

Richard O’Keeffe

CALL: 2021

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Overview

Richard practises in employment, industrial relations and personal injury law. He has a busy practice advising on prospects and value in employment and injury matters and representing both claimants and respondents / defendants at first instance in the Employment Tribunal and County Court.

In terms of appellate experience, he has appeared on a number of occasions in the Employment Appeal Tribunal, both led and as sole counsel, and in the Court of Appeal, and is instructed in an application for permission to appeal to the Supreme Court.

Employment

Before joining Old Square Chambers Richard spent five years working for two trade unions and a law centre having conduct of large case loads of Employment Tribunal claims. Since being at the Bar examples of Richard’s work in the Employment Tribunal and on appeal include:

- *Accattatis v Fortuna Group (London) Ltd* [2024] IRLR 570 – successfully acted for the appellant. The decision is authority on the interaction between s.100(2) ERA and s.100(1)(e) in health and safety cases in the context of a request for homeworking during the first national Covid-19 lockdown (led by Edward Kemp).
- *Abrams & Jolly v The University of Oxford* ET: 3313598/2022 – successfully acted for the claimants in relation to the preliminary issue of employee status (instructed by Ryan Bradshaw of Leigh Day Solicitors, supported by [Law for Change](#)). The case was widely covered by the national press: [The BBC](#); [The Guardian](#); [The Times](#).
- *Djalo v The Secretary of State for Justice* – successfully obtained permission to appeal to the EAT regarding the strike out of the appellant’s indirect race discrimination claim arising from the respondent’s policy of according higher minimum rates of pay to directly employed civil servants than to outsourced facilities workers (led by Jeremy Lewis KC). Richard is currently instructed in an application for permission to “leap frog” appeal directly to the Supreme Court, in light of the decision of the Court of Appeal in *Boohene v The Royal Parks Ltd* [2024] ICR 1036; [2024] IRLR 668, in which Richard was led by Changez Khan and is currently awaiting a decision on permission to appeal from the Supreme Court (led by [Jack Mitchell](#) and instructed by Aman Thakar of Leigh Day Solicitors).
- *Stainton v John E Haith Ltd* ET: 2602049/2023 – successfully acted for the claimant warehouse operative in his claim for a redundancy payment when his employer relocated from Grimsby to Louth (instructed by James Tinston of Thompsons Solicitors).
- *P v Yorkshire Ambulance Service* ET: 6000534/2023 – successfully acted for the respondent NHS Trust securing the dismissal of the claimant’s wide ranging disability discrimination and victimisation claims, following an eight-day trial involving 11 witnesses (instructed by Maddie Lawrence of Capsticks Solicitors).
- *Amankwah v North Middlesex University Hospital NHS Trust* ET: 3304558/2022 – successfully acting for the respondent NHS Trust

Expertise

- Clinical Negligence
- Employment & Discrimination
- Personal Injury
- Public Law

Recommendations

"Old Square are my preferred set of chambers and have been throughout my career. They will always try to accommodate needs and the set are very down to earth and approachable. We have developed very good working relationships with the team over the years." "Good availability of counsel, and always with a range of experience and brief fees so that the client has lots of options. They also deliver regular training sessions with topical content, engaging speakers and useful insights. The Legal 500

Key contacts

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securing the dismissal of the wide ranging disability discrimination claims advanced by the claimant, following a four-day trial (instructed by Loren Meek of Capsticks Solicitors).

- *Oxborrow v Partnerships in Care Ltd* ET: 3300169/2017 – successfully acted for a large number of care workers who were found to be entitled to an allowance for sleep in shifts based on an implied term by custom and practice across the care sector (a practice noted by the Supreme Court in *Royal Mencap Society v Tomlinson-Blake* [2021] ICR 758) that such allowances would be paid (instructed by Sanjana Hossain of Thompsons Solicitors).
- *Cunningham v Sure Care (UK) Ltd* ET: 2405022/2022 – successfully acted for a claimant care worker in a wages claim in relation to a period of what was found to be suspension on medical grounds (instructed by David Jones of Thompsons Solicitors).
- Successfully acted for a claimant sixth form lecturer who resigned in response to her employer’s alleged failure to adequately respond to serious threatening behaviour from students, including a threat to kill. The claim was settled favourably, including with agreement to collective negotiations over the relevant policies (instructed by Colin Davidson of Cole Khan Solicitors).
- Successfully acted for a claimant teaching assistant dismissed by reason of sickness absence due to arthritis, rather than waiting for her hip replacement surgery to take place and to settle, which was alleged to be a reasonable adjustment for disability. The claim was settled favourably on the first day of trial (instructed by Sanjana Hossain of Thompsons Solicitors).
- Successfully acted for a claimant warehouse operative in a disability discrimination claim against one of the world’s largest e-commerce businesses, in which a substantial settlement was obtained (instructed by Navya Shekhar and Mirek Ksiezarek of Truth Legal Solicitors).

Industrial Relations

Richard has very significant experience of collective labour law in connection with trade union victimisation. Examples of his experience include obtaining interim relief for the claimant trade unionists in *Marvin v St James Tavern Ltd* ET: 2302237/2022, and *Rogers v Picturehouse Cinemas Ltd* ET: 2303478/2017 (appearing against a KC).

Other examples of his industrial relations work include:

- Advised and prepared pre-action correspondence for various branches of a national trade union on the legality of employers’ practices as to deductions from wages in response to industrial action short of a strike.
- Advised and prepared pre-action correspondence for a trade union seeking specific performance of their right to access the workplace under the method of collective bargaining in place following statutory recognition. The matter was resolved without the need for proceedings in the trade union’s favour.
- Advised a national trade union on whether members have a right to the ongoing benefit of nationally agreed terms after their employer has seceded from national collective bargaining, and potential avenues for enforcing their rights.
- Advised a trade union on potential economic tort claims by its members, who were employed by a facilities contractor, and affected by a restructure and redundancy exercise imposed by the client in the relevant outsourcing arrangement.

Personal Injury

Richard regularly advises on liability and quantum in multi-track personal injury matters, and represents both claimants and defendants in fast-track trials and at CCMCs. Some examples of Richard’s recent cases are:

- *Levers v South East London & Kent Bus Company Ltd* – advised and successfully represented the claimant bus driver in his employer liability claim for injury at work (instructed by Jack Bloomer of Thompsons Solicitors).
- *James v Essex County Council* – successfully represented the claimant in her public liability claim for failure to maintain the highway, obtaining findings by Recorder John Halford (as he then was) that the defendant’s risk matrix and guidance were inadequate (instructed by Gregory Parry of Bakers Solicitors).
- Acted successfully for two squatters who were seriously injured (fractured tibia and eye-socket, each requiring surgery) by “bailiff support” security agents of the High Court Enforcement Officer instructed to evict them. The case raised issues of vicarious liability,

non-delegable duties, and positive duties to protect from a danger created, both under the common law and under the Human Rights Act 1998 (instructed by Joseph Wright of the Whitechapel Advice Service).

Discrimination in Public Services

Examples of Richard's work on cases regarding discrimination in the context of public services include:

- Instructed for a black single mother in a race discrimination claim against a local authority in the County Court. When her son became involved in drug distribution she had her home targeted by gangs, but she was refused welfare priority for a move to a different area. It is alleged that those determinations were directly or indirectly discriminatory in connection with race (instructed by Julie Baker and Richard Hinton at Suffolk Law Centre).
- Advised on a number of potential discrimination claims against landlords for failure to make reasonable adjustments, including against social landlords in relation to their use of and failure to make use of anti-social behaviour powers.
- Advised and drafted pre-action correspondence in relation to a potential judicial review of procurement decisions by a central government department, having the effect of setting up a two tier pay system as between direct employees and outsourced facilities staff, alleged to have been reached without compliance with the Public Sector Equality Duty (instructed by Paul Heron and Sam Tippett of the Public Interest Law Centre).

Notable Cases

[Former Oxford University lecturers win 'sham contracts' claim - BBC News](#)

[Academics win claim against Oxford University over 'sham contracts' | University of Oxford | The Guardian](#)

[Oxford tutors win tribunal over 'sham contracts' at university \(thetimes.com\)](#)