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. He also has considerable experience of group litigation in both the High Court and the Employment Tribunal.

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 has been instructed in applications 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:

- *Kanlungan Migrant Centre v Mallari and ors* (Court of Appeal) (judgment awaited) – acting for the employer charity in an appeal against interim relief continuation of contract orders for four fixed term employees (led by **Stuart Brittenden KC** and **Jack Mitchell**, instructed by De Cruz Solicitors).
- *London Borough of Hammersmith and Fulham v Ms Wright-Turner* (EAT) (judgment awaited) – represented the claimant responding to the employer's appeal against an award of compensation for disability discrimination in excess of £4,000,000 (led by **Ben Collins KC**, instructed by Doyle Clayton Solicitors).
- *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 KC).
- *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* [2025] EAT 67 –appeared in an 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).
- *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 securing the dismissal of the wide ranging disability discrimination claims advanced by the claimant, following a four-day trial (instructed

Expertise

- Employment & Discrimination
- Industrial Relations
- Personal Injury
- Group Litigation

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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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).

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:

- *Garland and 22 ors v Rockstar Games UK Ltd* ET: 4104294/2025 (judgment awaited) – acting for 23 members and lay organisers of the Independent Workers Union of Great Britain, said by the respondent to have been dismissed for contributions to a Discord Server, which IWGB contends was established a private trade union organising forum (led by Lord Hendy KC). [Reported by BBC, The Guardian, The Times, and Sky News.]
- 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 (instructed by Ryan Bradshaw of Leigh Day Solicitors).
- 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.

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).

Group Litigation

Richard has significant experience of long running group litigation, for claimants both in the High Court and Employment Tribunal, in relation to labour exploitation, human rights and discrimination.

- Acting for a large group of private hire vehicle drivers against Transport for London in negligence and for HRA damages for failure to promptly renew their licences prior to expiry (instructed by Leigh Day Solicitors).
- Acting for several hundred BME cleaners, caterers and porters in a claim against a NHS Trust for indirect race discrimination arising from their failure to accord the claimants Agenda for Change terms and conditions following transfer in-house from outsourced contractors (instructed by Leigh Day Solicitors).
- Acted successfully for 150 BME cleaners in a claim against a university for indirect race discrimination arising from the employer's failure to harmonise pay terms to the level of existing in-house employees following the claimants' transfer in house (led by **Jack Mitchell**, instructed by Thompsons Solicitors).

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)