



Gareth Graham

Year of Call: 2006

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Employment and discrimination

Gareth was called to the Bar after leaving the British Army and is now an employment law specialist, regularly instructed in dynamic and complex cases. He is known for his pragmatic and robust style.

He has recently represented clients in the High Court, at the EAT and at the Court of Appeal.

He regularly represents NHS organisations and large companies, including the BBC, John Lewis & Partners, a leading multi-national engineering group and a large supermarket chain. He has also represented a European Embassy, a number of local authorities and a myriad SMEs across all areas of employment law. He has a particular focus on whistleblowing and discrimination cases.

He has also acted on behalf of employees in cases of a sensitive nature, including a Muslim woman in a claim for sex discrimination against her Muslim employers, a nurse involved in the alleged mistreatment of infirm nuns at a Convent which received coverage in the national media and a number of high profile claimants.

Gareth is on the panel of approved counsel to the Welsh Government and regularly provides training to clients and external bodies, including NHS organisations and ACAS.

Recent cases:

- Acting on behalf of an NHS organisation in its successful defence of a claim of race and age discrimination
- Acting on behalf of an NHS organisation in its successful defence of a complex whistleblowing claim
- Acting on behalf of an NHS organisation in its successful defence of a claim of disability discrimination
- Acting on behalf of a household brand in its defence of seven interrelated race discrimination claim
- A number of complex discrimination and whistleblowing claims in the airline industry.

Articles

Gareth Graham analyses the case of *Whitaker v White Rose Academies Trust & Luminare Education Group* [2026] EAT 43, which serves as a helpful summary of the extent to which there is a limited duty on ETs to determine issues that were not clearly identified in the pleadings and then set out in a list of issues.

This case highlights the importance of having an accurate and comprehensive list of issues, especially given significant time pressures in the ET system.

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Gareth Graham considers the case of *XY v AB* [2025] EAT 66, in which the EAT provides a comprehensive review of the

principles to be considered when applications are made for permanent anonymity orders.

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Gareth Graham analyses the case of Impact Recruitment Services Ltd v Korpysa [2025] EAT 22, which results in the EAT reinforcing the relatively low threshold for what counts as a substantial reason for SOSR dismissals.

An employer's genuinely held but mistaken belief that an employee has resigned may be sufficient to establish a potentially fair reason for dismissal. However, the dismissal may nonetheless be unfair if the employer did not act reasonably in treating the employment as terminated for that reason.

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Gareth Graham analyses the case of Xie v E'quipe Japan Ltd [2024] EAT 176, in which the EAT provides a concise summary of the approach to be taken by the ET when faced with an application for strike out in discrimination claims where there is a core of disputed facts.

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Gareth Graham reviews Sullivan v Bury Street Capital Limited [2021] EWCA Civ 1694, in which the Court of Appeal provides a useful reminder that any assessment as to whether a person with an episodic condition is disabled for the purposes of the Equality Act must be carried out by way of careful analysis of all the evidence.

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[Gareth Graham](#) and [Matthew Curtis](#) examine the options in this employment law webinar first broadcast on 21 April 2021 and look at the potential pitfalls for businesses looking to make redundancies or organisational changes due to pressures caused by reduced activity.

Read their notes and answers to the most common questions received.

[Watch the webinar on 'Preparing to trade in a post-pandemic economy: options available to employers facing uncertain times here.](#)

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3PB barrister Gareth Graham analyses the latest employment law cases, covering:

- Harassment – Evans v Xactly Corporation Ltd UKEATPA/0128/18LA
- Whistleblowing: Timis & Sage v Osipov [2018] EWCA Civ 2321
- Unfair Dismissal: Hawkes v Ausin Group (UK) Ltd UKEAT/0070/18/BA
- Direct Discrimination – Lee v Ashers Baking Company Ltd and others

In other news...

- Employment Tribunal statistics
- Consultation Paper on reforming employment law hearing structures

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Recommendations

“engaging and candid.”

Honourable Mr Justice Langstaff, former President of the EAT, reported case of Vodafone Ltd v Miss A Nicholson UKEAT/0605/12/SM.

Gareth Graham is highly experienced in discrimination law and unfair dismissal. He is widely respected for his strategic approach to complex cases. He acts for NHS trusts, transport and hospitality clients across the country as well as a number of high-profile private employers. He has notable expertise in discrimination claims and whistle-blowing.

Strengths: "Getting Gareth on board helped clarify the issues and he was really excellent at the final hearing."

"Gareth is brilliant with clients and in making a case feel like a team effort. He is decisive and responsive, and assimilates information quickly."

"Gareth approaches each case with an incredible enthusiasm and energy. He has obtained some incredibly successful and well-received outcomes for our clients."

"I am always impressed with how well Gareth manages the client and witnesses while also still ensuring the instructing solicitors are kept updated."

Chambers UK 2025/Employment/Western Bar

Strengths: "Gareth gives extremely practical and commercially focused advice."

Chambers UK 2024/Employment/Western Bar

Strengths: "He presents his arguments in the tribunal in a concise and logical way, he is always polite and composed."

"He explains points clearly, is very patient and the clients are always impressed by Gareth's abilities."

"Gareth is very popular with our clients. He explains points clearly and is very patient, and the clients are always impressed by his abilities. He presents his arguments in the tribunal in a concise and logical way."

"Gareth was commercial and very good at handling the client and their needs."

"Gareth is extremely knowledgeable and provides robust, practical advice. He is very responsive and his approach is solutions-driven. Gareth is very popular with clients of the firm, which I believe is due to his commercial approach and ability to put witnesses and decision makers at ease."

Chambers UK 2023/Employment/Western Bar

Strengths: "He is an excellent barrister who is very good with clients and he knows how to manage the client's expectations in a friendly and personable way. He is very good at putting himself in the client's shoes rather than just dealing with the legal issues." "He is very pragmatic and personable, he is very good at building relationships with clients and he can inspire confidence. He is not afraid to tell you what his view is rather than sitting on the fence."

Recent work: Successfully defended BAE Systems in a claims of disability and sex discrimination, whistle-blowing and unfair dismissal. The claims were withdrawn following cross-examination.

Chambers UK 2022/Employment/Western Bar

Strengths: "He is straightforward, no-nonsense, quick to respond and very bright. Clients love him."

Recent work: Successfully represented the respondent, Babcock International Group, in a claim for age discrimination and unfair dismissal.

Chambers UK 2021/Employment/Western Bar

Strengths: "Gareth is very hands-on and approachable, and provides excellent commercial advice."

Recent work: Defended the Co-operative Group against claims of race discrimination, victimisation and unfair dismissal. The case generated a number of appeals in the Employment Appeal Tribunal and Court of Appeal.

Chambers UK 2020/Employment/Western Bar

"He's very robust, very thorough and good with clients and witnesses." "He's very easy to work with and really responsive. He's a good team player and helps to deliver training to give us a team approach."

Recent work: Defended The Co-operative Group against three claims for race discrimination, victimisation, and disability discrimination. The respondent was successful and awarded almost £20,000 in costs.

Chambers UK 2019/Employment/Western Bar

Strengths: "He thinks strategically about his cases and can absorb large amounts of information."

Chambers UK 2018/Employment/Western Bar

Strengths: "As well as being technically competent on legal issues, he is also able to demonstrate a good understanding of a client's business and its commercial drivers."

Chambers UK 2017/Employment/Western Bar

'Has represented high-profile employers and employees in Tribunal cases nationwide, and also acted for students in university disciplinary hearings and employees in professional internal disciplinary issues.

Strengths: "He's well regarded, thorough and client-friendly." "He gets the points across quickly and he's good at cross-examination."

Chambers UK 2016/Employment/Western Bar

'Experienced in a range of employment cases on behalf of clients from a variety of sectors, including recent success with governmental, engineering and automotive clients. Alongside his traditional employment practice, he regularly acts on internal professional disciplinary matters for clients such as rugby clubs and universities.

Expertise: "He is a reliable barrister who is willing to get stuck in."

Chambers UK 2015/Employment/Western Bar

Gareth Graham recently acted for IBM (United Kingdom) Ltd in an unfair dismissal claim by a part-time employee and is well regarded for his 'exceptional courtroom command'.

'Gareth is a fierce cross-examiner. He approaches advocacy with skill and determination to succeed. He is excellent with clients and witnesses, providing much-needed support and reassurance when explaining complex legal issues.'

Legal 500 2025/Employment/Leading Juniors/Western Circuit - Tier 1

'Gareth is very good at giving advice in a clear and logical way. The manner in which he advises clients gives them confidence in his ability to obtain the best outcome. He is also commercially aware.'

Legal 500 2024/Employment/Leading Juniors/Western Circuit - Tier 1

'Gareth quickly grasps the issues in hand, and is extremely approachable. His straight-talking and pragmatic approach is of real benefit.'

Legal 500 2023/Employment/Leading Juniors/Western Circuit - Tier 1

'Very bright, quick-thinking and pragmatic. He quickly builds rapport with witnesses.'

Legal 500 2022/Employment/Leading Juniors/Western Circuit

'Very strong in cross-examination with an ability to think quickly and hone on on the weaknesses of an opponent's witness.'

Legal 500 2021/Employment/Leading juniors

'Is a highly skilled advocate who cross-examines with precision and without bluster.'

Legal 500 2020/Employment/Leading juniors

'An excellent cross-examiner with a brilliant bedside manner with clients and witnesses.'

Legal 500 2018/19/Employment/Leading juniors

'He is very good at seeing the bigger picture in a case.'

Legal 500 2017/Employment/Leading juniors

'He has a great cross-examination style and is very effective.'

Legal 500 2016/Employment/Leading juniors

'He has an incisive and forensic approach to legal arguments, and is an excellent advocate'

Legal 500 2015/Employment/Leading juniors

Academic qualifications

- University of Bristol – LLB (Hons)
- University of the West of England – BVC

Professional qualifications & appointments

- Sport Resolutions Panel of Arbitrators and Mediators
- The FA's Judicial Panel

Professional bodies

- Employment Law Association (ELA)
- Employment Law Bar Association (ELBA)