



# Gareth Graham

**Year of Call:** 2006

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## Overview

Gareth Graham was called to the Bar after leaving the British Army and now practices in employment, professional discipline and sports law.

He regularly represents NHS organisations, large multi-national companies and a myriad of SMEs across all areas of employment law. He has a particular focus on whistleblowing and discrimination cases.

He also represents employees and organisations in professional disciplinary hearings. He has recently carried out a number of internal investigations on behalf of well-known sport national governing bodies.

Gareth chairs disciplinary hearings for:

- World Rugby
- European Professional Club Rugby (EPCR)
- The Rugby Football Union (RFU)
- The Lawn Tennis Association
- British Canoeing.

He has also been appointed to the Sport Resolutions Panel of Arbitrators and Mediators.

## 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.

Highly experienced in discrimination law and unfair dismissal. He is widely respected for his strategic approach to complex cases. He acts for local health boards in Wales and also regularly handles cases involving the airline industry. He has notable expertise in discrimination claims and whistle-blowing.

"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

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

**Chambers UK 2018/**Employment

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

'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

'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

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

**Legal 500 2018/19/**Employment/Leading juniors - Tier 1

'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

## Professional bodies

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

## Direct Access

Gareth Graham is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

## Expertise

### 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.

## Publications

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

[View Publication](#)

# Sports

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Gareth has been a member of the RFU disciplinary panel since 2014 and has chaired a significant number of disciplinary hearings and appeals in the professional game. He is also a chairman for World Rugby, Six Nations, EPCR and the Army Rugby Union.

The matters Gareth has been involved with include:

- Conduct prejudicial to the interests of the Game
- The full gamut of acts of foul play, including match official abuse
- Betting (including the RFU case of betting by a sports agent which resulted in a 22-month ban)
- Anti-doping
- Governing Body Endorsement visas
- Relegation into lower leagues
- Offences relating to age restrictions and ticket allocation infringements.

This includes the following hearings:

- Alapati Leiua (Bristol Bears, Gallagher Premiership, 28 February 2019)
- Nathan Hughes (Wasps, Gallagher Premiership, 10 & 17 October 2018)
- George Smith (Bristol Bears, Gallagher Premiership, 11 September 2018)
- Danny Cipriani (Gloucester Rugby, Gallagher Premiership, 22 August 2018).

Gareth also sat as a panel member for British Gymnastics in the case involving Louis Smith following allegations that he had acted in breach of British Gymnastics' standard of conduct.

He recently completed a formal review of an investigation into various allegations (including safeguarding issues) on behalf of a British Olympic organisation and a wide-ranging investigation over a period of four months into allegations of abuse, bullying, harassment and discrimination against a coach within a British Olympic organisation.