

DR GREGORY BURKE

Year of call
2012



Dr Gregory Burke is a specialist employment and equality law barrister with a “superb knowledge of discrimination law”.

He is an outstanding advocate, consistently ranked as a leading junior in Chambers & Partners and the Legal 500. Gregory acts for employees and employers in the Employment Tribunal and the Employment Appeal Tribunal. Prior to being called to the Bar, Gregory founded and established an award-winning business providing disability-access information, consultancy and training: AccessAble.co.uk. As a result, Gregory has first hand commercial and employer-experience which assists in the work he undertakes. A disabled person himself for the last 30 years, Gregory is exceptionally well-placed to empathise and interrogate all aspects of discrimination.

Gregory conducts complex and long-running discrimination claims across all protected characteristics and unfair dismissal and whistleblowing cases. He is regularly instructed in claims where disability is contested. He is recognised for having a real aptitude for cross-examining expert witnesses and has a growing reputation for forensic cross-examination in complicated proceedings which has been the subject of judicial praise. Gregory has also been instructed as part of a team of barristers in civil and family cases where his legal and forensic knowledge and understanding surrounding disability has been of importance to the case as a whole. He has devised and delivered equality training for FTSE 100 businesses.

He has employed more than 200 people over the past two decades providing AccessAble services to over 6 million disabled people a year as well as an extensive range of household-name businesses and organisations including: Tesco, Marks & Spencer, University of Cambridge, Great Ormond Street Hospital and The English Premier League. Gregory remains Chair of AccessAble which turns over more than £3.5m annually. Cranfield MBA magazine have named him one of the UK’s “top social entrepreneurs”. Gregory was ranked as the 6th most influential disabled person in the UK in the Disability Power 100 in 2019. He has been listed in the Disability Power 100 ever since.

Gregory provides a committed service to those he represents.

LEGAL EXPERTISE

Employment

Selected Cases

Risby v London Borough of Waltham Forest UKEAT/0318/15/DM

Successfully defended the Local Authority against claims of disability discrimination when an employee was dismissed for using racist language. The judgment referred to Gregory's "telling critique" of an expert Professor of Psychiatry who had contended C had a depressive disability which made him susceptible to losing his temper. The Tribunal found he did not. The case was appealed on the causal link between the 'something arising' and the claimant's disability. An application to the Court of Appeal was successful and the Claimant withdrew his claim.

F v VCM

Successfully acted for a claimant in a £1 million claim. Successfully argued for the claim to be amended when claim was prima facie 2 months out of time. C was a partner in a LLP and claimed his dismissal to be a result of making protected disclosures. Gregory's opponent was a Chambers & Partners Band 1 barrister of 18 years call.

Hart v Westminster Council

Successfully represented a claimant with a profound learning disability who had a deposit order made against him prior to the merits hearing. Over a four-day hearing the Tribunal was persuaded that C had been discriminated against on the grounds of his disability. Gregory's opponent was a part-time employment judge and barrister of 15 years call.

Tavernier v Mears

Successfully represented R by persuading the Tribunal of C's 100% contributory fault. The Tribunal found that C's dismissal was automatically unfair by reason of depriving C of her chosen representative. The Appeal was a nullity for reasons of bias and breach of ACAS guidelines. Notwithstanding these flaws the Tribunal were persuaded that C was at 100% contributory fault and disqualified from receiving any compensatory award.

Valentine v Kent County Council

Successfully defended the Local Authority against claims of disability discrimination over a 4 day hearing. The Tribunal were persuaded that C did not have a disability and the claims therefore fell away.

A v JS Law

Successfully defended a boutique employment law firm against the claimed wrongful dismissal of an Associate Solicitor over a 5 day hearing.

Milward v Worcestershire County Council

Successfully defended the Local Authority against constructive unfair dismissal and whistleblowing claims. Originally scheduled for 7 days, the Claimant's case collapsed at the end of 2 days of cross-examination. Gregory's cross-examination was praised by Employment Judge Gaskell as "very careful and forensic".

Modern Slavery

Gregory has keen interest in representing claimants in Modern Slavery. He is an experienced practitioner in equality and discrimination law in the employment tribunal (he is ranked a leading junior) as well as in personal injury. He is very well placed to consider claims from a variety of jurisdictional positions. Gregory has particular expertise in disability cases and is highly regarded as an accomplished advocate who progresses cases with sensitivity and emotional intelligence.

Memberships

- Employment Law Bar Association;
- Employment Lawyers Association;
- Discrimination Law Association.

Education

- Lord Denning Scholarship, Lincoln's Inn
- Lord Hardwicke Scholarship, Lincoln's Inn
- Graduate Diploma in Law (Distinction), University of Hertfordshire
- PhD, King's College, Cambridge – Newton Scholarship.
- MPhil, King's College, Cambridge – Newton Scholarship.
- MA, King's College, Cambridge
- Doncaster Prize for History, King's College, Cambridge.