



# Melanie Tether



Call: 1995  
Clerk: William Meade  
Email clerk: wmeade@oldsquare.co.uk  
Tel: 020 7269 0300  
Email: clerks@oldsquare.co.uk

## Profile

Melanie is a highly experienced employment lawyer and a tenacious advocate. Her practice spans all areas of employment law, both individual and collective. She is regularly instructed in high value claims and has appeared in many test cases, including several references to the Court of Justice of the European Union.

Melanie is ranked for employment law by *Chambers & Partners* and *Legal 500*, which have praised her for her “**courtroom style and masterful handling of witnesses**”, her “**lethal cross-examination skills**”, her “**superb understanding of discrimination and TUPE issues**” and her “**mastery of tricky briefs**”.

Before transferring to the Bar in 1995, Melanie was a partner in Norton Rose. Her extensive experience as a solicitor in private practice makes her acutely aware of the commercial and practical needs of lay clients.

She is a former Chair and current Vice President of the Industrial Law Society.

Melanie accepts instructions under the Bar's Public Access Scheme.

Melanie's practice embraces all aspects of employment and discrimination law. She has acted for employers and employees in every sector of activity, including the health, education, local government, manufacturing and financial sectors. She has had 29 appearances in the IRLR.

## Recent and current work

- Successfully represented the appellants in ***Mustafa and another v. Trek Highway Services Ltd and others*** UKEAT/0063/15 29 January 2016, a complex appeal concerning the application of TUPE in circumstances where there is a temporary cessation of activity between service contracts.
- Currently advising a leading trade union on issues arising from the Trade Union Bill 2015.
- Represented the appellant (led by Michael Ford QC) in ***Griffiths v. Secretary of State for Work and Pensions*** 10 December 2015, in which the Court of Appeal held that the duty to make reasonable adjustments for a disabled employee may require an employer to make adjustments to its attendance management policy;
- Appeared for the UNISON claimants in ***Arch Initiatives v. Aulton and others*** UKEAT/0063/15 21 January 2016, in which Simler P held that the fact that a service is split into separate functional components when the contract is re-tendered does not prevent there being a service provision change.
- Representing the claimants in ***Ministry of Defence v. Holloway and others*** UKEAT/0396/14 28 July 2015, in which the



spouses of members of the armed forces posted to Cyprus are complaining that the Ministry of Defence has discriminated against them by employing them on less favourable terms and conditions than those on which it employs Cypriot nationals;

- Acted for the claimant in ***Equality and Human Rights Commission v. Earle*** [2014] IRLR 845, an appeal turning on the construction of a contractual provision relating to salary progression;
- Appeared for the appellant in ***Mihaj v. Sodexo Ltd*** [2014] ICR D25, in which the EAT considered the approach that an employment tribunal should take when considering an application for interim relief by a trade unionist alleging dismissal for taking part in trade union activities;
- Acted for 1400 UNISON claimants in a major challenge to Fife Council's job evaluation scheme, which concluded in October 2015 with a multi-million pound settlement;
- Appeared for the respondent in ***Royal College of Nursing and others v Real Life Options*** 17 July 2015, in which the RCN and members of that union were challenging dismissals designed to bring about significant changes in terms and conditions of employment.
- Represented the claimants in ***UNISON and others v. (1) Careers South West and (2) Prospects*** 4 June 2015, in which it was held that TUPE applied when new contractors were appointed to run the National Careers Service in the south-west of England.
- Acted for the claimants in ***Mrazek and others v. Equality and Human Rights Commission*** 8 June 2015, claims concerning the validity of changes in terms and conditions agreed more than a year after a TUPE transfer.
- Represented a well-known University in relation to internal grievance and disciplinary proceedings involving a senior member of the academic staff.