Mark Green

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Overview

Mark Green is an employment law specialist and appears frequently for both claimants and respondents, dealing with claims in the Employment Tribunal, Employment Appeal Tribunal, Court of Appeal, High Court and County Court. He is consistently ranked in the Legal 500 and Chambers UK with clients praising him as a '*skilled and highly competent barrister*', noting his '*huge intellect', 'excellent tactical mind*' and '*quiet and unassuming confidence*' that makes lay clients '*feel at ease as soon as they meet him*' in addition to his '*excellent, pragmatic advice*'.

Mark also has a media presence, following the high profile age discrimination case of *Jolly v Royal Berkshire NHS Foundation Trust 3324869/2017*, and several appearances on television, radio and in national newspapers, including discussing the case on the This Morning sofa. Click here to watch the interview.

He also works on litigation with a national security dimension, and is an expert on appeals to SVAP (Security Vetting Appeals Panel). Reflecting his niche practice in the overlap between employment law and national security law, he has co-authored two chapters entitled '*Employment Law and National Security*' and '*National Security Vetting*' in the '*National Security: Law, Practice, and Procedure*' (OUP, 2021). The second edition is forthcoming.

Before coming to the Bar, Mark taught in schools both in the Midlands and in Rome. He also worked as an intern for the World Health Organisation, Geneva in the field of Bioethics. He was *The Guardian's* Young Travel Journalist of the Year in 2001.

He was appointed to the Attorney General's 'A' Panel in 2023 having been appointed to the 'B' Panel in 2019, and regularly represents a number of government departments.

Languages spoken

- French (Fluent)
- German (Working)
- Hebrew (Basic)
- Italian (Fluent)
- Japanese (Basic)
- Spanish (Working)

Mark is an Accredited Mediation Advocate.

Recommendations

Mark Green is experienced in handling claims of harassment and discrimination. He represents clients in the Employment Tribunal, Employment Appeal Tribunal and Court of Appeal. He acts for employers including private companies and charities, and for employees.

"Mark does an excellent job, and is also very client-friendly."
"He has provided meticulous and persuasive submissions and thorough and commercial advice when supporting my clients. I would highly recommend Mark."
"Mark is a eloquent and flexible advocate who is particularly skilled at dealing with unrepresented litigants."
Chambers UK 2027/Employment/South Eastern Bar/Ranked Band 1

"Mark has a good eye for detail, is well liked by clients and presents clearly and concisely."
"Whether our clients are vulnerable individuals or big corporates, Mark has unbelievable client care skills."
"He is an excellent appellate advocate who deals with judicial interventions ably and thinks quickly on this feet."
Chambers UK 2027/Employment/London Bar

'Mark is really excellent in employment cases with a national security element. He is highly experienced in acting for government departments in such claims and very often achieves fantastic results. He also has a fantastic ability to address and counter arguments advanced at short notice both by opponents and the tribunal.'
Legal 500 2027/Employment/Leading Juniors/London

'Mark is a phenomenal advocate with a keen eye for detail combined with a highly pragmatic approach. He is able to determine the core issues in complex disputes and provide clear, commercially focused advice. Mark advocates in a confident, persuasive, and well-judged manner, including the quality of written submissions and when on his feet. He is approachable and makes himself available, always responsive, giving clients confidence and making complicated and high-pressure matters feel controlled and always well prepared for the next steps.'
Legal 500 2027/Employment/Leading Juniors/Western
Legal 500 2027/Employment/Leading Juniors/South Eastern

"Mark is knowledgeable and we know that he will get the job done."
Chambers UK 2026/Employment/South Eastern Bar/Ranked Band 1

"Mark is very skilled at advocacy and his cross-examination is fantastic to watch. He slowly disarms opponents without them even realising it."
"Mark Green is a confident and experienced advocate who can make sense of even the most complex of disputes."
"Mark Green is a good communicator and his ability to clearly explain complicated matters of law was appreciated by the client."
Chambers UK 2026/Employment/London Bar

Mark is a formidable talent in the legal arena, very skilled advocate and a quietly disarming cross-examiner.'
Legal 500 2026/Employment/Leading Juniors/London Bar

Mark Green's varied experience encompasses age, disability, and race discrimination claims as well as whistleblowing and redundancy cases.
'Mark is quick to get to the heart of issues and is clear in his advice.'
Legal 500 2026/Employment/Leading Juniors/South Eastern

'Mark has always been a great servant to his clients, and his quiet and unassuming confidence makes them feel at ease as soon as they meet him. His experience allows him to explain, in layman's terms, why exactly a judge will/will not be persuaded by a particular argument. His preparation to a brief is diligent and considered – nothing is taken for granted or overlooked.'
Legal 500 2026/Employment/Leading Juniors/Western

Strengths: "Mark is a really reliable, impressive advocate. He pays great attention to detail and is a tenacious negotiators "Mark really knows his stuff on his feet as well as he does on paper. He prepares thoroughly. "Mark Green is simply phenomenal. His advocacy is impeccable and he's always around to act as a sounding board in the pre-trial stages. "Mark

advises comprehensively in conference and is able to provide clear, concise and commercially sensible advice amongst a broad range of options." "We use Mark in really complex matters. He is very patient and makes people feel like they are heard."
Chambers UK 2025/Employment/South Eastern Bar/Ranked Band 1

'Mark is fantastic with clients. He is a proficient and robust cross-examiner. He is a true safe pair of hands.'
Legal 500 2025/Employment/Leading Juniors/Western Circuit

Mark Green, who is 'a tenacious advocate', successfully defended Oxford Health NHS Foundation Trust in a case involving whistleblowing and disability discrimination claim by a social worker.
'Mark is an astonishing advocate who ties the other side up in knots. He is also wonderfully responsive and always available to advise in the pre-trial stages.'
Legal 500 2025/Employment/Leading Juniors/South Eastern

'Mark always has a command of the details of a case. A fantastic cross-examiner with extensive knowledge of employment law.'
Legal 500 2025/Employment/Leading Juniors/London Bar

Strengths: "Mark Green is fun to work with. He is reliable and down to earth."
"Mark is very expert in this area. I've been impressed by his court work and he's very easy to deal with. He is certainly one of my barristers of choice for High Court employment disputes."
Chambers UK 2024/Employment/South Eastern Bar/Ranked Band 1

'A user-friendly junior, who is very knowledgeable and a compelling advocate.'
Legal 500 2024/Employment/Leading Juniors/London Bar

'Mark is very knowledgeable and a strong and resourceful advocate.'
Legal 500 2024/Employment/Leading Juniors/South Eastern Circuit

'He is very knowledgeable in employment matters in general, and the intricacies of national security law in particular. He is also very calm and measured in his advocacy.'
Legal 500 2024/Employment/Leading Juniors/Western Circuit

Strengths: "He's really clever and knows his way around the law really well. He's a very thoughtful advocate and engages very well with clients."
"Mark Green is an approachable and confident advocate. He is thorough and well prepared in his advice."
Chambers UK 2023/Employment/South Eastern Bar

'He is astute, balanced, and has sound judgement. A junior with an excellent tactical mind and great client empathy.'
Legal 500 2023/Employment/Leading Juniors/Western Circuit

'Highly knowledgeable, incisive and a very effective barrister.'
Legal 500 2023/Employment/Leading Juniors/South Eastern Circuit

'A very able, stealthy barrister with a huge intellect, and astute in his analysis of the law and facts. He takes points and develops them well with his capable demeanor in court or tribunal.'
Legal 500 2023/Employment/Leading Juniors/London Bar

Strengths: "I have had a very positive experience working with Mark. He is quick to get on top of issues and is a good communicator. He is an excellent advocate and a well-organised barrister."
Recent work: Acted in James v Lancaster Motor Company Ltd, representing the respondent against claims of race discrimination.
Chambers UK 2022/Employment/South Eastern Bar

'An astute, persuasive and resilient advocate.'
Legal 500 2022/Employment/Leading Juniors/South Eastern Circuit

'Methodical, calm and clear with emotional clients. He has a great style which puts the client at ease while explaining the challenges in their case.'
Legal 500 2022/Employment/Leading Juniors/London Bar

'He is a skilled and highly competent barrister.'
Legal 500 2021/Employment/South Eastern Circuit

'Always provides excellent, pragmatic advice, and has the right balance between professional and approachable. He also tailors his advocacy appropriately, particularly when a litigant in person is involved.'
Legal 500 2021/Employment/London Bar

'Mark Green's 'quiet and unassuming confidence' makes one solicitors' lay clients 'feel at ease as soon as they meet him'
Legal 500 2021

Solicitor client testimonials:

'Mark is an excellent barrister who I have no hesitation in recommending. His technical ability is superb and the content of his written opinions is always spot on. My clients have all praised Mark's ability in the Tribunal and he is always able to build a quick rapport with them'

'Superb submissions'

'Mark has provided some excellent advice to some of my clients, all of whom have sung his praises. He's a great advocate, works hard and is very responsive, which helps enormously with Tribunal litigation.'

Lay client testimonials:

'A personal note of thanks...you had just the right personality to help her stay calm and it was like theatre watching you in the courtroom'

'How could I doubt a flawless performance like that! Thank you very much for all your hard work yesterday. Your patience and negotiating skill was admirable....I am delighted and pleased that we were left in your capable hands.'

'Mr Green did outstanding work not only in winning the case but in his whole manner with us and our daughter...We owe Mr Green a sincere debt of thanks and would recommend him unreservedly to anyone seeking the services of a Barrister'

Academic qualifications

- BA (Hons) Trinity College, Cambridge
- Graduate Diploma in Law, BPP Law School
- Bar Vocational Course, BPP Law School

Scholarships

- Lincoln's Inn Pupillage Scholarship
- Lincoln's Inn Thomas More Bursary
- Lincoln's Inn Lord Haldane Scholarship
- Lincoln's Inn Hardwicke Entrance Award

Professional qualifications & appointments

- Accredited Mediation Advocate

Professional bodies

- Employment Law Bar Association (ELBA)

Expertise

Employment and discrimination

Mark Green has over 16 years' experience as an employment law specialist. His busy practice has covered a wide range of cases, representing both Claimant and Respondent, at the Employment Tribunal, Employment Appeal Tribunal and Court of Appeal in addition to the High Court and County Court. He is consistently ranked in the Legal 500 and Chambers and Partners with clients praising him as a 'skilled and highly competent barrister', noting his 'huge intellect', 'excellent tactical mind' and 'quiet and unassuming confidence' that makes lay clients 'feel at ease as soon as they meet him' in addition to his 'excellent, pragmatic advice'.

He is also regularly instructed to draft pleadings, advise on prospects and witness statements and deal with mediation proceedings.

Mark also has a media presence, following the high profile age discrimination case of Jolly v Royal Berkshire NHS Foundation Trust 3324869/2017, and several appearances on television, radio and in national newspapers, including discussing the case on the This Morning sofa. Click here to watch the interview.

In the EAT, issues have covered the definition of disability, limitation, protected disclosures, unlawful deductions from wages, medical evidence, pecuniary loss arising from discrimination, costs awards, satisfactory reasoning, victimisation and whole career loss of earnings.

Mark also advises on and acts in restrictive covenant matters and directors' disqualification hearings, in addition to conducting internal appeals from disciplinary procedures.

He has appeared for a number of Italian clients, and is happy to deal with documentation and conduct conferences in both French and Italian.

As a member of the Attorney General's panel of barristers, Mark appears frequently for numerous Government departments on both standard employment matters and those with an element of national security, an area in which has developed a niche practice, and has written on. He is also appointed to the barrister panel of ELAAS (the Employment Lawyers Appeals Advice Scheme), providing pro bono advice and representation for EAT hearings.

Mark has also been invited to provide training on discrimination law on behalf of the Employment Lawyers' Association, along with Kiran Daurka of Leigh Day for a number of years.

Out of tribunal, Mark has developed a reputation as an advocate with an excellent 'bedside manner', taking the time to listen to his clients carefully and explain matters clearly and concisely.

Recent tribunal issues have included:

- Disability, age, sex, sexual orientation, race and religious discrimination
- Discrimination on the basis of marital status and pregnancy
- Restructuring processes wrongly called redundancy situations
- Constructive unfair dismissal
- Employee status of former company directors
- Public interest disclosures relating to health and safety

- Gross misconduct
- Capability procedures, particularly with regard to long term sickness
- Breach of contract
- Victimisation/harassment
- Waiver of privilege in Employment Tribunal proceedings
- Final salary pension loss
- Post termination discrimination
- The interrelationship between parallel criminal and employment proceedings

Selected reported cases:

Cox v Adecco and ors [2021] ICR 1307, EAT: This appeal is regularly cited as providing useful guidelines for the strike out of claims, particularly with regard to litigants in person. It highlighted the need to analyse the issues carefully before making any decision on strike out.

Bath Hill Court (Bournemouth) Management Company Ltd v Coletta [2019] EWCA Civ 1707: This long-running case involved three appeals to the EAT which Mark dealt with as sole counsel, and a fourth to the Court of Appeal, in which he was led by Tim Brennan QC. The Court of Appeal confirmed that there is no backstop on claims for unlawful deductions from wages in the Employment Tribunal. The six year limitation period under the Limitation Act 1980 did not apply to such claims. This meant that because Mr Coletta had entered his claim before July 2015, when the statutory backstop of two years was introduced under the 2014 Deductions from Wages (Limitation) Regulations, he could claim 15 years of arrears for a failure to pay the full national minimum wage.

Omar Kalif v Evolve Hospitality Limited UKEAT/0313/19/LA: The Claimant appealed on the basis that the ET had failed to consider the full extent of a PCP (regarding the handling of pork) in a claim for indirect religious discrimination. Mark, for the Respondent, successfully argued that even if there had been an error of law (which the EAT agreed was not made out), the outcome would not have been any different, as there was no requirement for him, as a matter of fact, to handle pork products. Jafri v Lincoln College [2014] IRLR 544 applied.

Humankind Charity (formerly Blenheim CDP) v Gittens UKEAT/0086/18/BA: Mark Green successfully represented the Appellant, Humankind Charity. Ms Gittens was dismissed for misconduct, following an allegation of dishonesty. The Employment Tribunal found that the Respondent had fairly dismissed her but went on to find that she had been wrongfully dismissed, as she had no duty to disclose her own misconduct and therefore had not fundamentally breached her own contract. The Tribunal agreed with Mark that the case of Ranson –v- Customer Systems Plc [2012] EWCA 841 had been misapplied.

Mark appeared in two EAT cases which were assessed to have little reasonable prospect of success and so were filtered to a 3(10) preliminary hearing. In both cases, he persuaded the President of the EAT to allow the matters through to final hearings, and went on to succeed in both:

In **Brighton v Tesco UKEAT/0165/15/DM**, the Respondent had dismissed the Claimant because of aggression he alleged was due to an epileptic fit. The Respondent did not believe him. Mark argued successfully that it was both perverse and non-Meek compliant for Tesco to disregard the medical evidence in the way it did, even if it was because it did not find the Claimant a credible historian. The EAT found that whilst Tribunals are not bound by medical evidence, they should give proper respect to it and provide sufficient reasons for disregarding it.

In **Ndebele v Kasterlee UKEAT/0307/15/DM,** the Senior President of Tribunals accepted Mark's argument that the Tribunal was wrong to hold that the Claimant could not claim loss of earnings because she had not put herself forward for work (on a zero hours contract). The Tribunal should have looked further at the reason why she had not put herself forward. In her case, the reason was because of disability discrimination she had already suffered.

In **Anwar v Tower Hamlets UKEAT/0091/10**, an appeal under the DDA 1995, Mark successfully argued that when considering whether or not an impairment was likely to last 12 months and therefore be 'long term', the Tribunal must have regard to the

likely effect of treatment on that impairment. The Tribunal went on to name several factors that should be taken into account, confirming the law in this area for the first time.

Articles

Mark Green analyses the case of Dr Kate Barry v Upper Thames Medical Group and Others: [2025] EAT 146, in which HHJ Tayler provides guidance and a summary of the law of affirmation. In particular HHJ Tayler explains that if an employer is in repudiatory breach of contract, then multiple factors - not just delay - may be relevant to the question of affirmation.

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Mark Green reviews the case of Mr A E Madu v Loughborough College [2025] EAT 52, in which HHJ Tayler provides useful guidance on costs applications in discrimination cases and underlines that litigants in person on the other end of a costs application may need special consideration.

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Mark Green reviews the case of AB v University of East London and others [2024] EAT 157, in which the EAT provides a 7-stage suggested approach to extending time for the submission of appeals and a useful summary of the case law to-date.

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Mark Green follows up an important change in the law since his £350,000 win in the associative indirect discrimination case of Follows.

S19A Equality Act 2010 expressly permits such claims and therefore provides important clarity for carers and others who may suffer indirect discrimination by association.

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Mark Green on the case of Habib v Dave Whelan Sports Ltd t/a DW Fitness First [2023] EAT 113 and the EAT's important reminder to all involved in trials with vulnerable or disabled claimants, that proper attention to the ETBB and the Presidential Guidance on vulnerable witnesses will help reach robust judicial decisions and avoid future appeals.

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Mark Green reviews the various ways in which vexatious litigants can be prevented from bringing claims, prompted by the Court of Appeal case of Williamson v The Bishop of London and others [2023] EWCA Civ 379, which confirms the strict rules around Civil Proceedings Orders.

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Mark Green analyses Kocur v Angard Staffing Solutions Ltd & anr : [2022] EWCA Civ 189, a case in which the Court of Appeal gave general guidance on statutory interpretation and examined whether agency workers and employees have the same rights regarding recruitment.

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Crew Employment Services Camelot v Mr W Gould [2021] UKEAT/0330/19/VP

Employment law specialist Mark Green reviews the case of *Crew Employment Services Camelot v Mr W Gould [2021] UKEAT/0330/19/VP*.

The Employment Appeal Tribunal has confirmed the approach where there is a question about the ET's jurisdiction due to

the location where the Claimant works, in circumstances where work is undertaken in more than one country

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Wrongful dismissal – how not to go wrong - Cameron v East Coast Mainline

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Perceived disability discrimination and future disabilities: Mark Green analyses The Chief Constable of Norfolk v Lisa Coffey [2019] EWCA Civ 1061.

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