

Stephen Wyeth

Year of Call: 2010

Solicitor: 1999

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Employment and discrimination

Stephen Wyeth is a leading junior with a specialist employment law practice.

Prior to transferring to the Bar in June 2010, Stephen practised as a solicitor for ten years following his qualification in 1999. He was appointed a fee paid Employment Judge in 2009 and sits in the Watford Employment Tribunal. He has lectured part time in Employment Law at the University of Southampton (as well as tutoring public and constitutional law for five years).

Stephen has particular experience of high-value claims involving discrimination (with emphasis on disability and maternity issues) and is highly knowledgeable in all forms of unfair dismissal including public interest disclosure claims. He frequently appears in lengthy multi-day trials. He has notable experience of TUPE claims including the ability to offer practical advice to both transferors and transferees in the lead up to business acquisitions and service provision changes, as well as being regularly involved in TUPE cases at tribunals, usually involving multiple respondents. Stephen is described as having an approachable manner and his professional clients value his strategic handling of cases.

He has developed a reputation for being a fearless litigator, delivering practical solutions and first class results for both employer and employee clients.

Stephen has acted on behalf of a number of large organisations including NHS Trusts, Local Authorities and Blue Chip companies. His recent successes in the Employment Appeal Tribunal include the reported cases of *United Taxis Ltd v Comolly & anor* in which he successfully acted for United Taxis in a case dealing with employee and worker status; *A v Choice Support* (formerly MCCH Ltd) involving the correct approach to extending time, Anonymity Orders and Restricted Reporting Orders and *Elliott v Dorset County Council* regarding the definition of disability under the Equality Act 2010.

He is well known locally for leading informative workshops and seminars for solicitors and businesses and has appeared as an expert on regional BBC television and Radio. He has lectured for the Solent Region of the Employment Lawyers Association.

Stephen has also been a senior adviser to a New Zealand Government Minister during an overseas sabbatical.

Articles

Stephen Wyeth reviews *Rentokil Initial UK Ltd v Miller* [2024] EAT 37 which deals with the issue of whether trial periods can be a reasonable adjustment in the context of existing case law and offers some useful discussion about how the burden of proof shifts in such cases.

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Stephen Wyeth analyses *United Taxis Ltd v (1) Mr R Comolly (2) Mr R Tidman – and – Mr R Tidman v (1) United Taxis Ltd v (2) Mr R Comolly* [2023] EAT 93, a case in which the EAT considers whether a person can be an employee of one employer and a worker of another in respect of the same work, and confirms the need for careful analysis of the facts when determining

employment status.

Stephen Wyeth acted for the successful respondent United Taxis.

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Stephen Wyeth reviews the Supreme Court's decision in *Kostal UK Ltd v Dunkley and others* [2021] UKSC 47, a case which demonstrates that any employer who has a workforce covered by collective bargaining needs to tread extremely carefully when looking to abandon negotiations with the relevant union and approach individuals with offers directly.

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Stephen Wyeth reviews *Abbeyfield (Maidenhead) Society v Hart* UKEAT/0016/21, a case which provides a useful indication of the high threshold that must be overcome to set aside the important and cherished principle that communications between advisers about contemplated litigation should remain confidential.

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The recent decision of the EAT in *Schwarzenbach and Anor v Jones* UKEAT/0100/15/DM involved a dispute over the question of whether two employers were "associated" for the purposes of s231 of the Employment Rights Act 1996, giving Mr Jones sufficient continuity of service to bring a complaint of unfair dismissal. Stephen Wyeth successfully acted for the claimant both at first instance and in resisting the appeal by Mr and Mrs Schwarzenbach in this reported case.

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Recommendations

Stephen Wyeth is experienced in high-value discrimination cases and has had notable recent success in complex multi-day discrimination claims with an emphasis on disability issues, acting for both claimants and respondents. He is also highly regarded for his knowledge of the enforceability of restrictive covenants and confidentiality clauses. He has significant experience in unfair dismissal claims, and is able to handle cases involving multiple respondents.

Strengths: "He is technically excellent, eminently helpful and approachable."

Chambers UK 2024/Employment/Western Bar/Band 1

Strengths: "He is tenacious and straightforward in his advocacy and being against him is hard work."

"Stephen is a switched-on operator."

Chambers UK 2023/Employment/Western Bar

Strengths: "Stephen is passionate about standing shoulder to shoulder with his clients. Whether his opinion is positive or negative he will always try and go the extra mile. He takes no nonsense from opponents."

Recent work: Represented the claimant in the EAT in resisting the DWP's appeal against a finding of discrimination arising from disability following her dismissal for long-term absence.

Chambers UK 2022/Employment/Western Bar

Strengths: "He is very personable and extremely knowledgeable. He brings a well-rounded viewpoint to a case."

Recent work: Acted for Aldermore Bank in its defence of claims for direct race discrimination, harassment and victimisation.

Chambers UK 2021/Employment/Western Bar

Strengths: "He's incredibly well prepared and grasps the finer technical legal points, and uses his experience as an Employment Judge to his client's benefit."

Recent work: Acted for the claimant in *Wilson v Gloucester City Council*. Successfully argued that his client had effectively been made redundant as his role had ceased to exist, thereby enabling him to benefit from favourable pension entitlements.

Chambers UK 2020/Employment/Western Bar

"He is incredibly well prepared and grasps the finer technical legal points, and uses his experience as an employment judge to his client's benefit. "Recent work: Acted for Royal Devon and Exeter NHS Trust in a case that involved defending 35 individual allegations of disability discrimination over a ten-year period.

Chambers UK 2019/Employment/Western Bar

Strengths: "Determined and dogged in his advocacy."

Chambers UK 2018/Employment/Western Bar

Strengths: "He's an ex-solicitor and a part-time judge. He knows what he's doing and is good in presenting in a tribunal; he's had some phenomenal results for us."

Chambers UK 2017/Employment/Western Bar

'Handles high-value or multi-day unfair dismissal and discrimination cases. He also tackles TUPE and restrictive covenant cases for both employers and senior employees.

Strengths: "He's personable, detailed, conscientious, and he puts an awful lot of work in." "He can pull out a great result from anywhere."

Chambers UK 2016/Employment/Western Bar

'Former solicitor and part-time employment judge, with strong experience of high-value discrimination claims. He also has noteworthy expertise in TUPE claims, particularly cases involving multiple respondents.

Expertise: "He is very proactive and well prepared at all times. His skills and abilities as an advocate, and his client management skills, belie his relatively junior call." "He was a solicitor for a number of years so he knows the commercial reality for his clients, as well as being pragmatic and approachable. He's always been succinct and helpful, even with general queries. His presentational style is adaptable."

Chambers UK 2015/Employment/Western Bar

'Stephen Wyeth has established a strong employment practice, concentrated on high-value discrimination claims. He has significant experience in TUPE matters and is also a part-time Employment Judge.

Expertise: "He is very thorough and personable, and uses his experience as a former solicitor and part-time judge very well."

Chambers UK 2014/Employment/Western Bar

'Stephen is client-focused, incredibly engaging and a superb advocate.'

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

'Stephen is a skilled and tenacious cross-examiner. He is analytical and driven, with a no-nonsense approach. His knowledge of employment law and his understanding of nuances of litigation in the tribunal are exceptional.'

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

'Clients immediately warm to him, trust him and feel safe with his guidance.'

Legal 500 2022/Employment/Leading Juniors/Western Circuit

'He has the approach of a silent assassin which works well in the tribunal'

Legal 500 2021/Employment/Leading Juniors/Western Circuit

'An excellent all-round employment barrister.'

Legal 500 2020/Employment/Leading Juniors/Western Circuit

'An extremely safe pair of hands.'

Legal 500 2018/19/Employment/Leading Juniors/Western Circuit

'Experienced well beyond his call.'

Legal 500 2017/Employment/Leading Juniors/Western Circuit

'A straight-talking advocate, who gives commercial advice.'

Legal 500 2016/Employment/Leading Juniors/Western Circuit

'He is able to very quickly sift through volumes of information to establish what is relevant'

Legal 500 2015/Employment/Leading Juniors/Western Circuit

"At 3PB, Stephen Wyeths 'advocacy performance belies his year of call'."

Legal 500 2014/Employment/Leading Juniors/Western Circuit

Academic qualifications

- LLB (Soton)

Professional qualifications & appointments

- Appointed as a solicitor 1999
- Appointed as a fee-paid Employment Judge 2009

Professional bodies

- Member of the Employment Lawyers Association