



Elizabeth Hodgetts

Year of Call: 1998

Telephone Clerk: +44 (0)121 246 7010

Clerks Email: employment@st-philips.com

Introduction

Consistently ranked as a Leading Junior in Chambers and Partners UK Legal Directory since 2008, Elizabeth practices exclusively in Employment Law. She is described as follows:

- *"A formidable cross-examiner with a razor-sharp mind."* – Legal 500 2019
- *"Knowledgeable advocate."* and *"Her paperwork and drafting is spot on"* – Chambers and Partners 2019
- *"She's very thorough; an extremely intellectual individual who provides advice in a very practical fashion instead of just stating the law."* and *"She always blows my socks off with the clarity of her advice."* – Chambers & Partners 2018
- *"She is intellectually savvy and very clued-up – there was never an issue which she could not unravel and simplify."* *"Very good with witnesses and she can deal with them across different levels of understanding. She also cross-examines very well."* – Chambers & Partners 2017
- *"She has extremely good advocacy skills and a good level of expertise in public sector work, and is able to build a strong rapport with all of our clients."* *"She is technically fantastic."* – Chambers & Partners 2015
- *'continues to impress with her savvy and strategic cross-examination style. Highly regarded by lay and professional clients, she is tough and always ready to do the nitty-gritty work'* – Chambers and Partners, 2013
- *'a ferocious litigator with many a fan amongst instructing solicitors due to her no-nonsense approach and extensive knowledge of respondent employment law litigation'* – Chambers and Partners, 2012
- *'highly rated with a large amount of public sector respondent work'* – Chambers and Partners, 2011
- *'forthright, meticulous and attentive, she is well known for getting the job done'* – Chambers and Partners, 2009

Qualifications and Appointments:

- University of Oxford (Mansfield College) : BA Hons, Exhibitioner, MA
- Harmsworth Scholar and Exhibitioner of Middle Temple
- Attorney General's Panel of Regional Counsel: appointed 2012; reappointed 2018 ('A' Panel)

Employment

Elizabeth has a busy practice, both representing and advising; she regularly undertakes high value cases and represents in multi-week hearings. Her practice includes:

- Discrimination claims, with extensive experience running and defending discrimination claims citing the protected characteristics of age, disability, pregnancy & maternity, race, religion, and sex
- Protected disclosure claims, relying on detriments and/or dismissal including constructive dismissal
- Equal pay claims, including equal value claims
- TUPE transfers and consequent disputes including in relation to the existence of a relevant transfer, assignment, changes to terms and conditions, and dismissals
- National Minimum Wage/National Living Wage claims; including in relation to the category of worker, the basic hours of

work, and the hours deemed to be worked

- Working Time Regulations claims; particularly holiday pay claims
- High value unfair dismissal and wrongful dismissal claims; including constructive dismissal claims
- Significant redundancy and collective consultation disputes including s. 189 TULRCA claims

She has a significant amount of public sector respondent work, including on behalf of Government bodies as a member of the Attorney General's panel of Counsel, local authorities, NHS Trusts, universities, and school governing bodies.

Her recent Employment Tribunal work includes:

- Advising and representing a local authority defending complaints of direct discrimination and harassment citing age, disability and sex; victimisation; and detriments on ground of protected disclosures;
- Advising and representing a government department defending complaints of sexual harassment and constructive unfair dismissal;
- Advising and representing a university defending complaints of direct discrimination, indirect discrimination and harassment citing race, religion or belief, sex, and pregnancy; victimisation; and detriments on ground of protected disclosures;
- Advising and representing a local authority defending complaints of race discrimination, victimisation and unfair dismissal
- Advising and representing a local authority defending a complaint of disability discrimination
- Advising and representing a government department defending a complaint of automatically unfair dismissal by reason of a protected disclosure
- Advising and representing a former bank employee pursuing complaints of disability discrimination and constructive unfair dismissal
- Advising and representing a former inhouse legal Counsel pursuing complaints of disability discrimination, discrimination by reason of pregnancy or maternity, and unfair dismissal

Cases are anonymised to preserve client confidentiality.

High Court

Elizabeth advises and represents in cases involving senior executives, including wrongful dismissal claims, restrictive covenant claims including cases in which injunctive relief is sought, cases involving alleged breaches of directors' duties, and high-value breach of contract claims. She also advises and represents in industrial action disputes, including cases involving applications for injunctions. Her recent work includes:

- advising and representing a senior executive in a high value claim against the defendant former employer for breach of contract; and in the Employment Tribunal for detriment on the ground of, and constructive unfair dismissal by reason of, protected disclosures;
- advising a senior executive in respect of the enforceability of restrictive covenants;
- advising a local authority as to an urgent application for an injunction to prevent strike action.

Employment Appeal Tribunal

Elizabeth's more recent cases in the Employment Appeal Tribunal are:

- Fakhura Nissa v Waverley Education Foundation UKEAT/0685/17: the existence of a disability
- Nyathi v Secretary of State for Justice UKEAT/0465/17: the duty of the ET to make reasonable adjustments
- Birmingham City Council v Udemma Lawrence UKEAT/1082/16: the correct approach to applying s. 15 EA 2010 and s. 20 EA 2010