

## Hamed Zovidavi

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### Introduction

Hamed has a busy employment practice, dealing with all aspects of employment law but with a particular focus on discrimination and whistleblowing claims.

He enjoys a close working relationship with instructing solicitors and is happy to discuss cases outside of formal instructions to provide a view on case prospects and strategy. Hamed has been described by his instructing solicitors as 'a pleasure to deal with' and 'unflappable in the face of difficulty' and brings a measured approach to his cases, with solicitors frequently commending his client care.

Hamed is qualified to accept instructions under the Direct Public Access Scheme.

### Employment Law

Hamed's main practice area is in employment law, acting predominantly for employers in the full breadth of employment law matters. He has been described as a 'trusted and safe pair of hands' and 'technically good'. Hamed enjoys a close working relationship with his instructing solicitors who appreciate his ability to provide 'clear and pragmatic' advice outside of formal instructions.

Hamed encourages early involvement to maximise the contribution he can make to his cases and is always happy to provide early advice as it can often help narrow the issues and where possible, achieve strike out, before the expenses of trial are incurred. For example, Hamed has a wealth of experience in disability discrimination cases and is often asked by solicitors to review documentation to offer an early view on whether or not disability should be contested.

Hamed is regularly instructed to represent his clients at judicial mediations and is happy to advise clients at an early stage on the merits and suitability (commercial and otherwise) of JM on a case by case basis.

His instructing solicitors appreciate his ability to quickly gain a handle on claims brought against his clients ranging from small businesses to multi-billion pound concerns, understand the details of their business operations and reflect those details precisely both in his drafting and in his advocacy.

Clients have found his involvement 'very reassuring' and he has been commended for his ability to instil confidence in witnesses. Hamed emphasises the importance of using pre-trial conferences to ensure that witnesses are both put at ease and are well-prepared for giving evidence.

At trial, Hamed is a confident and effective advocate who demonstrates a strong grasp of the facts and the issues that matter. He excels in presenting complex issues in a straightforward manner in his closing submissions and has been commended for the level of detail in his written advocacy.

Hamed has been alert to some of the new challenges introduced by conducting trials by video hearings, including the hazards of witnesses engaging in group chats or the risks of opposing witnesses being coached or using extraneous material.

Examples of some of Hamed's recent employment cases include:

- **Peter Wood v Bromley College and others** Represented a college of further education at a ten day trial involving numerous claims of whistleblowing detriment and s.103A automatic unfair dismissal. The claimant, who was dismissed inter alia for allegedly using physical force against a student, argued that he was in fact dismissed because he made disclosures about a colleague., in respect of whom the claimant had gone to great lengths to uncover information through his own investigation and the use of a private investigator. All claims were dismissed at trial.
- **Zaib v Mitie Custody and Care Ltd** Represented a multinational contract service provider providing overseas escort and detention services to the Home Office in a case (reported by The Guardian) involving claims of disability discrimination, race discrimination and racial harassment in circumstances where there was evidence that another one of the claimant's witnesses had been subjected to discriminatory language.
- **M-Bennett and Sopariwala v Interservefm Ltd** Represented a multinational contract service provider at an eleven day trial involving claims of unfair dismissal, discrimination, adoption leave detriment variously brought by two claimants.
- **Stephenson v London Borough of Redbridge** Represented a local authority in a claim for unfair dismissal after dismissal of an employee for use of the a racist term at a group training session; successfully argued for a 90% reduction in damages for contributory fault despite a finding of unfair dismissal due to procedural flaws.
- **Arampatzis v XPO Supply Chain UK Limited** Represented the third party logistics operator of a global online fashion retailer's distribution centre against claims of religious discrimination where the employee argued that his refusal to be subjected to a Covid-19 temperature check was based on his religious beliefs.
- **Liepa v Tesco Stores Ltd** Successfully represented a national supermarket chain in claims of disability discrimination after dismissal for capability of an employee. The employee had sustained serious injury in an armed robbery and was unable to return to the workplace due to PTSD. All claims dismissed.
- **Green v DFS Trading Ltd** Represented a national furniture retailer against claims of constructive unfair dismissal, discriminatory dismissal, s.15 disability discrimination and failure to make reasonable adjustments where the claimant, a deaf employee, resigned after alleged prolonged failure to provide a suitable auxiliary aid. Knowledge of both disability and disadvantage were in issue.

- **Follows v Nationwide Building Society** Represented a building society in claims of unfair dismissal (arising out of the removal of homeworking contract after restructure), indirect age and sex discrimination and, in the first decision of its type in English law, a claim of indirect disability discrimination by association (based on the CJEU's judgment in C-83/14 CHEZ Razpredelenie Bulgaria AD).
- **Godfrey v Natwest Markets plc** Represented an investment bank against allegations of s.13 and s.15 disability discrimination brought by a former employee who had, some years after leaving the respondent's employment, been diagnosed with Asperger syndrome. The employee alleged that his subsequent applications for re-employment were rejected because his former employer had either actual or constructive knowledge of his disability (notwithstanding that the Claimant himself did not know about his own condition) and had rejected him because inter alia he was unable to socially integrate with his colleagues.
- **Reid v National Maritime Museum** Represented the employee of a national museum in his claims for whistleblowing and unfair dismissal.
- **Seeley v Gloucestershire Hospitals NHS Foundation Trust** Represented an NHS employee in his claim for constructive unfair dismissal after his employer failed to place him back in his substantive role after his return from secondment.

If you would like further details of any of the aforementioned cases or indeed any other case Hamed has worked on, please do get in touch.