



Georgina Hirsch
Year of Call: 2009



Georgina joined the Bar in 2009 after a successful 15 year career as a solicitor. Her experience is reflected in performance well above her call. She has appeared in the Supreme Court in three cases, including the most significant case for trade union collective bargaining law this century.

She has been praised for her clear advice, persuasive advocacy, and excellent client service.

She is Junior Counsel to the Attorney General (B Panel) and is ranked in Chambers & Partners and The Legal 500 for Employment and IT & Telecoms (Regulatory).

Georgina has particularly wide experience in employment law work; both on an individual and collective basis. Recent notable cases include the trade union detriment appeal in *Kostal v Dunkely & others* [2021] UKSC 47 ; The Supreme Court redundancy case of *R (oao Palmer) v Northern Derbyshire Magistrate's Court* [2023] UKSC 38; The *Addison Lee* employment status appeals, and acting for *Coutts Bank* – successfully defending claims of equal pay and associated Equality Act claims, as reported in *The Times*.

She has a growing practice in employment related investigations, and as a mediator in employment disputes.

Georgina also has experience in general civil and commercial cases, as well as a growing tax practice.

Georgina's telecoms work ranges from competition and regulatory work in the CAT and Court of Appeal to wayleaves actions.

During her time as a solicitor, Georgina spent 6 years in a Legal Aid firm, specialising in employment, personal Injury and Judicial Review gaining advocacy experience in ETs, CICA appeals, and interlocutory hearings. She then joined the Engineering Employer's Federation, gaining experience of respondent work within the field of employment, before becoming Head of Employment at Taylor Willcocks solicitors.

She obtained an MBA before spending her last 7 years as a solicitor working in-house as Director of Legal Services at what became the UK's largest union, with 2.2 million members covering engineering, transport, banking, health professionals, printers, construction workers, and many others. That experience gives her a unique insight into the full range of trade union related legal issues, not least the many problems arising from the Supreme Court's approach in the *Kostal* case.

Recommendations

"I save Georgina for the cases where I need to really test the other side's witnesses, but she also has great client care and identifies the key issues very quickly." - Employment, Chambers UK Bar 2024

"She is my go-to trade union barrister. She is brilliant." - Employment, Chambers UK Bar 2024

'A forensic cross-examiner who takes a realistic view when working out a case strategy.' - Employment,

Legal 500 2024

'A great team player, real telecoms expert, fantastic with clients and hugely popular.' - *Telecoms (Regulatory), Legal 500 2023*

'A combative but polite opponent, who is practical and straightforward with her advice.' - *Employment, Legal 500 2023*

"If your business or charity is having trade union issues, you want Georgina Hirsch. End of story." - *Charity Chair of Trustees*

A highly capable barrister who regularly appears in cases before the Court of Appeal and CAT regarding telecommunications regulatory matters, and counts BT among her clients. She provides expert advice on the new Electronic Communications Code. **"She is an excellent team player and is very good with clients. She can handle very challenging situations and is good at taking the initiative."** - *Telecommunications, Chambers UK Bar 2022.*

Frequently called upon by both claimants and respondents to handle a broad range of employment disputes. Her past experience as an in-house solicitor at a union contributes significantly to her expertise in industrial relations matters. **"She is bright, she is astute, she analyses vast amounts of information quickly and she recognises the key commercial and strategic points of a case. She is also approachable and responsive."** **"She is a very knowledgeable employment barrister with a trade union background, and she is an effective advocate who makes her points well and has good relationships with clients."** **"A go-to person for union issues, she brings an eye for detail and a commercial approach. She's also very good on the law and before judges."** - *Employment, Chambers UK Bar 2022.*

"Georgina is a highly able barrister who works fantastically hard. Georgina is a dream to work with, being able to quickly master the intricate detail of a case and organise the legal issues into the optimum way for the client she represents. She is extremely client focused and able to fit into any legal team. One of the best telecoms lawyers around." - *IT and Telecoms, Legal 500 2022.*

"Georgina is a go-to barrister on all union-related advice. She's very unassuming, kind and thoughtful, and gives excellent straightforward advice." *Employment, Legal 500 2022.*

"She's very good at getting to grips with the case, and is pragmatic and unflappable." **"She brings a really good practical element to trade union matters."** Acted for British Airways in a breach of contract and unlawful deduction of wages claim. - *Employment, Chambers UK Bar 2021*

"Very good with clients and popular with BT." **"She takes a sensible approach to difficult cases."** Appeared in *BT & TalkTalk v Ofcom* (Ethernet pricing and cost orientation condition). Hirsch acted for BT in a case concerning alleged breaches of BT's ex ante obligations imposed to ensure that certain prices for Ethernet products were based on a cost orientation formula. - *Telecommunications, Chambers UK Bar 2021*

"Pragmatic, responsive, and works well as part of the team. Clients like her, and trust her judgement and that she has their best interests at heart." - *Employment, Legal 500 2021*

"Extremely effective in [our] case in furthering our position through her incisive cross-examination and persuasive submissions" - *Sandy Duncanson, Womble Bond Dickinson 2021*

"She knows how to deal with clients very well; they like her and respect her for the fact that she works very hard. Georgina is commercial and sensible as well as a strong team player." - *Telecommunications, Chambers UK Bar 2020*

'A very skilled advocate that is very experienced in proper, heavyweight telecoms work.'

IT and Telecommunications (regulatory), Legal 500 2020

Has acted as junior on several high-profile CAT and Court of Appeal cases brought either for or against BT.

"She is extremely well liked by clients as she is very calm and measured." Assisted BT with its intervention in an appeal brought by TalkTalk relating to overcharging for Ethernet services. TalkTalk argued for the use of an alternative formula when calculating the damages owed by BT. - *Telecommunications, Chambers UK Bar 2019*

"A very, very knowledgeable employment barrister and a clear and effective advocate." "She is very sensible and thorough; she's delightful to work with and has a wealth of practical experience." Acted for Kostal UK in the defence of a claim by 57 union members that the employer had bypassed collective bargaining procedures in approaching individual members with offers. The case tested the meaning of a 'prohibited result' under Section 145B of the Trade Union and Labour Relations (Consolidation) Act 1992. - *Employment, Chambers UK 2020*

'A great in-depth commercial knowledge of the politics and legalities of trade union cases.' - *Employment, Legal 500 2020*

'She has real telecoms experience and is hugely liked by very significant clients.' - *IT and Telecommunications (regulatory), Legal 500 2019*

Acts on behalf of operators in disputes in the CAT regarding telecoms regulatory and competition matters. Previously an experienced solicitor, sources rate her as a solid practitioner. **"A capable litigator with good written skills who offers excellent support to silks in major cases."** Sole junior for BT regarding its costing for Ethernet services. - *Telecommunications, Chambers UK 2018*

"She is incredibly hardworking, thorough and intellectually incisive." - *IT and Telecoms (regulatory), Legal 500 2017*

Brings to bear 15 years' experience as a solicitor. She acts on behalf of operators in disputes in the CAT regarding telecoms regulatory and competition matters. **"She's extremely likeable and a really excellent team player."** **"She's very diligent and very good at researching."** - *Telecommunications, Chambers UK 2017*

"Very personable, efficient and dedicated." - *IT and Telecoms: Regulatory, Legal 500 2016.*

Highlighted for her work on a range of telecommunications cases, she has appeared in the CAT and the Court of Appeal. Interviewees commend her for her deep knowledge of the telecoms market. **"In terms of research skills and the ability to plough through documents, she is incredibly good."** **"Very personable and very knowledgeable."** Acted as a junior for BT in an Ofcom case concerning Ethernet pricing. - *Telecommunications, Chambers UK 2016*

"A dedicated and bright junior." - *IT and Telecoms - Telecoms: regulatory, Legal 500 2015*

"Great advocacy" - *Sarah Hemsley, General Counsel, Harrods*

"Georgina has great tactical and strategic skill as a result of her career as a solicitor and legal officer and adds great value as a barrister" - *Victoria Phillips, Head of Employment Law, Thompsons LLP*

"Georgina is excellent at handling both demanding and nervous clients and at firmly dealing with opponents' witnesses and barristers." - *James Lynas at Winkworth Sherwood Law*

"Georgina is of great assistance in drafting ET pleadings and advising on ET proceedings. Her advice on employment law matters is always practical and commercial." - *Iain Rubli, Company Secretary, Body Shop*

"Excellent at providing good clear advice, she is robust in her views and liked by clients – she is highly recommended"

- David Scott, *Minster Law*

Employment

Georgina has represented Claimants and Respondents in a range of final hearings and procedural hearings both in court, tribunal and EAT. She has advised and represented parties as sole counsel on the full range of employment disputes.

Georgina has particular experience in:

- Trade union recognition and all claims via the CAC;
- Strike and 'unlawful' inducement trade union law and strategy;
- Whistleblowing claims;
- individual discrimination claims for all protected characteristics, and covering direct, indirect, failure to make reasonable adjustments, harassment and victimisation;
- unfair and constructive dismissal;
- breach of contract;
- redundancy and consultation rights and obligations;
- enforcement of restrictive covenants in the High Court.

She has a special interest in the cross over between commercial and competition law, and their impact in the employment sphere.

She writes the age discrimination section of Bloomsbury Discrimination Law, and regularly speaks and write on industrial and individual employment law issues.

Off-payroll working (IR35)

Georgina has advised on IR35 in the pure tax context, but also brings a particular experience of contractual arguments on employment status arising from her allied employment law practice, for example the Addison Lee drivers case which is pending hearing in the Court of Appeal on a contractual basis which may change the direction of judicial travel on allegedly sham self-employment cases.

She also successfully acted for HMRC in relation to whether ex-footballer and television presenter Phil Thompson was an employee of Sky for tax purposes, and on a complicated case regarding the taxable status of loans to ex-employees following multiple transactions – in both cases succeeding as sole counsel against tax specialists who took Silk within a year or two of those cases.

Mediation

Georgina is a trained mediator, and has acted in numerous mediations. She has been praised for her ability to handle difficult individuals and sensitively but tenaciously push to achieve settlement.

Investigations

As a barrister with prior experience of working and managing in private practice, and in-house, Georgina brings a unique level of insight and maturity to her Investigations. This allows her to investigate with the utmost sensitivity, while weighing-up evidence in a considered, nuanced manner, not shying away from difficult issues.

Notable investigations in which Georgina has conducted include:

- An allegation of harassment against a senior partner of a prominent law firm;
- Allegations of homophobic harassment, alongside an increasing culture of homophobic taunting at work;
- Allegations of racial harassment by a team of managers, within a prominent multinational company.

Telecommunications & IT

Georgina Hirsch is recognised as one of the rising stars in the Devereux team. Having previously worked in industry as a solicitor, she has readily slotted in as a secondee to assist telecos. She has appeared before the Competition Appeal Tribunal in the major Ethernet case (ex ante cost orientation obligations and Ofcom's dispute resolution powers) to be hearing in the Court of Appeal in 2017, and has advised on the BCMR 2016, the Electronic Communications Code and other regulatory issues

[Click here](#) for the full transcript of the CAT's decision in *Ethernet*.

Commercial Litigation and Disputes

Georgina has experience in Competition Law, most recently in the Ethernet litigation at the Competition Appeal Tribunal, and has enjoyed leveraging the financial understanding from her MBA in the course of dealing with the accounting and economics aspects of this work.

She has advised in a number of misrepresentation claims.

Additional Information

Georgina's lecturing experience ranges from two years teaching ILEX Civil Litigation in the late '90s, to numerous employment law courses both for managers and for trade unionists, and legal conference presentations including IRS and American Bar Association international Labor Law Conferences in Washington and Beijing. PShe has written numerous articles for ELA and other publications and edits the Harassment section of Bloomsbury's Discrimination Law Encyclopaedia.

Lectures/seminars delivered include:

- Competition Law Enforcement: the new concurrency regime;
- Cutting Edge Issues in Discrimination Law (as part of a US and EU panel at 2014 ABA conference, Tel Aviv);
- The new CMA and the Telecommunications Sector;
- Employment Tribunal Rule Changes 2013;
- Agency Workers;
- Employment Law Tips and Tricks;

- Collective Agreements – Clauses Apt for Incorporation;
- Acting for trade unions;
- Dealing with client/funder dilemmas;
- IER October Update Conference 2010;
- Panel speaker at American Bar Association Labor Law International Conferences in Beijing 2008 and in Washington 2009;
- IER Employment Act 2008 Conference;
- IRS Employment Act 2008 Conference;
- Delivered the response to a paper given by Katherine Apps at a Seminar run by the Centre for European Legal Studies at Cambridge University Law Faculty in September 2008 on the Viking and Laval ECJ strike law cases. ILEX Civil Litigation Course[GH1] ;
- [GH1]A lot of these are quite old. Shall we bin them and just replace with a comment that she regularly lectures on legal issues and strategy, without giving a list?

Appointments

Appointed to the Attorney General's Panel of Counsel (B Panel) in 2020

Appointed to the Attorney General's Panel of Counsel (C Panel) in 2015

Memberships and Associations

ALBA, ELA, ELBA, ILS, LCLCBA, PNBA.

Education

2015 Bar Council Direct Access Training

2010 Mediation Training

2003 MBA, Open University

1993 Law Society Finals, College of Law

1992 Diploma in Law, City University

1991 Politics and Social Policy, Sheffield University