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Diya Sen Gupta KC

"Diya is exceptional in every way."
– CHAMBERS & PARTNERS, 2027

Year of call: **2000**
Appointed to silk: **2019**
Degree: **MA (Cantab), Law**

Diya Sen Gupta KC specialises in high stakes employment litigation and partnership disputes. She is primarily instructed in cases which are commercially and reputationally significant.

Diya is listed as a "Star Individual" for employment in Chambers UK 2027. She has been shortlisted for the Senior Counsel of the Year award (International Employment Lawyer Awards 2024) and for the Employment Silk of the Year award (Chambers UK 2026 and Legal 500 Bar Awards 2025, 2024 and 2023).

Diya's recent reported cases include:

- Vertical Aerospace Group Ltd v Ngoma [2026] EWHC 1096 (KB) and [2026] EWHC 1449 (KB)
- Clyde & Co LLP v Jalan [2026] EWHC 403 (Comm) and [2026] EWHC 534 (Comm)
- HSBC Bank plc v Chevalier-Firescu [2025] IRLR 268 (CA)
- Chevalier-Firescu v HSBC Bank plc [2024] EAT 6
- Rowe v Ashmore Group plc [2023] EAT 172
- Avalon Capital Markets Ltd v Rose [2023] EWHC 1890 (KB)
- Kohli v Department for International Trade [2023] EAT 82
- Sarnoff v YZ [2021] ICR 545 (CA)
- Jefferies International Ltd v Cantor Fitzgerald and Co [2020] EWHC 1381 (QB)
- Sarnoff v YZ [2020] ICR 1499 (EAT)
- Owen v AMEC Foster Wheeler Energy Ltd [2019] ICR 1593 (CA)
- Office for Gas and Electricity Markets v Pytel [2019] ICR 715 (EAT)

Diya is highly rated by both leading independent legal directories, the Legal 500 and Chambers & Partners. Recent comments includes:

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- "Diya is exceptional in every way. She is not only a fierce and trusted advocate for clients, unphased by anything that comes her way, but also entirely comprehensible to clients in a way not all counsel are." - Chambers & Partners, 2027
- "Diya combines highly skilled advocacy with a personable and client-oriented advisory style." - Legal 500, 2027
- "Sen Gupta is one of the stars at the Bar."- Chambers & Partners, 2026
- "Diya is a complete star. Her oral advocacy is first class - she adapts her style effortlessly depending on the witness and the judge, and deploys her arguments convincingly."- Legal 500, 2026

Previous comments include:

- "Diya knows employment law inside out. She is insightful and strategic in her approach, with a pragmatic and approachable air. She impresses in court, and delivers amazing results - a genuine superhero of the barrister world."- Legal 500, 2025
- "Diya is superb. Her attention to detail is exceptional."- Chambers & Partners, 2025
- "Diya is intellectually fierce and a quietly forensic and cutting advocate. She is particularly strong on her feet, with a measured but robust style. Absolutely unflappable – nothing fazes her."- Legal 500, 2024
- "Diya is one of my go-to counsel. Not only is she superbly talented, cutting through difficult issues with ease, but clients are universally impressed with her."- Chambers & Partners, 2024

Prior to taking silk, Diya was named Employment Junior of the Year (Chambers UK Bar Awards 2016) and was shortlisted for the Employment Junior of the Year award (Chambers UK Bar Awards 2015). She was the only employment barrister featured in an article in Legal Week as one of ten 'Future stars at the Bar', which said that 'Diya Sen Gupta is a favourite of City firms…pragmatic, tough, passionate and fiendishly bright'.

Diya is Head of the Blackstone Chambers' Employment & Partnership Group. She was Chair of the Employment Law Bar Association (2019-2021), having previously served as Vice Chair, Secretary and Treasurer. She is a co-editor of Employee Competition: Confidentiality, Covenants and Garden Leave (OUP, 4th edition forthcoming) and was a contributor to the 2nd and 3rd editions. She was also a contributor to Sport: Law and Practice (4th edition, 2021) and Football and the Law (2018).

EXPERIENCE

Employment

Diya Sen Gupta KC specialises in complex and significant employment litigation including in the areas of employee competition, business protection, whistleblowing and discrimination.

Diya is instructed in cases which typically involve difficult issues of law, are commercially and reputationally significant, and of substantial financial value, such as team move cases.

"Her client skills are incredible, her cross-examination is second to none and I am always happy when she is involved in a case."

— CHAMBERS & PARTNERS, 2027

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Diya is recognised as a leading silk in employment by both Chambers UK and Legal 500. She is "a superb advocate and a pleasure to work with" (Legal 500 UK 2020). "Diya is a fantastic all-rounder who is very bright and gets involved with the team" (Chambers UK 2020).

Cases

X v Fintech company

2020-2021

Acted for fintech company defending sexual harassment claim by former contract worker.

Employee Competition dispute

2021

Diya acted for the insurance broker defendants in an employee competition dispute which included claims for breach of non-solicitation covenant and misuse of confidential information. The matter settled shortly before the expedited trial.

IH v Bank

2021

Whistleblowing claim in which Diya successfully resisted claimant's application for interim relief.

Ayub v Oldham Metropolitan Borough Council

[2005] WL 2999752

Diya successfully acted for the appellant in this appeal before the EAT which concerned the application of the burden of proof in a discrimination case.

Digital media team move

2020

Acting for a digital media company in a team move case

Sarnoff v YZ

[2020] ICR 1499

Diya acted for Tim Sarnoff in the Employment Appeal Tribunal (EAT) in this appeal which concerned the extent of the Employment Tribunal's power to make a disclosure order against a person outside Great Britain. The EAT dismissed Mr Sarnoff's appeal but granted him permission to appeal to the Court of Appeal.

Fintech confidential information case

2020

Acting for a fintech company in a confidential information case.

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Khan v Heywood and Middleton Primary Care Trust

[2006] ICR 543, EAT

Diya acted for the appellant in this appeal to the EAT concerning the issue whether a claim which had been withdrawn but not dismissed could be revived.

Liebenberg v DS Smith Packaging Ltd and others

2020

Diya successfully defended the respondents in this high-profile sex discrimination case.

Ostendorf v Barclays Capital Services Ltd

[2017] 2 WLUK 575, EAT

Diya successfully represented the Bank in this appeal to the EAT against the ET's original dismissal of the claim and its subsequent dismissal of the claimant's application for reconsideration.

Sarnoff v YZ

[2021] ICR 545

Appeal before the Court of Appeal concerning the ET's power to order disclosure against an individual outside the jurisdiction, in the context of a harassment claim against Harvey Weinstein.

Breach of confidence

2021

Advising energy company in relation to breach of confidence by a former employee who claimed to be a whistleblower.

Chevalier-Firescu v Bank

2020-2021

Diya successfully obtained strike out of the claimant's claims in a case which concerned the meaning of "applicant" in section 39 of the Equality Act 2010.

Investigation for Media Company

2019

Diya was instructed by a media company to conduct an investigation into bullying allegations against the Executive Chairman.

Investigation for Barristers' Chambers

2019

Diya was instructed by a set of Chambers to conduct an investigation in relation to sexual harassment allegations against a barrister.

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Owen v AMEC Foster Wheeler Energy Limited and another

[2019] ICR 1593, CA

Diya successfully represented the respondents before the Court of Appeal in this complex disability discrimination case which concerned the correct approach to direct disability discrimination claims; the distinction between direct disability discrimination and discrimination arising from disability; and whether the concept of "indissociability" can apply to disability discrimination.

Tenon FM Ltd v Cawley

[2019] IRLR 435

Application for interim injunctive relief against a senior employee to enforce restrictive covenants.

Investigation

2019

Diya was instructed to conduct a complex investigation into misconduct allegations against employees at a university.

Investigation for law firm

2019

Diya was instructed by a law firm to conduct an investigation into sexual harassment allegations against a partner.

Expert evidence in Lisbon Labour Court

2019

Diya was instructed to provide expert evidence on English employment law in Lisbon Labour Court.

Law firm maternity discrimination claim

2019

Diya acted for a law firm defending a maternity discrimination claim.

Office for Gas and Electricity Markets v Pytel

[2019] ICR 715, EAT

Diya successfully acted for Ofgem in this complex appeal concerning the tribunal's disclosure powers in the context of a very high profile whistleblowing claim. The EAT considered the scope of its duty to interpret domestic legislation in confirming with the European Convention on Human Rights. The matter settled prior to the hearing before the Court of Appeal.

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Jefferies International Limited and others v Cantor Fitzgerald and others

[2020] EWHC 1381 (QB)

Diya acted for three Cantor Fitzgerald employees seeking a stay of English High Court proceedings against them on the basis that any such proceedings should be brought in the State of New York.

Alliance Surgical Plc v Byrne

[2018] 3 WLUK 438

Diya acted for Alliance Surgical at the High Court trial of its factually and legally complex claim against its former CEO for Database Right infringement.

Rozanov v EFG Private Bank

2018

Diya acted for the Managing Director of Private Banking who claimed he was unfairly dismissed after raising whistleblowing concerns about alleged weaknesses in the bank's controls and systems for dealing with high-risk transactions. The case was widely reported in the financial press including by the Financial Times:

https://www.ft.com/content/427f15d6-7f8e-11e8-bc55-50daf11b720d

LCIA Arbitration

2018

Diya acted for a US technology company in its LCIA arbitration claim against its former Group Managing Directors who set up a competing business in breach of non-competition covenants in a Share Purchase Agreement.

Astrazeneca v Miels

2017

Acted for Luke Miels, a senior employee of Astrazeneca who resigned to join GlaxoSmithKline, a rival pharmaceutical company. This high-profile case involved a claim by Astrazeneca to enforce 12 months' garden leave against Mr Miels. The proceedings were settled shortly before a speedy trial.

Clark v Barclays Capital Services Ltd

2017

Diya acted for the bank in successfully defending unfair dismissal claim brought by former Foreign Exchange trader.

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ICAP Management Services Ltd v (1) Berry (2) BGC

[2017] EWHC 1231 (QB), [2017] IRLR 811

Acted for BGC in successfully defending claim of inducement of breach of contract. The dispute arose when an employee of ICAP resigned to join BGC, a competitor. The case has been reported and is now a leading authority on garden leave and inducement of breach of contract.

Dyson v Conze

2017

Diya represented Dyson in proceedings brought against its former chief executive.

Ashton v (1) Barclays Capital Services Ltd (2) Barclays Bank Plc

2016

Diya successfully defended this high profile whistleblowing claim by the former Global Head of Voice Spot at Barclays.

DSN v Minister for Women and Equalities

2016

Diya acted pro bono for the Dalit Solidarity Network, challenging the Government's failure to make caste discrimination unlawful.

Hoodless v Citibank

2016

Acted for Citibank defending this claim by a former Foreign Exchange trader arising from his dismissal for sharing client confidential information in Bloomberg Chats. Diya successfully obtained a restricted reporting order preventing Citibank's clients from being named.

Law firm discrimination claim

2016

Diya acted for a law firm defending a sex discrimination claim by a current senior associate complaining about her non-promotion to partner and her discretionary bonus.

Law firm race discrimination claim

2015-2016

Acted for a magic circle law firm in relation to a race discrimination claim by a former banking associate.

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McWilliams v Citibank

2015-2016

Acted for Citibank defending this claim by a former Foreign Exchange trader arising from his dismissal for sharing client confidential information in Bloomberg Chats. Diya successfully obtained a restricted reporting order preventing Citibank's clients from being named.

TV whistleblowing, sexual harassment and victimisation claim

2015-2016

Acted for a major television production company defending claims of whistleblowing, sexual harassment and victimisation by a former writer.

Ostendorf v Barclays Capital Services Ltd

(2011-2016) ET

Diya successfully defended the Bank both in respect of the original claim but also, most recently, in relation to the reconsideration of certain aspects of the original judgment. The claim was for over £6.4 million and was brought by the former Head of Funding Structuring who alleged that his manager, Geoff Smailes, had unlawfully terminated his employment in order to take the credit for a particular trade idea. This allegation was rejected in its entirety and both the Bank and Mr Smailes were fully exonerated of all allegations made against them.

Halawi v WDFG UK Ltd (t/a World Duty Free)

[2015] IRLR 50, CA

Diya successfully represented World Duty Free before the Court of Appeal in this employment status appeal under the Equality Act 2010. Diya also drafted World Duty Free's notice of objection to Mrs Halawi's petition to the Supreme Court. Mrs Halawi's petition was dismissed by the Supreme Court.

Perry Stimpson v Citibank N.A.

(2015)

Acted for Citibank defending this claim by a former Foreign Exchange trader arising from his dismissal for sharing client confidential information in Bloomberg Chats. Diya successfully obtained a restricted reporting order preventing Citibank's clients from being named and also successfully resisted the claimant's application for an order for reinstatement. This case has been widely reported in the press.

Law firm constructive dismissal claim

2015

Acted for a magic circle law firm defending a claim of constructive dismissal by a former tax manager.

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Bank sex discrimination claim

2015

Acted for a Russian bank defending claims of sex discrimination by its former HR Director who had been made redundant.

Restrictive covenants in share purchase agreement

2015

Acted advising a former employee of a well-known contact lens company about the enforceability of restrictive covenants contained in a share purchase agreement and the merits of his claims for wrongful and unfair dismissal.

Bank bonus scheme

2015

Represented a bank defending claims by a group of employees in connection with changes made to the bank's bonus scheme.

Games v University of Kent

[2015] IRLR 202, EAT

Diya successfully represented the appellant in this indirect age discrimination appeal in the EAT.

Bank grievance process

Advised a bank in relation to a grievance process involving an employee with mental health issues (2015).

Trader disability discrimination claim

Advised a bank defending claims of disability discrimination following the claimant trader's dismissal for gross misconduct (2015).

Jersey non-compete covenants

Advised a Jersey company specialising in intellectual property services in its claims for interim injunctions to enforce non-compete covenants against two former employees who had joined a competitor (2015).

Investment adviser disability discrimination claim

Acted for a major financial services company defending a disability discrimination claim by a former investment adviser (2015).

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Arthur J Gallagher Holdings Ltd v Ross & others

2015

Diya acted for the former international CEO of a well-known insurance brokerage, defending a claim for damages arising from an alleged team move and injunction to enforce post-termination covenants. The matter settled before a 5-week High Court trial, reportedly for £20 million.

Rosie v X and others

2012-2015

Diya successfully represented the respondents in this complex and sensitive sexual harassment claim.

Advice for Liberal Democrats

2014

Following the highly publicised allegations of sexual harassment made against Lord Rennard, Diya was instructed by the Chief Executive of the Liberal Democrats to review the disciplinary procedures of the Liberal Democrats and to recommend any changes required. Her instruction was publicised by the then Liberal Democrat Party President, Tim Farron, on the Party's website following the conclusion of the disciplinary process against Lord Rennard.

"Trojan Horse plot"

2014

Diya represented the Head teacher of a school who alleged that she had been forced out as part of the Trojan Horse plot.

Rao v Bank of Tokyo Mitsubishi & Others

(2014)

Represented the Bank of Tokyo and the claimant's former managers at the trial of this complex whistleblowing and race discrimination claim which was heard over 3 weeks.

Architects team move claim

2014

Acted for an architect who had set up a business competing with his previous employer, defending a claim for breach of contract and breach of fiduciary duty and pursuing a substantial counterclaim for bonus.

Bank injunction to restrain suspension

2014

Represented a bank defending an application for an injunction to restrain the suspension of a current employee.

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Allen v Morrisons Facilities Services Limited

[2014] ICR 792, [2014] IRLR 514

Diya successfully represented the transferee in this appeal concerning the construction of regulations 13 and 15 of TUPE. The EAT held TUPE does not provide a transferred employee with an independent cause of action against the transferee respondent in respect of an alleged failure by the transferee to comply with its obligation to provide information to the transferor.

Football club claim

2014

Acted for the former managing director of a football club in his contract claim against the club.

Ross v Eddie Stobart Ltd

(2013) EAT

Diya successfully represented the claimant at a rule 3(10) hearing in the EAT in this appeal concerning the burden of proof in whistleblowing cases.

Beevers v FICC Market Standards Board Ltd and others

2019-2020

Diya acted for FICC Market Standards Board Ltd (FMSB) and three individual named respondents in this complex whistleblowing claim. FMSB successfully resisted the claimant's application for interim relief.

Madaras v Citibank

Acted for Citibank defending this claim by a former Foreign Exchange trader arising from his dismissal for sharing client confidential information in Bloomberg Chats. Diya successfully obtained a restricted reporting order preventing Citibank's clients from being named.

Ozkaptan v Citibank

Acted for Citibank defending this claim by a former Foreign Exchange trader arising from his dismissal for sharing client confidential information in Bloomberg Chats. Diya successfully obtained a restricted reporting order preventing Citibank's clients from being named.

Wycherley v Queen's Park Rangers Football and Athletic Club Ltd

Successfully represented QPR in defending employment claim by former Academy Football Operations Officer.

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Law firm whistleblowing and disability discrimination claim

2014

Acted for an LLP law firm in its defence of claims made by a former member of the LLP for disability discrimination, victimisation and whistleblowing detriment.

Baker Tilly UK Holdings Ltd v Clough

[2013] EWHC 3616 (QB)

Diya acted for six individuals in this team move case which involved consideration of interim relief, enforceability of non-solicitation and non-dealing covenants, and TUPE issues. The matter settled before speedy trial.

Halawi v WDFG UK Ltd (t/a World Duty Free)

[2013] 10 WLUK 170

Diya successfully represented World Duty Free in the EAT before Langstaff P in the first appellate decision on the meaning of "employment" in section 83(2) of the Equality Act 2010.

H v Royal Bank of Scotland Plc

2013

Successfully represented the Bank in defending a claim by a trader on the CDO Desk for wrongful dismissal and unfair dismissal following his involvement in wash trades.

Sud v London Borough of Ealing

2013

Successfully represented the claimant at an oral permission hearing in the Court of Appeal in this appeal concerning disability discrimination principles and costs orders.

Hill v BlackBerry (formerly Research in Motion)

(2012-2013)

Acted for the respondent in this disability discrimination claim by an employee on long-term sickness absence which was said by him to be worth almost £5 million.

Hawkins v Atex Group Limited

[2012] IRLR 807, [2012] ICR 1315, EAT

Diya successfully represented the defendant software company in defending the claimant's appeal to the EAT against the ET's strike out of her claim of marital status discrimination.

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Imam-Sadeque v BlueBay Asset Management (Services) Ltd

[2012] EWHC 3511 (QB), [2013] IRLR 344

Diya acted for the asset management business in this 2-week High Court trial following a move by the claimant to a competitor and successfully defended the claim for £1.7 million. The judgment contains helpful analysis of the scope of the duty of fidelity and the application of the penalty doctrine to the terms of a compromise agreement and deferred remuneration plans.

R (Cordant Group Plc) v Secretary of State for Business, Innovation and Skills

[2010] EWHC 3442 (Admin)

Diya acted in this expedited judicial review challenge to proposed amendments to the National Minimum Wage Regulations. The basis for challenge included failure to comply with the general equality duty under the RRA 1976 and discrimination contrary to Article 45 of the TFEU, Regulation 1612/68 and Directive 2000/43/EC.

R (Age UK) v Secretary of State for Business Innovation and Skill

[2010] ICR 260

Diya represented the Equality and Human Rights Commission as intervener in the landmark "Heyday" age discrimination judicial review case which challenged the default retirement age of 65 as being unlawful under EU law.

Khan v Heywood & Middleton Primary Care Trust

[2007] ICR 24, CA

Diya acted for the appellant in the Court of Appeal in this appeal concerning the issue whether a claim which had been withdrawn but not dismissed could be revived.

Employee Competition

Diya has substantial experience of employee competition and business protection cases, with particular expertise in team moves.

She acts for individuals (employees, members, partners), teams, employers and LLP partnerships in relation to the various issues which arise when there is a move to a competing business, whether as a team or separately.

Diya is frequently instructed on applications for interim relief and (speedy) trials in this context.

Diya also advises on contractual and fiduciary duties, enforceability of restrictive covenants, garden leave, confidential information, wrongful termination, injunctive relief, damages claims and loss of profits claims.

Diya is often invited to speak on employee competition and team move issues, for example:

"Diya is pragmatic, thorough, commercial and very client-friendly."

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- Team moves in the partnership context (Association of Partnership Practitioners 2021)
- Injunctions in the High Court (ELA Employment Litigation in the High Court Conference 2019)
- Confidentiality and Anonymity in Employment Proceedings (Michael Rubinstein's 22 QCs on the Hot Employment Law Issues Conference 2019)
- Injunctions in the High Court (ELA Employment Litigation in the High Court Conference 2018)
- Preserving Confidential Information in High Court and Employment Tribunal Proceedings (ELA Annual Conference 2018)

Diya's recent employee competition bulletins and articles include:

- Innocent until proven knowing (with Robbie Sinclair and Hannah Crisp, Allen & Overy LLP), EAL Briefing, 1 July 2020
- Duty of Full and Frank Disclosure: Wild Brain Family International Ltd v (1) Robson & (2) Chubb [2018] EWHC 3163 (Ch)
- No Springboard Injunction Where No Ongoing Headstart: Aquinas Education Ltd v Miller & others [2018] EWHC 404 (QB)
- One Step closer to the end of Wrotham Park damages in employee competition cases (with Katie Mahoney, Doyle Clayton), ELA Briefing, 1 June 2018
- Employer had no property claim in its emails or their contents: (1) Capita Plc, (2) Capita Property & Infrastructure Ltd v Darch & Others [2017] IRLR 718
- Damages for Misuse of Confidential Information - Marathon Asset Management LLP v Seddon & Bridgeman
- Adequacy of Consideration for Restrictive Covenants: Decorus Ltd v Daniel Penfold and Procure Store Ltd
- Springboard injunction in team move case: Dorma UK Limited v (1) Bateman, (2) Bailey, (3) Power, (4) Morton (5) Arrow Industrial Limited [2015] EWHC 4142 (QB)
- Speedy Trials: Petter v EMC Europe Limited [2015] EWCA Civ 480
- The implications of the Court of Appeal's judgment in Sunrise v Rodgers, ELA Briefing, 1 December 2014
- Bonuses, breaches of fidelity and the penalty doctrine (with Fahim Rahman, Allen & Overy LLP), ELA Briefing, 1 June 2013

Diya is also a contributor to the leading textbook Employee Competition: Covenants, Confidentiality, and Garden Leave (2nd (2011) and 3rd (2016) editions).

Cases

Jersey non-compete covenants

Advised a Jersey company specialising in intellectual property services in its claims for interim injunctions to enforce non-compete covenants against two former employees who had joined a competitor (2015).

Digital media team move

2020

Acting for a digital media company in a team move case

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Fintech confidential information case

2020

Acting for a fintech company in a confidential information case.

Employee Competition dispute

2021

Diya acted for the insurance broker defendants in an employee competition dispute which included claims for breach of non-solicitation covenant and misuse of confidential information. The matter settled shortly before the expedited trial.

Jefferies International Limited and others v Cantor Fitzgerald and others

[2020] EWHC 1381 (QB)

Diya acted for three Cantor Fitzgerald employees seeking a stay of English High Court proceedings against them on the basis that any such proceedings should be brought in the State of New York.

Tenon FM Ltd v Cawley

[2019] IRLR 435

Application for interim injunctive relief against a senior employee to enforce restrictive covenants.

Alliance Surgical Plc v Byrne

[2018] 3 WLUK 438

Diya acted for Alliance Surgical at the High Court trial of its factually and legally complex claim against its former CEO for Database Right infringement.

LCIA Arbitration

2018

Diya acted for a US technology company in its LCIA arbitration claim against its former Group Managing Directors who set up a competing business in breach of non-competition covenants in a Share Purchase Agreement.

Astrazeneca v Miels

2017

Acted for Luke Miels, a senior employee of Astrazeneca who resigned to join GlaxoSmithKline, a rival pharmaceutical company. This high-profile case involved a claim by Astrazeneca to enforce 12 months' garden leave against Mr Miels. The proceedings were settled shortly before a speedy trial.

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ICAP Management Services Ltd v (1) Berry (2) BGC

[2017] EWHC 1231 (QB), [2017] IRLR 811

Acted for BGC in successfully defending claim of inducement of breach of contract. The dispute arose when an employee of ICAP resigned to join BGC, a competitor. The case has been reported and is now a leading authority on garden leave and inducement of breach of contract.

Dyson v Conze

2017

Diya represented Dyson in proceedings brought against its former chief executive.

Arthur J Gallagher Holdings Ltd v Ross & others

2015

Diya acted for the former international CEO of a well-known insurance brokerage, defending a claim for damages arising from an alleged team move and injunction to enforce post-termination covenants. The matter settled before a 5-week High Court trial, reportedly for £20 million.

Restrictive covenants in share purchase agreement

2015

Acted advising a former employee of a well-known contact lens company about the enforceability of restrictive covenants contained in a share purchase agreement and the merits of his claims for wrongful and unfair dismissal.

Architects team move claim

2014

Acted for an architect who had set up a business competing with his previous employer, defending a claim for breach of contract and breach of fiduciary duty and pursuing a substantial counterclaim for bonus.

Baker Tilly UK Holdings Ltd v Clough

[2013] EWHC 3616 (QB)

Diya acted for six individuals in this team move case which involved consideration of interim relief, enforceability of non-solicitation and non-dealing covenants, and TUPE issues. The matter settled before speedy trial.

Imam-Sadeque v BlueBay Asset Management (Services) Ltd

[2012] EWHC 3511 (QB), [2013] IRLR 344

Diya acted for the asset management business in this 2-week High Court trial following a move by the claimant to a competitor and successfully defended the claim for £1.7 million. The judgment contains helpful analysis of the scope of the duty of fidelity and the application of the penalty doctrine to the terms of a compromise agreement and deferred remuneration plans.

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Employment & Data Protection

Diya frequently advises on breach of confidence and misuse of confidential information claims, including applications for delivery up and other injunctive relief. Many of these claims settle without a hearing.

Cases

Breach of confidence

2021

Advising energy company in relation to breach of confidence by a former employee who claimed to be a whistleblower.

Alliance Surgical Plc v Byrne

[2018] 3 WLUK 438

Diya acted for Alliance Surgical at the High Court trial of its factually and legally complex claim against its former CEO for Database Right infringement.

Arthur J Gallagher Holdings Ltd v Ross & others

2015

Diya acted for the former international CEO of a well-known insurance brokerage, defending a claim for damages arising from an alleged team move and injunction to enforce post-termination covenants. The matter settled before a 5-week High Court trial, reportedly for £20 million.

Bonus & Remuneration

Diya acts in a variety of high value bonus disputes.

Cases

Jefferies International Limited and others v Cantor Fitzgerald and others

[2020] EWHC 1381 (QB)

Diya acted for three Cantor Fitzgerald employees seeking a stay of English High Court proceedings against them on the basis that any such proceedings should be brought in the State of New York.

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Law firm discrimination claim

2016

Diya acted for a law firm defending a sex discrimination claim by a current senior associate complaining about her non-promotion to partner and her discretionary bonus.

Bank bonus scheme

2015

Represented a bank defending claims by a group of employees in connection with changes made to the bank's bonus scheme.

Architects team move claim

2014

Acted for an architect who had set up a business competing with his previous employer, defending a claim for breach of contract and breach of fiduciary duty and pursuing a substantial counterclaim for bonus.

Imam-Sadeque v BlueBay Asset Management (Services) Ltd

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Whistleblowing

Diya has a wealth of experience acting in whistleblowing claims, including very high profile matters.

Diya has successfully resisted numerous applications for interim relief.

Diya is keenly aware of the importance of the relevant regulatory context in whistleblowing claims.

"Diya is pragmatic, thorough, commercial and very client-friendly."

– CHAMBERS AND PARTNERS, 2020

Cases

Breach of confidence

2021

Advising energy company in relation to breach of confidence by a former employee who claimed to be a whistleblower.

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IH v Bank

2021

Whistleblowing claim in which Diya successfully resisted claimant's application for interim relief.

Law firm whistleblowing and disability discrimination claim

2014

Acted for an LLP law firm in its defence of claims made by a former member of the LLP for disability discrimination, victimisation and whistleblowing detriment.

Office for Gas and Electricity Markets v Pytel

[2019] ICR 715, EAT

Diya successfully acted for Ofgem in this complex appeal concerning the tribunal's disclosure powers in the context of a very high profile whistleblowing claim. The EAT considered the scope of its duty to interpret domestic legislation in confirming with the European Convention on Human Rights. The matter settled prior to the hearing before the Court of Appeal.

Rozanov v EFG Private Bank

2018

Diya acted for the Managing Director of Private Banking who claimed he was unfairly dismissed after raising whistleblowing concerns about alleged weaknesses in the bank's controls and systems for dealing with high-risk transactions. The case was widely reported in the financial press including by the Financial Times:

https://www.ft.com/content/427f15d6-7f8e-11e8-bc55-50daf11b720d

Ashton v (1) Barclays Capital Services Ltd (2) Barclays Bank Plc

2016

Diya successfully defended this high profile whistleblowing claim by the former Global Head of Voice Spot at Barclays.

TV whistleblowing, sexual harassment and victimisation claim

2015-2016

Acted for a major television production company defending claims of whistleblowing, sexual harassment and victimisation by a former writer.

Beevers v FICC Market Standards Board Ltd and others

2019-2020

Diya acted for FICC Market Standards Board Ltd (FMSB) and three individual named respondents in this complex whistleblowing claim. FMSB successfully resisted the claimant's application for interim relief.

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Rao v Bank of Tokyo Mitsubishi & Others

(2014)

Represented the Bank of Tokyo and the claimant's former managers at the trial of this complex whistleblowing and race discrimination claim which was heard over 3 weeks.

Ross v Eddie Stobart Ltd

(2013) EAT

Diya successfully represented the claimant at a rule 3(10) hearing in the EAT in this appeal concerning the burden of proof in whistleblowing cases.

Employment Status & Contracts

Diya has acted in numerous cases concerning employment status including Halawi v WDFG UK Ltd (t/a World Duty Free) [2015] IRLR 50 (meaning of "employment" in the Equality Act 2010) and provides advice in this developing area of the law.

Cases

Sarnoff v YZ

[2020] ICR 1499

Diya acted for Tim Sarnoff in the Employment Appeal Tribunal (EAT) in this appeal which concerned the extent of the Employment Tribunal's power to make a disclosure order against a person outside Great Britain. The EAT dismissed Mr Sarnoff's appeal but granted him permission to appeal to the Court of Appeal.

X v Fintech company

2020-2021

Acted for fintech company defending sexual harassment claim by former contract worker.

Halawi v WDFG UK Ltd (t/a World Duty Free)

[2015] IRLR 50, CA

Diya successfully represented World Duty Free before the Court of Appeal in this employment status appeal under the Equality Act 2010. Diya also drafted World Duty Free's notice of objection to Mrs Halawi's petition to the Supreme Court. Mrs Halawi's petition was dismissed by the Supreme Court.

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Sarnoff v YZ

[2021] ICR 545

Appeal before the Court of Appeal concerning the ET's power to order disclosure against an individual outside the jurisdiction, in the context of a harassment claim against Harvey Weinstein.

Football club claim

2014

Acted for the former managing director of a football club in his contract claim against the club.

Halawi v WDFG UK Ltd (t/a World Duty Free)

[2013] 10 WLUK 170

Diya successfully represented World Duty Free in the EAT before Langstaff P in the first appellate decision on the meaning of "employment" in section 83(2) of the Equality Act 2010.

H v Royal Bank of Scotland Plc

2013

Successfully represented the Bank in defending a claim by a trader on the CDO Desk for wrongful dismissal and unfair dismissal following his involvement in wash trades.

Investigations & Inquiries

Diya has substantial experience of conducting highly sensitive and confidential investigations for a range of clients and in a variety of contexts.

"She is an excellent barrister."
— CHAMBERS & PARTNERS, 2027

Recent work includes investigating:

- allegations against the Chair of the Audit & Risk Committee of a charity;
- bullying allegations against an Executive Chairman;
- sexual harassment allegations against a barrister;
- misconduct allegations against university employees;
- sexual harassment allegations against a law firm partner; and
- bullying allegations against a senior in-house lawyer.

Diya is representing Frontline Migrant Health Workers Group at the Covid-19 Inquiry (Module 3: Impact on healthcare system).

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Cases

Investigation
2019

Diya was instructed to conduct a complex investigation into misconduct allegations against employees at a university.

Investigation for Media Company
2019

Diya was instructed by a media company to conduct an investigation into bullying allegations against the Executive Chairman.

Investigation for law firm
2019

Diya was instructed by a law firm to conduct an investigation into sexual harassment allegations against a partner.

Investigation for Barristers' Chambers
2019

Diya was instructed by a set of Chambers to conduct an investigation in relation to sexual harassment allegations against a barrister.

Discrimination

Diya has extensive experience of acting in a wide range of discrimination claims (including age, race, religion or belief, sex, sexual harassment, sexual orientation), primarily representing employers and LLP partnerships as well as individual senior executives named as respondents.

Cases

Liebenberg v DS Smith Packaging Ltd and others
2020

Diya successfully defended the respondents in this high-profile sex discrimination case.

Ayub v Oldham Metropolitan Borough Council
[2005] WL 2999752

Diya successfully acted for the appellant in this appeal before the EAT which concerned the application of the burden of proof in a discrimination case.

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Sarnoff v YZ

[2021] ICR 545

Appeal before the Court of Appeal concerning the ET's power to order disclosure against an individual outside the jurisdiction, in the context of a harassment claim against Harvey Weinstein.

Chevalier-Firescu v Bank

2020-2021

Diya successfully obtained strike out of the claimant's claims in a case which concerned the meaning of "applicant" in section 39 of the Equality Act 2010.

X v Fintech company

2020-2021

Acted for fintech company defending sexual harassment claim by former contract worker.

Sarnoff v YZ

[2020] ICR 1499

Diya acted for Tim Sarnoff in the Employment Appeal Tribunal (EAT) in this appeal which concerned the extent of the Employment Tribunal's power to make a disclosure order against a person outside Great Britain. The EAT dismissed Mr Sarnoff's appeal but granted him permission to appeal to the Court of Appeal.

Investigation for Barristers' Chambers

2019

Diya was instructed by a set of Chambers to conduct an investigation in relation to sexual harassment allegations against a barrister.

Law firm whistleblowing and disability discrimination claim

2014

Acted for an LLP law firm in its defence of claims made by a former member of the LLP for disability discrimination, victimisation and whistleblowing detriment.

Investigation for law firm

2019

Diya was instructed by a law firm to conduct an investigation into sexual harassment allegations against a partner.

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Law firm maternity discrimination claim

2019

Diya acted for a law firm defending a maternity discrimination claim.

Owen v AMEC Foster Wheeler Energy Limited and another

[2019] ICR 1593, CA

Diya successfully represented the respondents before the Court of Appeal in this complex disability discrimination case which concerned the correct approach to direct disability discrimination claims; the distinction between direct disability discrimination and discrimination arising from disability; and whether the concept of "indissociability" can apply to disability discrimination.

Law firm discrimination claim

2016

Diya acted for a law firm defending a sex discrimination claim by a current senior associate complaining about her non-promotion to partner and her discretionary bonus.

DSN v Minister for Women and Equalities

2016

Diya acted pro bono for the Dalit Solidarity Network, challenging the Government's failure to make caste discrimination unlawful.

TV whistleblowing, sexual harassment and victimisation claim

2015-2016

Acted for a major television production company defending claims of whistleblowing, sexual harassment and victimisation by a former writer.

Law firm race discrimination claim

2015-2016

Acted for a magic circle law firm in relation to a race discrimination claim by a former banking associate.

Bank sex discrimination claim

2015

Acted for a Russian bank defending claims of sex discrimination by its former HR Director who had been made redundant.

Bank grievance process

Advised a bank in relation to a grievance process involving an employee with mental health issues (2015).

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Games v University of Kent

[2015] IRLR 202, EAT

Diya successfully represented the appellant in this indirect age discrimination appeal in the EAT.

Trader disability discrimination claim

Advised a bank defending claims of disability discrimination following the claimant trader's dismissal for gross misconduct (2015).

Investment adviser disability discrimination claim

Acted for a major financial services company defending a disability discrimination claim by a former investment adviser (2015).

Halawi v WDFG UK Ltd (t/a World Duty Free)

[2015] IRLR 50, CA

Diya successfully represented World Duty Free before the Court of Appeal in this employment status appeal under the Equality Act 2010. Diya also drafted World Duty Free's notice of objection to Mrs Halawi's petition to the Supreme Court. Mrs Halawi's petition was dismissed by the Supreme Court.

Rosie v X and others

2012-2015

Diya successfully represented the respondents in this complex and sensitive sexual harassment claim.

"Trojan Horse plot"

2014

Diya represented the Head teacher of a school who alleged that she had been forced out as part of the Trojan Horse plot.

Advice for Liberal Democrats

2014

Following the highly publicised allegations of sexual harassment made against Lord Rennard, Diya was instructed by the Chief Executive of the Liberal Democrats to review the disciplinary procedures of the Liberal Democrats and to recommend any changes required. Her instruction was publicised by the then Liberal Democrat Party President, Tim Farron, on the Party's website following the conclusion of the disciplinary process against Lord Rennard.

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Rao v Bank of Tokyo Mitsubishi & Others

(2014)

Represented the Bank of Tokyo and the claimant's former managers at the trial of this complex whistleblowing and race discrimination claim which was heard over 3 weeks.

Sud v London Borough of Ealing

2013

Successfully represented the claimant at an oral permission hearing in the Court of Appeal in this appeal concerning disability discrimination principles and costs orders.

Halawi v WDFG UK Ltd (t/a World Duty Free)

[2013] 10 WLUK 170

Diya successfully represented World Duty Free in the EAT before Langstaff P in the first appellate decision on the meaning of "employment" in section 83(2) of the Equality Act 2010.

Hill v BlackBerry (formerly Research in Motion)

(2012-2013)

Acted for the respondent in this disability discrimination claim by an employee on long-term sickness absence which was said by him to be worth almost £5 million.

Hawkins v Atex Group Limited

[2012] IRLR 807, [2012] ICR 1315, EAT

Diya successfully represented the defendant software company in defending the claimant's appeal to the EAT against the ET's strike out of her claim of marital status discrimination.

R (Age UK) v Secretary of State for Business Innovation and Skill

[2010] ICR 260

Diya represented the Equality and Human Rights Commission as intervener in the landmark "Heyday" age discrimination judicial review case which challenged the default retirement age of 65 as being unlawful under EU law.

R (Cordant Group Plc) v Secretary of State for Business, Innovation and Skills

[2010] EWHC 3442 (Admin)

Diya acted in this expedited judicial review challenge to proposed amendments to the National Minimum Wage Regulations. The basis for challenge included failure to comply with the general equality duty under the RRA 1976 and discrimination contrary to Article 45 of the TFEU, Regulation 1612/68 and Directive 2000/43/EC.

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TUPE

Diya has acted in various cases concerning TUPE issues, particularly in the appellate courts.

Cases

ICAP Management Services Ltd v (1) Berry (2) BGC

[2017] EWHC 1231 (QB), [2017] IRLR 811

Acted for BGC in successfully defending claim of inducement of breach of contract. The dispute arose when an employee of ICAP resigned to join BGC, a competitor. The case has been reported and is now a leading authority on garden leave and inducement of breach of contract.

Allen v Morrisons Facilities Services Limited

[2014] ICR 792, [2014] IRLR 514

Diya successfully represented the transferee in this appeal concerning the construction of regulations 13 and 15 of TUPE. The EAT held TUPE does not provide a transferred employee with an independent cause of action against the transferee respondent in respect of an alleged failure by the transferee to comply with its obligation to provide information to the transferor.

Baker Tilly UK Holdings Ltd v Clough

[2013] EWHC 3616 (QB)

Diya acted for six individuals in this team move case which involved consideration of interim relief, enforceability of non-solicitation and non-dealing covenants, and TUPE issues. The matter settled before speedy trial.

Partnership

Diya has substantial experience of acting for members and LLP partnerships, particularly in the context of business protection.

She frequently advises on the enforceability of restrictive covenants in membership agreements, particularly in the context of financial services and law firms.

Diya is a member of the Association of Partnership Practitioners and recently gave a talk to the APP on "Team moves in the partnership context".

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ACHIEVEMENTS

Education

MA (Cantab), Law

Publications

Seminars and Conferences

Diya is frequently invited to speak at seminars and conferences. Recent topics include:

- Unlawfully obtained evidence (Blackstone Chambers Employee Competition Seminar 2023)
- Appeals in the EAT (River Group, 2023)
- Philosophical Belief (ELA/ABA Transatlantic Conference 2023)
- Non-Competes (ELA Annual Conference 2022 and ELA Ireland 2022)
- Restrictive Covenants (ELA 2020)
- Injunctions in the High Court (ELA Employment Litigation in the High Court Conference 2019)
- Confidentiality and Anonymity in Employment Proceedings (Michael Rubinstein's 22 QCs on the Hot Employment Law Issues Conference 2019)
- Injunctions in the High Court (ELA Employment Litigation in the High Court Conference 2018)
- Preserving Confidential Information in High Court and Employment Tribunal Proceedings (ELA Annual Conference 2018)

Books

- Contributor to 2nd edition of Football and the Law (2022)
- Contributor to 4th edition of Sport: Law and Practice (2021)
- Contributor to 3rd edition of Employee Competition: Covenants, Confidentiality and Garden Leave (2016)
- Contributor to 2nd edition of Tolley's Discrimination in Employment Handbook (2011)
- Contributor to 2nd edition of Employee Competition: Covenants, Confidentiality and Garden Leave (2011)
- Contributor to Jordans Employment Law
- Contributor to Butterworths Employment Law Guide (4th Edition, 2007)
- Co-Author of Tolley's Equal Pay Handbook (July 2006)

Employee Competition Bulletins

- Duty of Full and Frank Disclosure: Wild Brain Family International Ltd v (1) Robson & (2) Chubb [2018] EWHC 3163 (Ch)
- No Springboard Injunction Where No Ongoing Headstart: Aquinas Education Ltd v Miller & others [2018] EWHC 404 (QB)
- Employer had no property claim in its emails or their contents: (1) Capita Plc, (2) Capita Property & Infrastructure Ltd v Darch & Others [2017] IRLR 718

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- Damages for Misuse of Confidential Information - Marathon Asset Management LLP v Seddon & Bridgeman
- Adequacy of Consideration for Restrictive Covenants: Decorus Ltd v Daniel Penfold and Procure Store Ltd
- Springboard injunction in team move case: Dorma UK Limited v (1) Bateman, (2) Bailey, (3) Power, (4) Morton (5) Arrow Industrial Limited [2015] EWHC 4142 (QB)
- Speedy Trials: Petter v EMC Europe Limited [2015] EWCA Civ 480

Articles

- Innocent until proven knowing (with Robbie Sinclair and Hannah Crisp, Allen & Overy LLP), ELA Briefing July 2020
- One Step closer to the end of Wrotham Park damages in employee competition cases (with Katie Mahoney, Doyle Clayton), ELA Briefing, 1 June 2018
- The implications of the Court of Appeal's judgment in Sunrise v Rodgers, ELA Briefing, 1 December 2014
- Bonuses, breaches of fidelity and the penalty doctrine (with Fahim Rahman, Allen & Overy LLP), ELA Briefing, 1 June 2013
- Sitting in private and anonymity in the EAT (with Daniel Stilitz KC), ELA Briefing, 1 November 2012
- Privilege issues in investigations (with Jenny Steer, Berwin Leighton Paisner LLP), ELA Briefing, 1 April 2011
- Without prejudice, ELA Briefing, 1 August 2010
- The new public sector equality duty (with Helen Mountfield KC), ELA Briefing, 1 April 2010

Appointments

- 2019 Bencher of Inner Temple
- 2019-2021 Chair of Employment Law Bar Association
- 2019 Queen's Counsel
- 2017-2019 Vice Chair of Employment Law Bar Association
- 2015-2017 Secretary of Employment Law Bar Association
- 2013-2015 Treasurer of Employment Law Bar Association
- 2008-2010 Bar Standards Board's Complaints Committee
- 2006-2011 Junior Counsel to the Crown (C Panel)
- 2006-2007 Bar Council's Equality and Diversity Committee
- 2002-2003 Judicial Assistant to the Law Lords

Memberships

Committees

- 2011-2021 Employment Law Bar Association Committee
- 2009-2011 Employment Lawyers Association Training Committee

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Associations

- Association of Partnership Practitioners
- Commercial Bar Association
- European Employment Lawyers Association
- Employment Lawyers Association
- Employment Law Bar Association
- Financial Services Lawyers Association
- Industrial Law Society
- London Common Law and Commercial Bar Association

Other relevant information

Between April and June 2015 Diya completed a 9-week evening Masterclass in Financial Markets at the London Stock Exchange Group.

Diya has been a member of the Blackstone Chambers Pupillage Committee, a Blackstone Chambers Equality and Diversity Officer and a Pupillage Supervisor.

Diya is a supporter of Advocate (previously the Bar Pro Bono Unit) and the COAS and ELAAS schemes and has assisted a number of individuals with their appeals in the Court of Appeal and the EAT on a pro bono basis.

Diya was a member of Devereux Chambers from 2001-2008.

VAT registration number: 782941104

Barristers regulated by the Bar Standards Board