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Talía Barsam

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Year of Call: 2006



Talia is a highly experienced specialist in employment law with particular expertise in discrimination, whistleblowing, industrial relations and complex pay disputes. She was shortlisted as Employment Junior of the Year in the Chambers UK Bar Awards for 2022.

Talia has been recommended as a leading junior for employment in the directories since 2014, where she is described as "utterly amazing on discrimination cases. A fierce intellect with the advocacy skills to match" and praised for her "excellent client care skills" and judgement, which "routinely produces positive results, which others would struggle to achieve." She has also been recommended as a leading junior for education since 2016 where she is noted to be "technically excellent, great to work with and has an incredible work ethic".

She frequently acts for multinational corporations in the financial, technology, media, retail and transportation sectors in cases of reputational importance. She also represents individuals, trade unions and public sector clients including universities, NHS Trusts and local authorities.

Recommendations

Employment recommendations

'Talia is hard-working, down-to-earth and easy to deal with. She prepares thoroughly for her cases and wins the trust of clients and witnesses.' - Employment, Legal 500 2024

'Talia is a forceful advocate, who is tenacious and always on top of the detail.' - Employment, Legal 500 2023

Manages an extensive employment law practice. She is a barrister who is especially skilled at handling whistleblowing and remuneration claims, and matters concerning unfair dismissal, redundancies and TUPE issues. She has vast experience acting for clients in the financial and healthcare sectors. **"She is good for anything complex or high-profile, she is a good strategic thinker who is very down to earth, and she is commercial, pragmatic, efficient and very responsive. She is the kind of barrister you can just rely on and she just makes herself available when we need her."** **"She has a deep understanding of industrial relations issues and she provides clear and thoughtful advice."** **"I find her very easy to work with: she is quick, she is responsive, she moves between cases very well and she is more than a safe pair of hands."** - Employment, Chambers UK Bar 2022

"An excellent advocate, who stays calm under pressure and is very much a team player. Talia has excellent attention to detail, and adapts her approach extremely well to the client concerned." - Employment, Legal 500 2022

"She is a very effective cross-examiner and impresses with her ability to master detail quickly and effectively." **"She's very responsive and client-focused, very accessible and knows her stuff."** Represented the respondent in *De Mello and Others v British Airways*, a complex holiday pay claim. - Employment, Chambers UK Bar 2021

"Talia has excellent client care skills and is a strong advocate, who is able to adapt very quickly to situations and adjust her approach accordingly."

- *Employment, Legal 500 2021*

"Utterly amazing on discrimination cases. A fierce intellect with the advocacy skills to match." "Very client-friendly and really gets to grips with the nuances of the case." Successfully resisted an application brought by the British Airline Pilots Association that sought declaration that pilots are entitled to refuse to undertake certain flying duties. - *Employment Chambers UK Bar 2020*

"Her manner with opposing counsel and the tribunal is calculated to give her client the best possible chance at any hearing." - *Employment, Legal 500 2020*

"Technically excellent and great to work with. She has an incredible work ethic." "A very strong advocate. She is very thorough in her preparation." Represented Abu Dhabi Islamic Bank in a sexual harassment claim. - *Employment, Chambers UK Bar 2019*

"She is technically excellent and has an incredible work ethic." - *Employment, Legal 500 2019*

"Able to get to grips with the complicated issues very quickly and an effective cross-examiner." "Very strategic and very good at negotiations." Defended British Airways in a series of whistle-blowing claims. - *Employment, Chambers UK 2018*

"She has good judgement and achieves excellent results" - *Employment, Legal 500 2017*

Praised for her approachability and client-handling skills, she has an extensive employment law practice advising on unfair dismissals, redundancies and TUPE issues. Regularly represents both private and public clients, with vast experience acting for healthcare trusts and local authorities. **"She is sharp, picks up facts quickly and is good at explaining matters and issues to clients." "She has the ability to gain the trust of the client very quickly and comes across as someone with great gravitas."** - *Employment, Chambers UK 2017*

"Her judgement routinely produces positive results, which others would struggle to achieve." - *Employment, Legal 500 2016*

Has a broad employment and commercial practice, and represents both public and private organisations in disputes. She garnered high praise for the excellence of her client service, and for her courtroom presence. **"Very thorough, and a tough cross-examiner who is good with witnesses." "Clients love her, and she is extremely conscientious and methodical."** Acted in the tribunal and the EAT on behalf of Aviva in a complex unfair dismissal and discrimination claim. - *Employment, Chambers UK 2016*

"A tough cross-examiner who is very thorough and good with witnesses." - *Employment, Legal 500 2015*

An excellent employment junior recommended for her tough cross-examination and ease with witnesses. She has impressed with her work on high-value and complex discrimination claims, and has noted expertise in disability discrimination. **"She is good under pressure, calm under fire and great to work with."** Advised the respondent in *Lefebvre v British Airways*, a disability discrimination claim lodged by a member of cabin crew with obsessive compulsive disorder. - *Employment, Chambers UK 2015*

"Demonstrates exceptional client care and the ability to deliver strong advocacy" - *Employment, Legal 500 2014*

Education recommendations

"An excellent advocate: professional and direct while also being supportive." - Education, Legal 500 2021

"She is technically excellent, great to work with and has an incredible work ethic." - Education, Legal 500 2019

"Excellent preparation, client skills and advocacy." - Education, Legal 500 2017

"She provides well-structured advice, particularly in discrimination cases" - Education, Legal 500 2016

Employment

Talia has extensive experience in employment law, including all areas of discrimination law, whistleblowing, unfair dismissal, redundancy, industrial relations, equal pay, breach of contract, TUPE, Working Time Regulations, restrictive covenants and jurisdictional issues. She regularly represents both respondents and claimants in the employment tribunal, county court, high court and employment appeal tribunal.

Recent work includes:

- *Frewer v Google* [2022] IRLR 472 – represented Google on appeal considering anonymity orders and redaction of commercially sensitive information
- *Usdaw v Tesco* [2022] IRLR 407 – represented Tesco in High Court claim brought to prevent ‘fire and re-hire’ employees on retained pay (led by Bruce Carr KC)
- *Cumming v British Airways* [2021] IRLR 270 – represented BA on appeal and cross appeal considering ‘particular disadvantage’ in indirect sex discrimination claim
- *Davis v P2CG* - represented P2CG in high value disability discrimination claim brought by a director; appeared in ET as sole counsel and in EAT led by Bruce Carr KC
- *R v Care Home*
 - represented a care home in whistleblowing and constructive unfair dismissal claim brought by former CEO in ET and breach of contract claim brought in High Court
- *De Mello v British Airways* – represented BA in complex holiday pay claim considering application of time limits and definition of normal remuneration in ET and EAT
- advising and acting for an NHS Trust in a dispute over the employment status of GPs working in Out of Hours services
- *British Airline Pilots Association v British Airways Cityflyer Ltd* [2018] EWHC – High Court application for interim declaration in respect of alleged breach of contracts of employment (led by Akash Nawbatt KC)
- *Quintiles Commercial UK Ltd v Barongo* (UKEAT/0255/17/JOJ) – considered whether dismissal for a first offence of conduct short of gross misconduct necessarily unfair
- *Burdett v Aviva* (UKEAT/0439/13/JOJ) – disability discrimination and unfair dismissal claim in which EAT considered the definition of gross misconduct and the test for justification under s.15 of EqA 2010

Talia contributes to *Discrimination Law* (Bloomsbury Professional) and is a reviewer for Advocate.

Equality

Talia is very experienced in all areas of discrimination law. She has been recommended in the directories for her work in high value and complex discrimination claims, with noted expertise in disability discrimination claims.

She represents both respondents/defendants and claimants in the Employment Tribunal, EAT, County Court and SENDIST (First-tier Tribunal).

Recent work includes:

Employment

- Represented a leading global financial services group in a complex race discrimination claim
- Advised and represented a US multinational financial institution in multi-claimant high-value race discrimination claims brought in the employment tribunal
- *Cumming v British Airways* [2021] IRLR 270 – represented BA on appeal and cross appeal considering 'particular disadvantage' in indirect sex discrimination claim
- *Davis v P2CG* - represented P2CG in high value disability discrimination claim brought by a director; appeared in ET as sole counsel and in EAT led by Bruce Carr KC
- *Allen v Paradigm* – represented claimant in harassment related to sexual orientation
- *P v University of Oxford*
– represented a university lecturer in complex sex discrimination and whistleblowing claim brought in the ET
- *Nadia Essex v (1) Blackman and (2) Lime Pictures* – advised and represented television production company in high profile sex discrimination and victimisation claims

Education, Goods and Services

- *K v School* – represented an independent boarding school in a disability discrimination claim brought by a prospective pupil with significant mobility difficulties in the SENDIST
- *P v Bank* – represented a bank in a failure to make reasonable adjustments claim brought by a customer in the County Court
- *R v Bank* – represented a bank in a race discrimination claim brought by a customer in the County Court
- *S v University*
– represented an Oxbridge University on a disability discrimination claim brought by a student regarding a failure to make reasonable adjustments and victimisation

Restrictive Covenants & Injunctions

Talia has experience both advising on the enforceability of restrictive covenants and representing clients in High Court litigation.

Cases of interest include:

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- *Usdaw v Tesco* [2022] IRLR 407 – represented Tesco in High Court claim brought to prevent ‘fire and re-hire’ employees on retained pay (led by Bruce Carr QC)
 - *Riddler t/a Oceanfish v Wierzbicki* [2021] EWHC 2964 – represented Oceanfish in an application for an injunction enforcing post-termination restrictive covenants
 - *Colloids v Unite* – represented Colloids in an application for an injunction restraining the union from calling strike action
 - advised a technology company on the enforceability of its non-compete clause
 - advised global distributor in energy sector on application for injunction against former account manager for breach of confidentiality obligations
 - advised former employees on defence to application for injunction and claim in the High Court for breach of confidentiality obligations and fiduciary duties
 - advised and represented recruitment consultants and a leading recruitment company on defending an application for an injunction for breach of restrictive covenants and breach of confidence in the High Court, as well as drafted the Defence

Industrial Relations

Talia has been involved in a number of claims arising out of industrial disputes and is frequently instructed by organisations within the heavily unionised healthcare, transportation and education sectors.

Cases of interest include:

- advised global technology company operating in the gig economy on recognition agreement (led by Andrew Burns KC)
- *Usdaw v Tesco*?[2022] IRLR 407?– represented Tesco in High Court claim brought to prevent ‘fire and re-hire’ employees on retained pay (led by Bruce Carr KC)
- advised airline on complex reorganisation in response to Covid-19 crisis as part of a team
- *Colloids v Unite* – represented Colloids in an application for an injunction restraining the union from calling strike action
- instructed by British Airways in relation to the wetleasing of aircraft from Qatar Airways during industrial action
- advised Heineken in respect of its collective agreements
- led by Bruce Carr KC in an application for an injunction against the Prison Officers Association
- instructed by a bus company in respect of potential injunction to prevent recent strike action
- represented British Airways in a claim for trade union detriment arising from a cabin crew dispute
- represented a trade union in a claim for race discrimination brought by an trade union member against a trade union representative.

Investigations

Talia is a highly experienced specialist in employment law. She is particularly experienced in carrying out

investigations into grievances raising harassment, discrimination and whistleblowing allegations. Recent experience includes carrying out multiple investigations for a global technology company investigating allegations of sex discrimination, victimisation and whistleblowing made against members of the senior leadership team.

Education

Talia is recommended in Legal 500 as a leading junior in Education. She has experience representing both claimants and defendants in the County Court, SENDIST (First-tier Tribunal) and Employment Tribunal. Talia has particular expertise in disability discrimination claims and exclusions.

Recent work includes:

- represented a university in internal appeals against redundancy dismissals brought by academic staff
- advised and represented a primary school in a race discrimination and constructive unfair dismissal claim brought by a former teacher
- represented an independent boarding school in a disability discrimination claim brought by a prospective pupil with significant mobility difficulties in the SENDIST
- represented an Oxbridge University on a disability discrimination claim brought by a student regarding a failure to make reasonable adjustments and victimisation
- represented a University in a breach of contract claim brought by a PHD student regarding an alleged failure to provide adequate supervision
- represented a well-known London Academy in a series of disability discrimination claims, including in relation to an exclusion
- represented a school in a complex holiday pay claim brought by peripatetic teachers
- represented a prestigious independent school in a disability discrimination claim brought on behalf of one of its pupils in the SENDIST
- successfully represented a school in a disability discrimination claim brought by a prospective pupil challenging the approach taken by the school and LA following the naming of the school on the child's statement
- represented the claimant teacher in a disability discrimination claim brought against Harrow School in the ET (settled)

Additional Information

Talia has lectured on several subjects.

Recent topics include:

- Anonymity orders and redaction of sensitive commercial information (*Frewer v Google*)
- Indirect discrimination
- Safeguarding and employment law related issues within the education sector

- Disability discrimination
- Anti-Strike Injunctions and Actions Against Striking Employees
- Age Discrimination
- Changes to Terms & Conditions

Memberships and Associations

Admitted to the New York State Bar (2008)

ELBA, ELA, Free Representation Unit

Awards and Scholarships

Becker Law Scholarship (Cambridge University)

Exhibition Award (Inner Temple)

Education

LL.M, New York University School of Law 2005

B.A. Affiliate Law, Cambridge University 2004

B.A. English, Birmingham University 2000