

Paras Gorasia



Call: 2005

Email: p.gorasia@doughtystreet.co.uk

Profile

"Frequently works on high-value and complex claims involving discrimination, whistleblowing and TUPE. His clients range from large multinational corporations in the financial, retail and pharmaceutical sectors to government departments..." *"He combines his expertise with an excellent manner and responsive approach."* *"Very user-friendly."* - **Chambers UK Bar 2019**

"He instantly puts clients at ease" - **Legal 500 UK Bar 2018**

"A highly talented barrister who delivers on every level" and *"Very intelligent and very good with clients"* - **Legal 500 UK Bar 2017**

Paras is a leading senior junior barrister specialising in the entire spectrum of Employment and Employment related Litigation and is consistently recognised by both Chambers and Partners and the Legal 500 for his work in this field. Paras has over 13 years experience advising and representing both Claimants and Respondents before the Employment Tribunal, Civil Courts and Appellate Courts and is appointed to the Welsh Assembly Government's Panel of Junior Counsel in Employment Law and the Sport Resolutions Pro

Bono Legal Advice Panel.

He was formerly a Judicial Assistant to the then Master of the Rolls (now Lord Clarke) at the Court of Appeal, a member of the Attorney General's Regional Panel of Junior Counsel to the Crown (2012-2018) and Approved Counsel for the Equality and Human Rights Commission (2011-2015). He is regularly instructed on strategically important, high value, complex and reputationally sensitive disputes involving leading corporates, NGO's, senior executives and other high net worth individuals. He is particularly known for his ability as a cross-examiner, technical ability, commercial nous, responsiveness and client care. He has also built up particular expertise in group litigation before the employment tribunals concerning TUPE transfers, mass redundancy situations, equal pay and other associated issues affecting heavily unionised workforces. He has developed a national practice with a client base that encompasses a diverse range of sectors and industries:

A sample of his Claimant clients have included:

Premier League Football Manager, Professionals working in the Financial Sector (Including Investment Banks and Hedge Funds), CEO's, CFO's, Managing Directors, Consultant Surgeons, GPs, Teachers, University Professors, Solicitors, Mineworkers, Charity Workers, Accountants, Fashion Designer, Insurance Brokers, Finance Managers, HR Managers, Actuaries, Police Officers, Oil Rig Workers, Sales Directors, Hairdressers, Bus Drivers, Catering Staff, Nurses, Dentists, IT Professionals, Management Consultants, Paralegals and Office Cleaners.

A sample of his Respondent clients have included:

Amnesty International, ActionAid, BASF, RAC, RSA, AMEC Foster Wheeler, Michelin Tyres, Adidas, CBRE, Manchester City FC, Manchester United FC, Virgin Active, AstraZenica, Unilever, Superdrug Stores, Air France, British Airways, Balfour Beatty, UK Coal, DHL, BT, TalkTalk, BSkyB, Molsen Coors, Marriott Hotels, McDonalds, Tesco, Sainsbury's, John Lewis, Barclays Bank, Santander, Royal Bank of Scotland, Co-operative Bank, General Medical Council, Ministry of Justice, Ministry of Defence and Solicitors Regulation Authority.

What Others Say

Paras has been recognised by the relevant practitioner directories as a leader in his field since 2012 and has featured consistently since that date:

Chambers and Partners UK Bar: Paras Gorasia is a *"rising star"* and *"excellent all-rounder"*, is *"very personable with clients"* yet still *"exudes authority"*. Sources are quick to praise his *"fantastic cross-examination skills"*. That he *"has a broad employment practice which covers a wide range of issues, including restrictive covenants, unfair dismissal, and commercial work with an employment flavour"*

, "He is always willing to go the extra mile and, although still relatively junior, his discrimination knowledge is far beyond his years". Clients "have been delighted with his detailed approach, thorough preparation and style of cross-examination". He is "great with clients, practical, responsive and extremely approachable" and is "a skilled advocate who has developed a far-reaching employment law practice" and that "he is very good with the clients; a modern barrister with very good technical abilities" and is "very commercial and savvy". Paras has further been described as "technically excellent, robust and a strong advocate, yet extremely approachable and easy to work with" and that he is "extremely responsive", a "persuasive advocate" and "is a very safe pair of hands".

Legal 500 UK Bar: Paras has been described as a "highly talented barrister who delivers on every level" and been "recommended" noting that he "represents large companies and central government departments in disputes", that "he instantly puts clients at ease" and is "extremely responsive, efficient and good on his feet". He has also been described as "an extremely user-friendly barrister" who "has an ability to put witnesses under the necessary amount of pressure on the stand" and that he is "well liked by clients", "very user-friendly" and "very intelligent and very good with clients".

Education

Bachelor of Laws (LLB) (First Class Honours) at University of Kent

Bachelor of Civil Law (BCL) at Exeter College, Oxford

Master of Philosophy (MPhil) in Law at Exeter College, Oxford

Master of Laws (LLM) at King's College London

Bar Vocational Course (BVC) at ICSSL

Related practice areas

Employment, Discrimination and Equality Law

Significant Cases

- **Eyres v Excel Compressors & Ors UKEAT/0347/16/DA** - Instructed on behalf of the appellant to contend that the ET had erred and/or reached a perverse conclusion in its

approach to a primary finding of fact which had not been advanced by either party before it;

- **National Union of Mineworkers v UK Coal Kellingley Ltd & Anor ET 1800370/2016**
– Instructed on behalf of UK Coal Kellingley to defend claims for a protective award pursuant to s188 TURL(C)A 1992 arising out of the closure of the last deep mine in the UK, the total cumulative value of the claim being in excess of £1million (against John Hendy QC);
- **Ham v Governing Body of Beardwood Humanities College [2017] EWCA Civ 1629**
– Instructed on behalf of the appellant before the Court of Appeal (having not appeared previously) to argue that the ET and EAT had erred in their approach to the application of s98(4) ERA 1996 and the question of whether dismissal fell within the band of reasonable responses, commended by the Court for his *“skilful arguments”*;
- **V Brown and Others v 1) London General Transport Services Ltd 2) Blue Triangle Buses Ltd UKEAT/0136/16/RN** – Instructed by the Claimants (circa 50 bus drivers) in an appeal concerning non-payment of allowances following a TUPE transfer;
- **West v Royal Bank of Scotland PLC UKEAT/0296/16/BA** – Instructed by the Respondent to resist an appeal on the grounds that the tribunal erred in their approach to the Claimant’s disability discrimination claims;
- **Peters v Rock Chemicals Ltd [2016] EOR 30 (March)** – Instructed by the Claimant and recovered over £182,000 in an age discrimination, breach of contract and unfair dismissal claim. The ET found that the Claimant faced *“trumped up”* charges and that the *“whole matter was a complete shambles”*;
- **Kenyon Road Haulage v Norman Kingston – A2/2014/3446** – Successfully resisted appeal before Court of Appeal against successful finding of unfair dismissal on the basis that the tribunal substituted their view of reasonableness and failed to follow the Burchell guidelines;
- **Kenyon Road Haulage Ltd v Kingston UKEAT/1238/13/RN** – Instructed to resist appeal against successful finding at first instance of unfair dismissal on the basis that the tribunal substituted their view of reasonableness and failed to follow the Burchell guidelines;
-

Mental Health UK Ltd v Biluan & Ors [2013] All ER (D) 265 – Instructed by the respondents to resist an appeal on the grounds that the tribunal substituted their view of reasonableness in a redundancy exercise and/or reached perverse outcomes;

- **Baskaran v IMTECH Traffic & Infra UK Ltd UKEAT/0018/13/GE** – Instructed to resist appeal against successful order for costs of £10,000 made by ET at first instance (against Paul Epstein QC) and dismissal of claimant's claims for race and age discrimination;
- **Local Government Yorkshire and Humber v Shah [2012] All ER(D) 20 (Nov)** – Instructed by the appellant and successfully argued before the EAT that any uplift for failing to comply with the ACAS code under s207A TURL(C)A 1992 only applied to employees and not workers;
- **Dixon v Croglin Estate Co Ltd & Ors [2012] EqLR 187** – Instructed on behalf of multiple respondents to defend a high value claim for unfair dismissal and age discrimination;
- **Argyll Coastal Services v Stirling & Ors [2012] IDS Brief 949** – Instructed on behalf of the respondent (led by Nicholas Siddall) in the Scottish EAT to consider, inter alia, the correct interpretation of regulation 3(4)(c) of TUPE 2006;
- **Pybus v Geoquip Limited [2011] All ER (D) 244** – Instructed on behalf of the appellant (led by Nicholas Siddall) before the EAT in an appeal involving a consideration of the correct approach to calculating Polkey deductions in applicable cases;
- Instructed on behalf of the successful claimant at first instance in the case of **Jones and Ors v OCS Group [2009] All ER (D) 138**, which concerned the application of a service provision change as defined within regulation 3(1)(b) of TUPE 2006;

Restraint of Trade, Confidential Information, & Employment-Related Litigation

Paras is regularly instructed to advise upon disputes in respect of the enforceability of restrictive covenants and the use of confidential information by ex-employees. He has particular experience in respect of applications for and against injunctive relief and is well versed in dealing with disputes concerning the fiduciary duties of directors and senior

employees. He is frequently instructed in litigation in areas as diverse as bonus claims, pensions related disputes, data protection, professional regulatory hearings, employee incentive/share schemes and negligent misstatement claims.

Significant Cases

- Instructed on behalf of a group of police officers to advance claims against their Constabulary under the Protection from Harassment Act 1997 for damages including personal injury as well as concurrent associated claims before the tribunal;
- Instructed to represent a nurse before the NMC at an interim order hearing in respect of regulatory proceedings concerning her fitness to practice, persuaded NMC to impose conditions on practice as opposed to suspension;
- Instructed to defend an oleochemical business in a high court claim, cumulatively worth approximately £1 million from group claimants alleging entitlement to enhanced redundancy terms;
- Instructed on behalf of a Premier League Manager to advise on a £2.5 million contractual matter arising out of the termination of his employment;
- Instructed on behalf of an Insurance Broker for proceedings against an ex-employee for breach of non-solicitation and non-competition covenants;
- Instructed on behalf of a European Chemical Distributor to advise upon proposed injunctive relief proceedings against senior ex-employees for breach of fiduciary duties and misuse of confidential information;
- Instructed on behalf of a former CEO and Director of a professional accountancy body to advise upon proposed injunctive relief proceedings against his former legal advisers for misuse/breach of confidential information;
- Instructed on behalf of a Director of a large facilities management company to advise on concurrent claims for unfair dismissal and unpaid bonus worth £500,000;
- Instructed on behalf of a doctor in proceedings before the GMC to resist suspension/conditions placed on his licence;
-

Instructed on behalf of a Defendant to defend claims of alleged misuse of confidential information, breach of restrictive covenants, breach of contract and breach of fiduciary duties including the diversion of corporate opportunities with a pleaded value of £1.65 million;

- Instructed on behalf of a Claimant for proceedings against 3 ex-employees of a financial advisory firm for breach of contract, breach of fiduciary duties and diversion of corporate opportunities.

Public Interest Disclosure (Whistleblowing) Detriment and Dismissal

Public Interest Disclosure claims feature heavily in Paras' caseload and he has acted in numerous claims involving both detriment and dismissal acting on behalf of both Claimants and Respondents. Paras is regularly instructed in multiday claims and is frequently sought out for his expertise in this area by senior executives and large corporate employers across the spectrum of economic activity on a national basis. Paras has been involved in litigation involving disclosures of the utmost severity involving inter alia serious financial misfeasance, tax fraud, avoidable deaths and serious health and safety breaches. Such disclosures having been raised internally as well as to relevant external bodies such as regulators, prescribed persons and other responsible persons. He has been frequently instructed in litigation where the nature of the disclosures would cause significant reputational and financial damage and is well versed in dealing with the unique issues that cases of this type raise.

Significant Cases

- Instructed on behalf of a Surgeon (backed by the British Medical Association) in a hearing listed for 10 days involving claims of whistleblowing and multiple allegations of substandard clinical care including a disclosure to the CQC in respect of an avoidable death;
- Instructed on behalf of a Claimant in respect of the quantification of remedy against an investment house based in the Isle of Man as a result of a successful claim for automatic unfair dismissal due to a protected disclosure, the pleaded value of the claim being in the region of £1 million;
- Instructed on behalf of a Premiership Football Club to defend claims of whistleblowing, race discrimination and constructive unfair dismissal arising out of protected

disclosures alleging various breaches of transfer regulations;

- Instructed on behalf of a Microbiological company to defend complex and voluminous claims of whistleblowing, disability discrimination, harassment, and constructive unfair dismissal by a Claimant, listed for 7 days and successfully resolved after day 5 following substantial legal argument;
- Instructed on behalf of a former Managing Director of a prominent transport company for claims of detriments and dismissal due to protected disclosures involving health and safety issues in a claim worth in excess of £250,000;
- Instructed on behalf of multiple Claimants in a 25 day case involving claims of whistleblowing and multiple allegations of serious financial impropriety against a prominent public body with the pleaded quantum of the claims exceeding £200,000;
- Instructed on behalf a Surgeon (backed by the British Medical Association) to pursue a claim of unfair dismissal and protected disclosure detriment against an NHS Trust, successful in recovering over £112,000 in compensation.

International and Offshore

Paras is experienced in disputes which involve questions of international law and/or cross-jurisdictional issues across the entire breadth of his employment practice. Paras is also experienced in working on off-shore cases and has recently advised on a number of employment disputes involving the Isle of Man and Jersey. In addition, he was also based in Hong Kong as a Pegasus Scholar and worked in the Employment Department of Mayer Brown JSM as well as marshalling with Mr Justice Reyes in a 10 day employment case involving Cathay Pacific (**John Simpson Warham and Ors v Cathay Pacific Airways Ltd & Anor [2009] HKCU 1746**). He has recently advised on cases reflecting the modern transnational nature of employment, involving the jurisdiction of the English employment tribunals over cross-border peripatetic workers. He has also advised on questions of state and diplomatic immunity in an employment context.

Significant Cases

- Instructed on behalf of two Iranian nationals (husband and wife) to pursue claims of whistleblowing detriment and dismissal who allege that their employer has been exporting prohibited chemicals to Iran in breach of UK Export regulations as well as the

multilateral sanctions regime imposed on Iran. The claim involves extremely serious allegations of impropriety by the Respondent including deprivation of liberty, confiscation of passports and direct threats of physical violence;

- Pro Bono advice in respect of a sex and race discrimination claim advanced by a British Algerian dual national employed by a Middle Eastern Embassy in the UK involving consideration of the Supreme Court decision in *Benkharbouche* and jurisdictional issues of State and Diplomatic Immunity;
- Instructed on behalf of an Airline in respect of a claim for disability discrimination brought in the Civil Courts for a purported act of discrimination occurring overseas. The Claim involves jurisdictional issues concerning domestic and European equalities legislation and the exclusivity of jurisdiction conferred by the Montreal Convention 1999;
- Instructed on behalf of a Claimant in respect of the quantification of remedy against an investment house based in the Isle of Man as a result of a successful claim for automatic unfair dismissal due to a protected disclosure before the Isle of Man Employment Tribunal and Isle of Man High Court (on appeal). Judgment awaited but likely to be the highest award made in that jurisdiction;
- Instructed on behalf of a Claimant (employed by a UK based entity) wholly based in the USA and responsible for International business development across Asia to pursue claims for breach of contract and unfair dismissal. Successful at Preliminary Hearing in persuading the Tribunal to accept jurisdiction to consider the claim;
- Instructed on behalf of a Pilot employed by an airline based in Jersey on potential causes of action against his employer for breach of contract and constructive unfair dismissal as well as the jurisdiction of the English Tribunal to consider his claim;
- Instructed on behalf of a Claimant who was an ex-employee of a US oil and gas company based in Nigeria to argue at a preliminary hearing that the Tribunal had jurisdiction to entertain his unfair dismissal complaint.

Investigations, Disciplinary and Grievances

Paras is frequently sought out by a wide range of clients (including law firms) to conduct complex internal investigations, as well as being instructed in an advisory capacity for wide scale HR issues which raise potential high value liabilities for a range of corporate and non-

profit making organisations. He has extensive experience in conducting disciplinary and grievance investigations involving the entire spectrum of employment related issues and is frequently involved in matters pertaining to allegations of public interest disclosures and detriment, breakdown in working relationships, serious misconduct, discrimination and potential criminal acts both in and outside the workplace. He is frequently instructed where allegations of misfeasance or misconduct have been made at senior management/HR level and is able to work to tight timescales at short notice to complete such work. A sample of the matters he has been involved in, includes the following:

- Instructed to consider a wide-ranging grievance raised by a Director of a health care company against the Managing Director and Senior Management team. The allegations raised were of an extremely serious nature involving sex discrimination, bullying and harassment as well as public interest disclosures and allegations of detriment;
- Instructed to consider a grievance appeal for a FTSE 250 financial services organisation brought by an experienced member of staff involving allegations of disability discrimination and alleged detriment occasioned out of public interest disclosures;
- Instructed by a FTSE 250 company to advise HR on widescale changes to terms and conditions within the organisation and consider whether a repudiatory breach of the implied term of trust and confidence between a group of employees and management may have occurred;
- Instructed to consider numerous allegations of sex discrimination and harassment by an Operations Director against the senior management team of a restaurant group;
- Instructed as a legal advisor to an internal disciplinary panel within an NHS Trust to consider and advise the constituted panel on disciplinary allegations to be levelled at a senior medical professional;
- Instructed by a law firm to advise on an investigation involving a breakdown of working relationship between the senior management team and an experienced fee earner;
- Instructed to advise on a highly sensitive allegation of sexual assault/rape by a senior executive against a subordinate in respect of an offsite work event.

TUPE, Collective Labour Disputes, & Trade Union Litigation

Paras has extensive experience dealing with TUPE and collective labour disputes on behalf of both Claimants and Respondents on a national basis. He has particular experience in advising upon the extraterritorial application of the TUPE regulations and is often instructed to deal with crossover issues across the entire spectrum of employment disputes and TUPE transfers. He is also frequently instructed in collective labour disputes such as protective award claims, collective contractual claims, collective bargaining disputes and union recognition claims.

Significant Cases

- Instructed on behalf of a group of Claimants pursuing claims for a protective award and failure to consult in respect of outsourced TUPE transfer from a client to a 3rd party telecommunications provider;
- Instructed on behalf of a group of Claimants pursuing claims for a protective award, unfair dismissal and failure to consult under regulation 13 TUPE in respect of the insolvency of a law firm specialising in personal injury against another prominent law firm;
- Instructed on behalf of over 100 Claimants to pursue claims for a protective award arising out of a large scale redundancy process, the cumulative value of this successful claim being worth in excess of £1.25 million;
- Instructed on behalf of multiple Claimants in a 3 day case against multiple Respondents to determine whether a TUPE transfer occurred, along with associated claims of unfair dismissal, breach of contract, unlawful deduction of wages, and failure to consult under TUPE or TULR(C)A;
- Instructed on behalf of a prominent Coal Operating Company in administration to defend claims for a protective award and failure to consult under regulation 13 TUPE involving a potential liability of over £4 million;
- Instructed by a Respondent in a 5 day case to defend claims brought by a Claimant alleging, inter alia, automatic unfair dismissal by virtue of the TUPE regulations, involved a novel point on what impact a non-effective TUPE transfer has on a contract of employment with a transferee;
- Instructed on behalf of a Claimant in a 4 day case involving a consideration of whether

a TUPE transfer could be effected in circumstances where the closure of a business occurred by way of forfeiture;

- Instructed by a Local Authority to advise them upon the applicability of the TUPE regulations in relation to a proposed change of contractor involving a potential liability of circa £100,000.

Discrimination and Equal Opportunities Litigation

Throughout his career at the Bar, Paras has been involved in a multitude of lengthy and complex multiday discrimination cases acting and advising both Claimants and Respondents nationally. He has built up particular expertise in high value, complex and reputationally sensitive disputes and has acted for some of the largest and most prominent employers in the country across the entire spectrum of claims arising out of these areas, as well as associated claims in the Civil Courts. Paras is also very experienced in bringing claims on behalf of high net worth Claimants and has a very successful record in concluding such matters against high profile organisations including a number of FTSE 100 corporates as well as financial institutions.

Significant Cases

- Instructed on behalf of a Chief Coroner and District Council to resist a claim for a judicial pension pursuant to the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, brought by a fee-paid coroner;
- Instructed on behalf of a female associate solicitor to pursue an equal pay claim against her previous law firm on account of a systemic history of underpayment vis-à-vis a male colleague;
- Instructed on behalf of a female University Professor to pursue a high value and complex claim of race/sex discrimination, harassment, victimisation and unfair dismissal against her former employer. The claim was listed for 20 days and involved highly damaging allegations of discrimination against the Respondent;
- Instructed on behalf of multiple Respondents in a highly sensitive case listed for 10 days to defend claims of sex discrimination, harassment, victimisation, wrongful and unfair dismissal;

- Instructed on behalf of a government department to defend claims of sex discrimination with the Claimant asserting the pleaded value of his claim at £1.2 million;
- Instructed on behalf of a top 35 law firm in a case listed for 9 days to defend multiple allegations of direct disability discrimination, indirect disability discrimination, discrimination arising out of a disability and failures to make reasonable adjustments;
- Instructed on behalf of multiple Respondents in a 5 day case involving highly sensitive allegations of sex and race discrimination, including an allegation of racially aggravated assault. The Tribunal agreed with Paras' submissions that the Claimant's claims were **"baseless, misconceived, vexatious and unreasonable"** and that the Claimant was **"illegitimately attempting to use this tribunal to achieve a pay off and that her claim was an abuse of process"**. The Tribunal made two adverse costs Orders against the Claimant totalling £18,100.

Unfair and Wrongful Dismissal

Paras enjoys an expansive practice in relation to unfair and wrongful dismissal claims and has particular experience in high value concurrent Tribunal/Civil claims. His practice is balanced in respect of Claimant and Respondent work and he is regularly instructed on advisory matters pertaining to liability and quantum in the more complex claims. Paras has substantial experience dealing with unfair/wrongful dismissal claims involving senior executives/employees and has advised and regularly represents directors and high net worth individuals in their employment disputes.

Significant Cases

- Instructed by a Respondent who had admitted to fabricating documentary evidence to support an extension of time to file an ET3. Paras was successful in persuading the employment tribunal to exercise its discretion to extend time to allow the defence of the unfair dismissal claim, despite the Respondent's admitted dishonesty;
- Instructed by a law firm to advise on disciplinary and dismissal proceedings against an associate solicitor specialising in employment law on grounds of suspected alcohol misuse and breakdown in working relationships;
- Instructed on behalf a Surgeon (backed by the British Medical Association) to pursue a claim of unfair dismissal and protected disclosure detriment against an NHS Trust,

successful in recovering over £112,000 in compensation;

- Instructed on behalf of a Claimant who was an ex-employee of a US oil and gas company based in Nigeria to argue at a preliminary hearing that the Tribunal had jurisdiction to entertain his unfair dismissal complaint. Also instructed in substantive 4 day hearing;
- Instructed on behalf of a Respondent to defend an unfair dismissal claim from their ex-Operations Director on the grounds that he had breached his fiduciary duties and sought to set up a competing business whilst in the Respondent's employment;
- Instructed on behalf of a multinational Respondent to defend a claim brought by a senior ex-employee for unfair dismissal, the case involved allegations of theft and fraudulent accountancy practices;
- Instructed on behalf of an investment banker in one of the pre-eminent global financial services firms in the country to advise on issues arising out of the termination of his employment.