

## ENA T. DIAZ

**Partner** / Miami

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**Ena T. Diaz exclusively represents and counsels' employers in matters and disputes that arise in the workplace.**

Ena has extensive experience litigating cases on behalf of employers involving claims alleging employment discrimination (Title VII, ADEA, ADA, Florida Civil Rights Act and local county ordinances in Florida), sexual harassment, retaliation, claims alleging unpaid minimum wage and overtime violations pursuant to the Fair Labor Standards Act (including collective actions), workers compensation retaliatory discharge, violation of whistleblower statutes, Title III of the Americans with Disabilities Act (accessibility cases), the Family and Medical Leave Act, citations issued by Occupational Safety and Health Administration, unfair labor practice charges, breach of contract, state law tort claims (negligent hiring, retention and supervision, defamation, assault, battery and false imprisonment), breach of restrictive covenants, and misappropriation of trade secrets. She has represented employers before federal and state agencies, including, the Equal Employment Opportunity Commission, the Florida Commission for Human Relations, and their local counterparts, the National Labor Relations Board, and the U.S. Department of Labor.

Although litigation is Ena's primary focus, she also devotes a great deal of her practice to providing preventive advice including conducting training for managers, supervisors, and employees to prevent discrimination and harassment in the workplace, drafting and revising personnel policies, procedures and employee handbooks. Ena closely monitors developing legislation and pending court cases to advise clients on emerging issues.

Ena is a Florida Supreme Court certified civil circuit mediator that is listed as a mediator on the roster for the U.S. District Court, Southern District of Florida. She has proven to be an effective mediator in cases involving employment and commercial law matters.

In addition to her employment law experience, Ena is versed in traditional labor law, having advised clients on issues from unfair

## EDUCATION

- » Southern Methodist University School of Law (J.D., 1996)
- » Duke University (B.A., 1993)

## BAR ADMISSIONS

- » Florida

## COURT ADMISSIONS

- » U.S. District Court for the Southern District of Florida
- » U.S. District Court for the Middle District of Florida
- » U.S. District Court for the Northern District of Florida
- » All Florida State Courts

## LANGUAGES

- » Spanish (fully bilingual) - French (basic proficiency)

labor practice charges to union avoidance campaigns.

Prior to joining FordHarrison, Ena operated her own employment and labor law boutique firm in Miami for thirteen years, representing both national, regional, and local employers in a broad range of issues.

## Representative Experience

- » Represented retail stores, restaurants and a delivery service business in class certification and multiple employee cases involving claims of unpaid overtime and minimum wages.
- » Successfully defeated class certification under the Fair Labor Standards Act on behalf of a restaurant.
- » Successfully asserted defenses under the Fair Labor Standards Act, including fluctuating workweek, piecework, motor carrier, administrative and executive exemptions in a U.S. Department of Labor investigation of an employer in the food industry.
- » Obtained summary judgment on behalf of a private college. Employer did not breach the employment agreement by terminating the employee.
- » Obtained summary judgment on behalf of an educational institution on claims of gender discrimination, FMLA interference, and retaliation.
- » Served as co-counsel where dismissal of claims for IIED and negligent retention was obtained on behalf of a global air cargo logistics operator, which was affirmed on appeal
- » Represented construction industry employer in two union avoidance campaigns that successfully defeated the union both times.

## Honors & Awards

- » *Best Lawyers in America* (2015 - present)
- » AV® Preeminent Peer Review Rated by Martindale-Hubbell
- » "Florida Super Lawyers," *Super Lawyers Magazine* (2022)
- » "Florida Rising Stars," *Super Lawyers Magazine* (2012)

## News & Insights

- » SourceBook - Editor, FordHarrison's Labor & Employment Law Sourcebook, Sex Discrimination

- » December 14, 2023 - Miami Partner, Ena Diaz Artificial Intelligence Article Ranked Top 10 for 2023 by JDSupra
- » August 17, 2023 - Nineteen Florida-Based FordHarrison Attorneys Listed in the 2024 Best Lawyers in America and Eight Listed in Ones To Watch
- » June 13, 2023 - EEOC's Guidance on Artificial Intelligence: Hiring and Employment-related Actions Taken using Artificial Intelligence may be Investigated for Employment Discrimination Violations
- » January 19, 2023 - The Top Five Employment Law Issues Employers May Face in 2023

## Events

- » September 21, 2023 - "Breakout Session," 2023 Tennessee SHRM Conference & Exposition – Chattanooga, TN
- » April 19, 2023 - "Navigating the Changes in the New Legal Landscape," HR Insights Summit – North Miami, FL

## Offices

- » *Miami:*  
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