

MACFARLANES

EMPLOYMENT



INTRODUCTION

Employment issues go to the heart of an organisation. They are often highly sensitive and personalised. It is not enough for your lawyers to know the law, they must also be able to find solutions to difficult situations. The greatest service we can offer to our clients is to deliver results which are in keeping with their culture and approach. We will act as an extension of your in-house legal and HR capability.

The sheer quantity of employment law in the UK has led to an increase in disputes and litigation. When employment issues become disputes, clients need lawyers who will fight their corner intelligently and in a cost effective way. Our employment lawyers are renowned for their specialist knowledge and expertise. We advise on a range of complex and sensitive employment law issues, from high profile discrimination or “whistleblowing” claims to the TUPE implications of complex outsourcing arrangements. We have considerable experience dealing with employment disputes in both the Employment Tribunal and the High Court.

SEÁN LAVIN ►
PARTNER - HEAD OF
EMPLOYMENT



“We are recognised as being leading employment law advisers. Employment advice must be technically correct, but it must also be commercial and results orientated. We deliver to our clients real life solutions to their most challenging employment law situations. Not all clients want to receive their advice in the same pre-packaged way. It is our priority to ensure that we deliver bespoke advice in a manner best suited to our clients' needs.”

EXPERTISE

Our employment team works alongside lawyers in closely related fields including, among others, pensions and benefits. This combined expertise means that you receive seamless advice on the full range of employment law and related benefits issues.

- ◆ **EMPLOYMENT ADVISORY:** We advise on all the day to day employment issues our clients encounter. We handle the preparation and negotiation of employment contracts, be it standard form templates or bespoke contracts for senior executives; secondment arrangements (domestic and overseas); the implementation and operation of policies and handbooks; collective redundancies, relocations and TUPE transfers, including those with an international dimension; the conduct of disciplinary and grievance procedures; and negotiating settlement deals and their associated compromise agreements.
- ◆ **LITIGATION AND DISPUTE RESOLUTION:** We have a thriving practice contesting Employment Tribunal claims for our clients as well as regularly advising on restrictive covenant disputes, contested team moves and wrongful dismissal claims in the High Court. We settle an increasing number of employment disputes for our clients through formal mediation.
- ◆ **CORPORATE:** We advise on the employment aspects of mergers and acquisitions, restructurings and outsourcing arrangements, collective redundancies and TUPE transfers.

CHAMBERS AND PARTNERS

"The firm has established itself as a premier adviser of City financial services institutions."

Chambers UK 2010

"It [the team] has been busy advising a host of blue-chip and high value clients on restructurings, redundancies, team moves, executive terminations and restrictive covenant disputes."

Chambers UK 2010

"Sources describe the team as: 'Consistently commercial and sensible.'"

Chambers UK 2010



"Macfarlanes LLP offers 'advice that is always very commercial, delivered quickly, and empathetic.'"

The UK Legal 500 2009

OUR APPROACH

The way we work is at the heart of our drive for excellence. We build strong and enduring relationships with our clients. They appreciate the investment we make to understand them and their business. They value the consistency of service we offer.

Given the sensitive and urgent nature of many employment issues, we ensure that our partners are accessible and available to advise you whenever and wherever an issue arises. Our service is bespoke and partner-led, with partners supported by a team of specialist employment lawyers.

Some clients call on us to handle all their employment work, from the smallest flexible working enquiry to their whole tribunal caseload. Others prefer to instruct us only on complex, sensitive or urgent cases. We are more than happy to work with you in whichever capacity best suits your needs.

Our client base is both domestic and international and includes:

- ◆ Aspect Software
- ◆ E&J Gallo
- ◆ E2V plc
- ◆ Hawkpoint
- ◆ Hogg Robinson plc
- ◆ ICAP plc
- ◆ IMG
- ◆ Intertek plc
- ◆ Jacques Vert plc
- ◆ Kentucky Fried Chicken
- ◆ Montagu Private Equity LLP
- ◆ o2o plc
- ◆ Omnicom plc
- ◆ Tenon Group plc
- ◆ Tisbury Capital Management LLP
- ◆ Tomkins plc
- ◆ Vision Capital LLP

Our highly skilled employment group led by Seán Lavin, comprises three partners who are supported by a team of 15 solicitors. A number of individuals in the group are recognised as leading practitioners in their field by the legal directories.



CHAMBERS
AND PARTNERS

“Clients describe this group as ‘commercially minded, cost-effective and able to handle complex and sensitive issues delicately and with the minimum of disruption and fuss.’”

Chambers UK 2008

RECENT WORK

CORPORATE RESTRUCTURINGS

Advised a major pan-European utility on a complex multinational restructuring involving a cross-border TUPE transfer of a 250 strong unionised workforce with associated collective redundancy and pensions implications.

BONUS CLAIMS

Advised a number of former employees of Dresdner Kleinwort in their well publicised claims for bonuses including successfully suing for summary judgment in the High Court.

TEAM MOVES

Advised on a range of domestic and international matters including: a large international financial services organisation in relation to claims in multiple jurisdictions including the United States, Hong Kong, Australia, Singapore and the Middle East; a large listed client in relation to a contested European team move and related UK employment disputes over confidentiality, breach of covenant and fiduciary duty.

EMPLOYMENT TRIBUNAL CLAIMS

Successfully defended our client, a high profile financial services institution, in a series of valuable disputes, including substantial and highly sensitive discrimination and “whistleblowing” claims.

SENIOR EXECUTIVES

Legal advisers to some of the best known names in the City, negotiating both their terms of engagement with new employers and their terms of exit on their departure.

LIMITED LIABILITY PARTNERSHIPS

Ongoing legal advisers to longstanding LLP clients and individual LLP members on board room disputes and rights and liabilities on admission and exit.

INTERNATIONAL

As advisers to many of the world's leading businesses and business leaders, we manage international matters in an effective and seamless manner. Our distinctive approach is founded upon what our clients tell us works best for them.

- ◆ Our lawyers work alongside leading local counsel: always with firms and individual lawyers that are right for the job in hand.
- ◆ We give clients a single point of contact and coordinate advice across all relevant jurisdictions, to make sure that it is seamlessly given.
- ◆ We ensure that advice is always to the point, never "one size fits all" or of a standard that falls short of what you would expect of us, Macfarlanes.

The proven result: the right lawyer, in the right place, giving you the best possible advice.

1 ALCOA INC.

Advised Alcoa Inc. on its joint venture arrangements with Aluminium Corporation of China (Chinalco) and their joint \$14bn purchase of a 12 per cent stake in Rio Tinto.

2 PRIVATE CLIENT

Advised on the establishment of a family office in London to manage investment portfolios worth several billion dollars for two Russian families and arranged for the migration of several family members to the UK.

3 MITSUBISHI RAYON CO., LTD

Advised Mitsubishi Rayon Co., Ltd, alongside Paul Weiss, on its \$1.6bn acquisition of Lucite International, a transaction that included significant real estate, environmental and other due diligence aspects.

4 CSN

Advised CSN on its £6.1bn bid for Corus Group.

5 PERNOD RICARD

Advised Pernod Ricard on its €5.6bn acquisition of Vin & Sprit (owner of the Absolut vodka brand) from the Kingdom of Sweden.

6 AIR LIQUIDE

Advised on the acquisition of Linde's interests in Singapore Oxygen, Brunei Oxygen, Vietnam Industrial Gas and Eastern Industrial Gases (Thailand) and the sale of Air Liquide's interest in Hong Kong Oxygen and Malaysian Oxygen.



MACFARLANES



From our base in London, we offer discerning clients an alternative to the world's legal giants. We are recognised for the quality of our work, not just in dealing with the full range of corporate and commercial matters, but in advising our clients on their private affairs. They trust our judgment and we are in a unique position to advise on their most complex matters, whilst at the same time remaining smaller than our competitors. That means that we can maintain the very highest levels of service and partner involvement that our clients expect.

The nature of business today is such that we are usually advising on matters that reach across multiple jurisdictions. By working with other leading independent firms and lawyers around the world in each relevant jurisdiction, we provide a seamless service, wherever and whenever our clients need it.

If you would like further information or specific advice please contact your usual Macfarlanes contact or:

SEÁN LAVIN
sean.lavin@macfarlanes.com
DD: +44 (0)20 7849 2695

20 CURSITOR STREET
LONDON EC4A 1LT
T: +44 (0)20 7831 9222
www.macfarlanes.com



MACFARLANES LLP
20 CURSITOR STREET LONDON EC4A 1LT

T: +44 (0)20 7831 9222 F: +44 (0)20 7831 9607 DX 138 Chancery Lane www.macfarlanes.com

Macfarlanes LLP is a limited liability partnership registered in England with number OC334406. Its registered office and principal place of business are at 20 Cursitor Street, London EC4A 1LT. The word 'partner' is used to refer to a member of Macfarlanes LLP. A list of members is open for inspection at the above address.