

WHITE & CASE



London

Employment & Benefits

Helping manage your most valuable resource – your employees



- Employment and employee benefits lawyers who understand your business
- Tailored, practical solutions to save you time and money
- Advice on the full range of employment, pensions and employee benefits issues
- Unmatched global resources to give you that extra edge



Understanding your needs

Getting the employment, pensions and employee benefits issues right is important to every business. The relationship between you as an employer and your workforce is fundamental to achieving strategic goals. The ability to incentivise employees and to handle employee-related issues professionally and fairly is a critical success factor for all businesses.

We understand the pressures today's employers operate under and will guide you through the challenges of employment law and employee benefits as well as pensions law. Many employee-related issues have the potential to cause serious public and investor relations problems. We are sensitive to the need for speedy resolution and strict confidentiality and offer you the appropriate advice that will help you to avoid potential pitfalls. We will work with you to resolve problems quickly and efficiently, saving you time and money.

Working together

Our London Employment and Benefits Group is structured with your needs in mind. We will make sure that you get the right level of skill and experience from us – with active partner involvement.

We build strong, long-term relationships with our clients and strive to maintain team continuity.

We advise on all areas of employment, pensions and benefits law across a wide range of industries. The advice you receive from us will be:

- Accurate
- Effective
- Timely
- Easy to read and understand
- Commercial
- Delivered in a human and sensitive way

The number of clients who stay with us reflects the success of our working style.

Our solutions are practical and focused on helping you achieve your commercial objectives

We are structured with your needs in mind – you will get the right level of legal skill and experience



Our practice

Employment advisory work

A large proportion of our work is advising clients on the range of employment-related rules and regulations that they are subject to in the UK and the impact that those rules and regulations have on their businesses. It is common for us to provide such advice on a cross-border basis.

Our advice can be more than just detail on the law and the issuing of standard form documents. Experience, combined with commercial awareness, is vital, as every situation is different – it follows that so must be the advice.

International reach and commercial awareness when providing employment advice to employers is a daily part of our practice. Explaining unfamiliar concepts and practices to you is second nature to us.

We advise on:

- Boardroom issues and corporate governance
- Data protection
- Dismissals
- Drafting new contracts of employment/ staff handbooks
- Employment policies and procedures
- National and European works councils
- Large-scale redundancy programmes
- Maternity and parental rights
- Secondees, consultants, agents, leased employees and other “atypical workers”
- Setting up in the UK
- Trade union issues

Transactional employment advice

We advise on the employment aspects of acquisitions and disposals of businesses, as well as mergers and takeovers, IPOs and other commercial transactions. We are wholly familiar with advising on the impact of the Acquired Rights Directive and the UK’s Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) on business sales, outsourcing, offshoring and contracting-out arrangements.

As part of a global law firm, we have particular experience advising on the UK aspects of multinational deals, advising foreign employers making investments in the UK, and advising UK employers investing overseas. Our team has worked on some of the largest commercial transactions in recent years and has substantial experience in providing the necessary employment advice.

Transactional employment advice involves:

- Drafting the employment aspects of the transaction documents to ensure full compliance with applicable laws
- Ensuring all consultation and notification requirements for employees are complied with
- Advising on the effects of transactions on terms and conditions of employment, collective labour agreements and employee representative arrangements
- Setting out and advising on the implications of outsourcing on a national and multinational basis



European employment advice

Often you require advice on more than just standard UK employment law issues. The employment practice in London benefits from the knowledge and experience of our European colleagues.

We work closely with our teams in Brussels and other European offices when advising on issues of European employment law, particularly where there is a cross-border element. We provide advice to multinationals on issues such as the setting up and operation of European works councils, complying with data protection rules on a pan-European basis and the free movement of workers. We also give specialist advice on the interpretation of the large number of EU directives applicable in the employment field.

Our team in Brussels includes litigators with many years of experience in the European courts. The team also has specialists who monitor the development of new legislation in the European Parliament and European Commission and provide reports to clients.

Contentious employment advice

Levels of compensation awarded to applicants to employment tribunals in the UK continue to increase year after year. Whether or not employers are actually at fault, there is an increasing likelihood of employment-related claims being made against them. It is essential that you know how to deal effectively with such matters.

The provision of employment advice in litigation or a litigious context is an important part of our day-to-day work in London.

We have extensive experience in representing clients in employment tribunals, the Employment Appeal Tribunal and the High Court (handling appeals, where necessary) in a wide variety of actions including:

- Unfair dismissal
- Breach of contract (particularly claims arising under bonus arrangements)
- Applications for injunctions and enforcing restrictive covenants and garden leave provisions
- Sex discrimination, equal pay, disability discrimination, race discrimination
- Data Protection Act subject access requests
- Claims made as a result of the operation of TUPE
- Claims arising upon the insolvency of an employer

Part of our role is to help to resolve employment disputes and work with you to identify the best solution. We will consider from the outset whether there are grounds for a commercial settlement or whether a claim should be defended or pursued.



Employee benefits

Clients regularly come to us on all forms of equity and cash-based compensation programmes, including:

- HM Revenue & Customs approved and unapproved share option plans
- EMI option plans
- Sharesave and share incentive plans
- Co-investment and carried interest plans
- Employee trusts
- Share purchase plans
- Restricted share plans
- Restricted Stock Units
- Stock Appreciation Rights

Our clients are large multinational corporations that require a broad range of compensation alternatives for their employees. When we deal with these issues internationally, we focus on needs that are country-specific. Given our cross-specialisation in financial services and our immediate access to a global team of experts, we understand the common and accepted practices for compensation in particular jurisdictions and regularly deal with novel or unusual structures. Moreover, we are well situated to coordinate global plan compliance and management needs worldwide.

To keep you up to date with new developments in global share incentives and employee benefits, we have a comprehensive online information system, White & Case Universe (www.whitecase.com/universe). This offers you an interactive resource that assists in implementing and coordinating incentive plans worldwide. It also provides a secure client extranet site.

Pensions

When instructing us on pensions and retirement benefits, you know that you have access to a worldwide team of pensions lawyers who have the local knowledge to advise on this complex and challenging area of law. We deal with all types of pension plan, funded or unfunded, registered or unregistered, and all areas of pension law, including:

- Advising employers in relation to their obligations for funding deficits in defined benefit schemes and assisting in negotiations with the trustees
- Assisting employers in negotiations with trustees in relation to changes to future benefits
- Restructuring, merging and closing plans
- Advising the parties to major corporate transactions on the pensions consequences of those transactions and dealing with plan trustees and the Pensions Regulator in this context
- Dealing with pension arrangements in the context of private-to-private and public-to-private business transfers and outsourcing
- Advising employers in relation to technical, administrative and legal issues arising from the operation of their pension plans, including those relating to investment strategy and age discrimination
- Advising in relation to tax issues arising from pension plans and, in particular, international pension plans and unregistered pension schemes

We are also well placed to advise on pension-related disputes and pension-related issues arising from transactions such as pension plan transfer and pension rights for employees on asset-based transactions.



Employee tax

Our employee benefits and employment lawyers work closely with our tax lawyers to provide comprehensive advice on taxation issues arising from employee benefits issues, executive compensation arrangements and other international tax issues – specifically, this includes advice on:

- Tax issues arising from secondees, consultants, leased employees and other “atypical workers” to and in European countries
- The structuring of equity-based compensation in a tax-efficient way
- Residence and domicile and related tax issues
- International employee issues and application of double-taxation treaties
- Planning option exercises
- Incentivisation
- Termination payments

Keeping you informed

We are committed to keeping you informed, not only on current matters we may be dealing with, but also regarding changes in employment, relevant employee tax and pensions laws, as well as changing market practice (especially in employee benefits).

Employment and employee benefits is one of the most dynamic areas of law – it is fluid by nature, statutes are frequently amended, case law evolves and best practice changes. Our active involvement in leading industry bodies, such as the Employment Lawyers Association, the European Employment Lawyers Association, XBHR, the Global Equity Organisation and the Association of Pension Lawyers, assists us in ensuring that we have the inside track on the latest developments. A regular email alert, ‘Insight’, will keep you informed of changes in legislation that may affect you as soon as they happen.

Our regular seminar programmes on topical employment and benefits issues are well attended and popular with clients. We are also happy to provide bespoke presentations to clients in-house, upon request.

Today, increasing salary in line with inflation or seniority is not enough to motivate employees – we can advise you on the latest incentive programmes as they are devised in the US and elsewhere

Our global network

Europe

Ankara
Berlin
Bratislava
Brussels
Bucharest
Budapest
Dresden
Düsseldorf
Frankfurt
Hamburg
Helsinki
Istanbul
London
Milan
Moscow
Munich
Paris
Prague
Stockholm
Warsaw

North America

Los Angeles
Miami
New York
Palo Alto
Washington, DC

Latin America

Mexico City
São Paulo

Asia

Almaty
Bangkok
Beijing
Hong Kong
Shanghai
Singapore
Tokyo

Middle East/Africa

Abu Dhabi
Johannesburg
Riyadh

Our unified global network provides legal services of the highest quality in virtually every major commercial and emerging market.

Few established firms have our broad capabilities and fewer still have both our thorough knowledge of local law and an ability to operate cross-border to the highest international standards.

Our clients include some of the world's longest-established and most respected names as well as many start-up visionaries.

Regardless of size, we consider every client key to building our reputation and experience, as we strive to become the world's pre-eminent global law firm.

White & Case is a leading global law firm with more than 2,300 lawyers in 37 offices across 25 countries. Among the first US-based law firms to establish a truly global presence, we provide counsel and representation in virtually every area of law that affects cross-border business. Our clients value both the breadth of our network and depth of our US, English and local law capabilities in each of our offices and rely on us for their complex cross-border transactions, arbitration and litigation. Whether in established or emerging markets, the hallmark of White & Case is our complete dedication to the business priorities and legal needs of our clients.

Our approach is based on listening to our clients' needs, taking the time to understand their business and responding with effective strategies and solutions, no matter how big the opportunity or formidable the challenge. With new technologies, globalisation, consolidation and other forces continuously changing how business gets done, we help our clients evaluate the risks and rewards of ventures designed to advance their interests.



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