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# EMPLOYMENT & BENEFITS

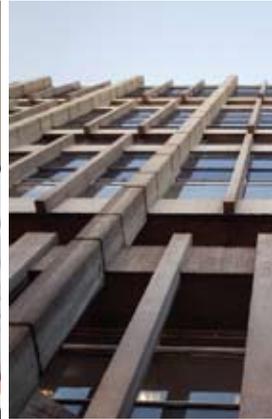
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**WILLIAM FRY**



Our Employment and Benefits lawyers advise on employment law including health & safety, pensions, employee incentives and immigration. Our clients include many leading multinational and Irish companies, public sector organisations and pension scheme trustees.

Our team has advised on the employment and pensions aspects of many of the major corporate transactions in Ireland over the past several years. We have successfully represented clients in a number of High Court and Supreme Court cases which have clarified key points of Irish employment law.



Our lawyers approach employment and pensions law issues with a view to securing commercially desirable outcomes for our clients and we deliver our advice promptly and with clarity. In order to provide a comprehensive service to our clients, we draw on the expertise of other specialist departments of William Fry in related areas of the law, such as data protection, intellectual property rights and taxation.

## EMPLOYMENT

Our Employment team excels in providing practical and commercially focused advice on all issues arising in the course of the employment relationship.

In the current economic climate, we recognise that employers face additional challenges in managing their workforces and need more than ever to avoid employment disputes that may lead to lengthy and costly litigation.

Our clients include leading multinational and Irish companies, public sector organisations and senior executives. Arising from William Fry's prominence in M&A work, a significant portion of our practice involves the employment aspects of takeovers and business sales. In recent years, our work on the administration of Nortel and in other receiverships and liquidations, in tandem with William Fry's Insolvency Group, has afforded us unrivalled experience in employment issues arising in insolvency situations.

We represent clients in claims before the EAT, the Equality Tribunal, the Rights Commissioners, the Labour Court, the High Court and the Supreme Court.





**Our areas of expertise include:**

- Recruitment
- Equality in employment
- Employment contracts and employee policies
- Bullying and harassment
- Disciplinary investigations and procedures
- Employment injunction proceedings
- Dismissals
- Redundancy programmes
- Defending unfair dismissal claims
- Post-termination restrictive covenants
- Employment issues in receiverships, examinerships, administrations and liquidations
- Employee rights in business sales, restructurings and outsourcings, including Transfer of Undertakings
- Industrial relations
- Preparing bespoke training sessions for HR personnel on specific aspects of employment law

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## PENSIONS

The Pensions Group advises a broad range of employers, scheme trustees, pension product providers and individuals on pension issues and pensions law compliance. Our expertise on the pension related aspects of M&A transactions is well established.

### **Our areas of expertise include:**

- Scheme establishment, drafting documentation, restructuring and winding up
- Pensions aspects of insolvency
- Pensions disputes, investigations and complaints
- Revenue Commissioners, Pensions Board and Pensions Ombudsman matters
- Trustees' duties and obligations, compliance with pension legislation etc
- Equality issues, EU and international developments
- Pensions law as applicable to pension products and services and related documentation

## EMPLOYEE INCENTIVES

We advise private and publicly held companies on the design and implementation of employee share schemes.

### **Our areas of expertise include advising on:**

- The design and implementation of share option plans, long term incentive plans and restricted stock plans
- Obtaining Revenue Commissioner approval for profit-sharing and savings related share option schemes
- The treatment of share options and share awards in takeovers, mergers and schemes of arrangement
- Employee bonus programmes
- Corporate and securities law issues relating to employee share incentives

We work closely with William Fry Tax Advisors to optimise the tax treatment of employee incentives.

William Fry Tax Advisors is a member of the Taxand international network of tax advisors. We work with other network members to advise multinational companies on offering their share incentives in various jurisdictions.



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## HEALTH & SAFETY

Health & Safety Law is one of the fastest growing areas of the law in Ireland. William Fry is one of the few firms in Ireland with a dedicated Health & Safety Group. This Group draws together the Firm's experience and expertise on all aspects of health and safety law compliance.

Our lawyers have experience of advising across a broad range of sectors, including construction, transport, waste disposal, healthcare, energy, information technology and manufacturing. We also advise public sector employees.

### **Our areas of expertise include:**

- Representation of clients at interviews before the Health and Safety Authority
- Compliance
- Advising in the aftermath of accidents and incidents
- Representation of clients before the courts in prosecutions
- Advising on corporate governance and personal liability of directors and managers
- Contracts and policies
- Due diligence exercises for both purchasers and vendors in business sales
- Bespoke client training sessions
- Employee stress claims

## CORPORATE IMMIGRATION

Employers wishing to hire a non-EEA national will have to consider both visa requirements to enter Ireland and employment permit requirements to work and reside in Ireland. We advise employers on the relevant Irish requirements.

### **Our areas of expertise include:**

- Guiding employers and prospective employees so that they choose the best route to securing the relevant visa and/or employment permit
- Liaising on behalf of the employer and applicant with the relevant State department
- Applying for intra-company transfer authorizations for executives seconded to Ireland

We can also advise, where necessary, on the options in other EEA member nations by referring clients through our network of immigration specialists.

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## EXPERIENCE

### Our experience includes:

Advising **Yahoo!, Starbucks and DCC plc** on an ongoing basis on employment law issues

Advising **Ernst & Young Dublin**, the joint administrators of the Irish subsidiary of the Canadian telecoms giant Nortel Networks Limited, on the employment and pensions law issues relating to the administration and sale of parts of the Nortel business

Advising **Wolseley plc** on the employment, pensions and share scheme aspects of the sale of its Irish business with 600 employees

Advising **HMV** on the employment aspects of its acquisition of five Zavvi music stores in Ireland from the provisional liquidator of Zavvi

Obtaining for the Ex-CEO and Ex-CFO of **Payzone** an interlocutory injunction which was the first of its kind in the British Isles

Advising **Trinity Biotech** on the Irish employment law aspects of the global acquisition of its coagulation business by Stago International S.A.S

Advising **Royal and Sun Alliance (RSA)** on all pension aspects of the domestication of its Irish operation

Advising the trustees of the **Aviva Staff Pension Fund** in relation to the amalgamation of a number of group pension schemes

Advising **Fujitsu** on its Irish pension scheme arrangements and structures

Advising **Norkom Technologies plc** and **Smurfit Kappa Group plc** on share incentive plans

Advising **Skillsoft plc** on the treatment of its share options in its takeover by a U.S. private equity group

Advising **Merrion Capital** on the employment law aspect of its 2010 restructuring

Advising **AIB plc** on the employment law aspect of its 2011 sale of Goodbody Stockbrokers to Fexco

Advising **Millipore Corporation** on the treatment of its Irish profit share scheme in its global acquisition by Merck KGaA

Advising **FÁS** and **B&Q** on an ongoing basis on health and safety issues



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## RANKINGS & RECOMMENDATIONS

### Department

William Fry is able to offer *'flexible solutions and clear analysis of various situations'*.  
Legal 500 EMEA, 2011 – Employment

William Fry is *"hard working and responsive"*.  
Legal 500 EMEA, 2010 – Employment

Large employers from the public and private sector form the majority of the client roster, and they call the team *'pragmatic, responsive, client-focused, and ready to go at any time.'* According to sources, *'William Fry lawyers take care of the legal side but, with a solid commercial approach, they almost act as business consultants as well'*.  
Chambers Europe, 2010 - Employment

### Team:

#### Boyce Shubotham

Boyce Shubotham is hailed as a *'top-class adviser'*.  
Legal 500 EMEA, 2011 - Employment

Boyce Shubotham is praised for *'demonstrating mastery of the law'*.  
Legal 500 EMEA, 2010 - Employment

Boyce Shubotham leads the team and is recommended for his handling of complex employment litigation.  
Chambers Europe, 2010 - Employment

#### Michael Wolfe

Michael Wolfe provides *'excellent advice, not just on strict legal issues but also on the appropriate tactical approach'*.  
Legal 500 EMEA, 2010 - Pensions and Employee Benefits

*'He is extremely experienced and his advice is legally and tactically spot-on,'* according to clients.  
Chambers Europe, 2010 - Employment

#### Maura Roe

Maura Roe is *'technical and knows where the client is coming from'*.  
Legal 500 EMEA, 2010 - Pensions and Employee Benefits

Maura Roe brings an international dimension, having worked for a prominent US law firm, and sources appreciate that she is ‘responsive and knows the legislation extremely well’.

Chambers Europe, 2010 - Employment

### **Alicia Compton**

Alicia Compton can lay claim to being ‘*the best employment lawyer in Ireland*’, according to one client.

Legal 500 EMEA, 2011 - Employment

Alicia Compton is ‘*a pragmatic lawyer with a knack for distilling complex information down to the essential elements*,’ say sources.

Chambers Europe, 2010 - Employment

Alicia Compton is an expert in equality-related matters, and has advised both public and private sector bodies on potential equality issues. She is also a member of the Health and Safety Lawyers’ Association.

Chambers Global, 2009 - Employment

### **Peggy Hughes**

Clients also recommend Peggy Hughes for pensions: ‘*She knows the area well, is responsive, and gets us what we need in an efficient manner.*’

Chambers Europe, 2010 - Employment

Peggy Hughes, who specialises in pensions law, is identified as an “*up and coming*” individual who has “*a significant presence in the area. Calm and direct, she can handle a heavy workload with ease.*”

Chambers Global, 2009 – Employment



## Our Team



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