

**SQUIRE**   
PATTON BOGGS

# Recruitment Practice



“Squire Patton Boggs have been APSCo affiliate members for several years. Their generosity in support of the trade association and its members has been invaluable. Their expertise within the recruitment sector has been a huge asset to APSCo both in the UK and internationally. Squire Patton Boggs are APSCo’s lawyers of choice and I am personally confident in recommending them.”

*Ann Swain, CEO, APSCo*

“They’re absolutely fantastic. Responsive, quick and good across all the geographies.”

“I have one senior contact there who is always on call, always available and is also proactive. The quality of people he’s directed me to has been consistently high.”

*Chambers UK 2016*

“The firm offers very good service, it has in-depth knowledge of our business, and it gives pragmatic, solution-based advice.”

*Chambers UK 2016*

“‘Class act’ Squire Patton Boggs ‘works excellently as a team, which is one of its big strengths.’”

*Legal 500 2015*

Ranked a Top 10 firm in the *Legal/Week* Best Employers Report 2015.

**LAW360**



## Contacts



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**Industry expertise:** We know the recruitment sector inside out. We act for a wide range of recruitment clients covering all of the legal needs in both the UK and internationally. The recruitment sector is one of our key industry sectors and we have a dedicated multijurisdictional and multidisciplinary team focussed on serving our recruitment clients.

**Independent recognition:**

Our recruitment group has earned recognition from our recruitment sector clients, and *Chambers UK* and is one of the few legal practices recommended by both the REC and APSCo.

**International coverage:** We are a global industry leader in the recruitment sector with offices throughout the world providing a one-stop full global legal service.

**Understanding your needs:**

Those operating in the recruitment arena need advice on the stream of regulation that continues to impact upon the sector, as well as guidance on how to successfully compete in a fiercely contested market, locally and internationally. We help our recruitment clients manage their concerns and capitalise on growth opportunities. We do this through providing practical commercial advice, obtained from our end-clients, finance, recruitment companies, intermediaries, managed service companies and umbrella companies.

- Top-20 global legal practice based on number of lawyers
- Practicing law in more than 140 jurisdictions in more than 40 languages – we have the 9th broadest global footprint
- Ranked #8 of the 20 law firms that have the biggest global presence and handled the largest, most groundbreaking international and cross-border matters by *Law360*
- Ranked a Top 10 firm in the *LegalWeek* Best Employers Report 2015



# Recent Examples of Work for Recruiters

Our Recruitment Group is composed of lawyers with expertise in all relevant practice areas.

We are able to provide a fully integrated, co-ordinated and cost-effective legal support regardless of the location.

## Employment

- Preparation of service agreements for senior executives and recruitment consultants, including tailored confidentiality provisions, restrictive covenants and remuneration packages.
- Development of creative and practical solutions for business protection, including database management, enforcement of restrictive covenants and obtaining injunctions where necessary.
- Preparation of agency worker terms, including zero hours contracts, service contracts, overarching employment contracts and PBA/Swedish derogation contracts.
- Advice and litigation on the employment status of agency workers and contractors.

- Advice on the TUPE implications of service provision changes.
- Representation of recruitment clients in Tribunal proceedings, including complex multiparty discrimination claims.
- Advice on the implications of sector-specific regulations, including the Conduct Regulations and the Agency Worker Directive.

- Agency Worker Directive
- Conduct Regulations 2003 and Transfer Fee clauses
- Auto-enrolment issues and temporary workers
- Employment status issues

## Pensions

- Advice on the implications of the auto-enrollment legislation with respect to employees, limited company contractors, umbrella workers and PAYE agency workers.
- Advice on the pensions aspects of the implementation of salary sacrifice arrangements and flexible benefits packages.

## Commercial

- Preparation and negotiation of client terms among end-clients, umbrellas, managed service companies, other intermediaries, employment businesses and employment agencies.
- Handling of both UK and cross-border trading arrangements, joint ventures, strategic alliances, agency relationships, franchising arrangements, outsourcing and managed services.
- Obtaining the necessary licenses to permit the activity of recruitment in the relevant jurisdiction.

- Mergers and Acquisitions
- Regulatory and AIM Rules compliance
- Enforcing brand intellectual property rights
- Contract review and negotiation of bespoke contracts



Our Recruitment Group has earned recognition from our recruitment sector clients, *Chambers UK*, APSCo and the REC. Members of the recruitment group have participated in the CBI and other working groups involving recruitment sector legislation, including the AWR and Conduct Regulations.

Our Recruitment Group has in-house legal and compliance experience within Recruitment Businesses and is regularly asked to provide speakers at recruitment-relevant forums.

We have been ranked top of *Legal Week's Client Satisfaction* survey in four out of five years.

## Corporate Finance/Company Secretarial

- Advice on the funding of recruitment businesses, particularly in relation to invoice finance.
- Advice on mergers and acquisitions and general company law issues, including advising the board of directors on its duties and responsibilities, company secretarial and corporate governance issues.
- Private Equity: Specialist advice to funds, management and exiting shareholders on all kinds of private equity transactions, including growth and venture capital investments, buy-outs, mezzanine financings, turnaround situations and fund formation – all informed by a detailed knowledge of current market standards and emerging trends.
- Mergers & Acquisitions: Comprehensive advice in relation to M&A transactions – from deal inception through to the closing process and post-closing integration, including national and cross-border mergers, acquisitions (including takeovers) and disposals.
- Capital Markets: Advising in relation to initial and secondary offerings on capital markets, and advising on takeover offers for publicly listed companies.

## Tax

- Advice on the variety of tax rules impacting the recruitment sector (e.g., IR35, double taxation rules, dispensations, foreign tax rules and the impact of the latest tax proposals).
- Advice on structuring business, real estate and financing transactions.
- Advice on mergers and acquisitions, private equity transactions, transfer pricing and public finance.
- Tax litigation and resolution of substantial tax disputes.
- Advice on VAT liability and agreeing partial exemption methods with HM Revenue & Customs.

- VAT mitigation on the supply of temporary and contract workers
- Intermediaries legislation – IR35 and disguised employment
- Tax litigation and dispute resolution
- Advise on HMRC investigations

## Debt Litigation and Dispute Resolution

- Advice on pre-action recovery, commencing legal proceedings and all methods of enforcement, including applications for charging orders, third party debt orders, etc.
- Assistance with obtaining worldwide freezing orders and urgent remedies as required.

- Recovery of trade debt from clients
- Business protection – fee collection
- Candidate ownership and protection measures
- Consultant restrictive covenants – enforcing and defending (particularly in the context of social media)
- Resolving contractor claims – unpaid fees and disputed terminations

## Data Protection

- Advice on all aspects of data protection law across the globe. Ranging from guidance on compliance strategies to *ad hoc* advice on monitoring, dealing with subject access requests, ensuring data security, dealing with high-profile data breaches and lawfully transferring data outside the EEA.
- Dataedge – This is a unique data protection tool containing detailed but user-friendly guidance, checklists and precedents covering data security, direct marketing and employment implications.

- Data Protection Act compliance
- Database protection measures
- Internal policies and quality standards regarding data
- Defending data protection complaints from individuals and authorities

## Intellectual Property and Branding

- Advice on the protection and exploitation of intellectual property rights.
- Advice to brand owners on strategic legal issues on a global basis, including obtaining clearances on brands, logos and designs, advertising regulation, brand protection and litigation.

### Property

- Advice on initial planning, acquisition, financing, investment, development, leasing and sales.
- Negotiation of loans and leases.
- Advice on management and leasing issues during the operations phase.

### Immigration

- Advice on every aspect of global immigration issues, including obtaining business visas and citizenship.
- On-site internal immigration audits and training.
- Defence of criminal and civil immigration-related charges and other immigration litigation.

## Procurement (Public & Private)

- Advice on the rights and obligations under the EU public procurement process, as well as drafting the necessary notifications and supporting documentation.
- Advice on ensuring that licensing, R&D joint venture and other agreements comply with relevant block exemptions and other EU and UK competition rules.

## Health, Safety & Environmental

- Advice on health and safety obligations for clients' businesses and employees, and the supply of workers into end-clients globally.

# Global Coverage

- |            |             |                   |                 |           |           |
|------------|-------------|-------------------|-----------------|-----------|-----------|
| Abu Dhabi  | Denver      | Moscow            | Shanghai        | Africa    | Israel    |
| Beijing    | Doha        | Newark            | Singapore       | Argentina | Italy     |
| Berlin     | Dubai       | New York          | Sydney          | Brazil    | Mexico    |
| Birmingham | Frankfurt   | Northern Virginia | Tampa           | Chile     | Panamá    |
| Böblingen  | Hong Kong   | Palo Alto         | Tokyo           | Colombia  | Peru      |
| Bratislava | Houston     | Paris             | Warsaw          | Cuba      | Turkey    |
| Brussels   | Kyiv        | Perth             | Washington DC   | India     | Venezuela |
| Budapest   | Leeds       | Phoenix           | West Palm Beach |           |           |
| Cincinnati | London      | Prague            |                 |           |           |
| Cleveland  | Los Angeles | Riyadh            |                 |           |           |
| Columbus   | Madrid      | San Francisco     |                 |           |           |
| Dallas     | Manchester  | Santo Domingo     |                 |           |           |
| Darwin     | Miami       | Seoul             |                 |           |           |

■ Office locations

■ Country desks and strategic alliances

