

ALLEN & OVERY

Our Employment & Benefits offer

Paris | 2024



A high performance culture in labour law

Our Paris team is comprised of two partners, one counsel and five associates. Our employment law team works alongside its clients to ensure the success of their most complex operations in France and abroad – local and cross-border, advisory and transactional, contentious and non-contentious and regulatory. Keeping with the international reputation of the firm as a global leader, lawyers of the Paris team bring their high performance culture, concrete and innovative solutions to their clients in France and worldwide in order to meet their ambitious HR objectives.

We have expertise in the full range of employment law issues, including the employee aspects of business reorganisations (restructurings, outsourcings and M&A), employee representation structures, negotiation of collective agreements, collective and individual employment disputes, executive severance, remuneration compliance, incentive schemes, discrimination and privacy issues and multi-jurisdictional employment matters.

Ever-evolving labour law reforms and regulatory change means that we are always one step ahead, guiding our clients on how to respond and developing individual and creative solutions to meet their strategic needs. We are accessible, pragmatic and hands-on, with expertise in communicating directly with workers, employee representatives and regulatory authorities on HR and reward issues.

The team works closely with the other departments of A&O, notably Mergers & Acquisitions/Corporate, Litigation, Intellectual Property (Data Protection), ICM (Regulatory), Tax and Environmental law departments.

Areas of expertise





“Allen & Overy provides excellent service. The lawyers are very responsive, have good communication skills and are easy to work with.”

Chambers Europe 2023 – France (Employment)

“The team has recently been involved in several sensitive restructuring projects, notably in the fintech and retail sectors, and regularly assists clients in dealing with major collective employment issues.”

Legal 500 EMEA 2023 – France (Employment)

“Well-reputed practice group assisting with the employment aspects of high-value M&A transactions, offering additional skill in redundancy plan mandates. The department benefits from the strength of its international network to assist with cross-border matters. The team also acts on market abuse claims and represents companies in collective litigation proceedings concerning working time and bonuses.”

Chambers Europe 2023 – France (Employment)

“The team advises on M&A transactions, including large cross-border deals. In the individual employment realm, the team regularly assists leading companies with conducting internal investigations linked to harassment and whistleblowing claims.”

Legal 500 EMEA 2023 – France (Employment)

Our areas of expertise

Reorganisations, collective redundancies for economic reasons, outsourcing

Conducting in-depth social audits, analysing the social consequences of reorganisation projects at both individual and collective levels (pre/post closing), drafting of the consultation documents, with timetables, for the staff representatives, preparation of and help with the implementation of collective redundancies (with or without Social Plan).

An answer to your questions, tailored to your challenges:

- How to organise the consultation phases with the staff representatives in the context of international operations, in light of labour and employment obligations varying from jurisdiction to jurisdiction?
- In the event of economic redundancies, how to prepare a convincing economic business case? How to ensure compliance with the new Job Security Law and administrative case law?
- Which legal tools put in place in order to avoid redundancies (internal reclassification, voluntary departures plan, collective mutual terminations, etc.)?

Remuneration policy, employee savings plan, employee shareholding plans/stock options, pensions

Negotiating, drafting of agreements and implementation of remuneration policy and complementary remuneration schemes, whether it be an employee savings plan (optional profit-sharing, obligatory profit-sharing or employee savings plan) or an employee shareholding plan (free shares or stock options).

Conducting comprehensive audit in the event of sale or mergers/acquisitions.

An answer to your questions, tailored to your challenges:

- How to combine mandatory employee savings schemes (mandatory profit-sharing, PEE, Perco) and voluntary incentive mechanisms (optional profit-sharing, reserved capital increases) conferring entitlement to social and tax exemptions?
- Does a Luxembourg vehicle offer additional benefits?
- In the context of a listed company, which precautions should be taken to respect the “Say on Pay”? Does the CSR criteria have to be incorporated?

Managing social relations

Managing social relations and fostering a constructive climate with the staff representative bodies (staff delegates, the Social & Economic Committee, the Company Council) as well as with the trade unions.

An answer to your questions, tailored to your challenges:

- How to manage communication with the staff representatives?
- How to make best use of the new organizational structure of staff representative bodies?
- What are the consultation challenges regarding the strategic orientations?

**Working conditions
and working time,
New forms
of employment**

Analysis of the working time systems in light of the company's needs, preparation of draft collective working time agreements, assistance in the negotiations with the trade-unions, and drafting of addendums to the employment contracts on the applicable new rules.

An answer to your questions, tailored to your challenges:

- How to reach, rescind or revise a collective agreement on working time?
- What is the appropriate level of negotiations (establishment, company, or group)?
- Do the standard contractual clauses (working time, function, mobility, etc.) offer sufficient flexibility? Do they meet the activity's needs?

**Discrimination,
harassment and
professional equality**

Management of whistleblowing concerning victimized employees or witnesses of acts of harassment. Assistance with the running of an in-house investigation. Assisting the HR regarding individual or collective equal treatment complaints. Help with the implementation of gender equality agreements.

An answer to your question, tailored to your challenges:

- How to react to alleged harassment? How to ensure the whistleblower's protection?
- What precautions to take before launching an in-house investigation? How to guarantee confidentiality? How to manage data protection and access to the evidence? How to guarantee the legitimacy of monitoring the employees' activity?
- What sanctions?

**Individual
working relations
International Mobility**

Assisting management with all questions relating to individual working relations (employment contracts, dismissal or termination by mutual agreement, international mobility, health and safety, etc.) with respect to both employees and corporate officers.

An answer to your questions, tailored to your challenges:

- How to manage a change of management?
- How to put in place an affective international mobility policy and to draft secondment and expatriation contracts?
- How to secure the termination of an employment contract?

**Individual and
collective litigation**

Assistance with individual and collective litigations before civil and administrative courts (unfair competition, psychological harassment, sexual harassment, discrimination, *délit d'entrave*, etc.).

An answer to your questions, tailored to your challenges:

- How to anticipate the risk of litigation?
- How to access evidence, electronic in particular?
- How to prevent a dispute from spreading to other employees?

Our global employment practice

With over 180 lawyers in over 40 countries across Asia, Europe, the Middle East and the U.S., Allen & Overy's global Employment & Benefits group is one of the best-resourced global practices in its field. Our network comprises some of the world's most experienced and highly regarded specialists in employment and benefits law.

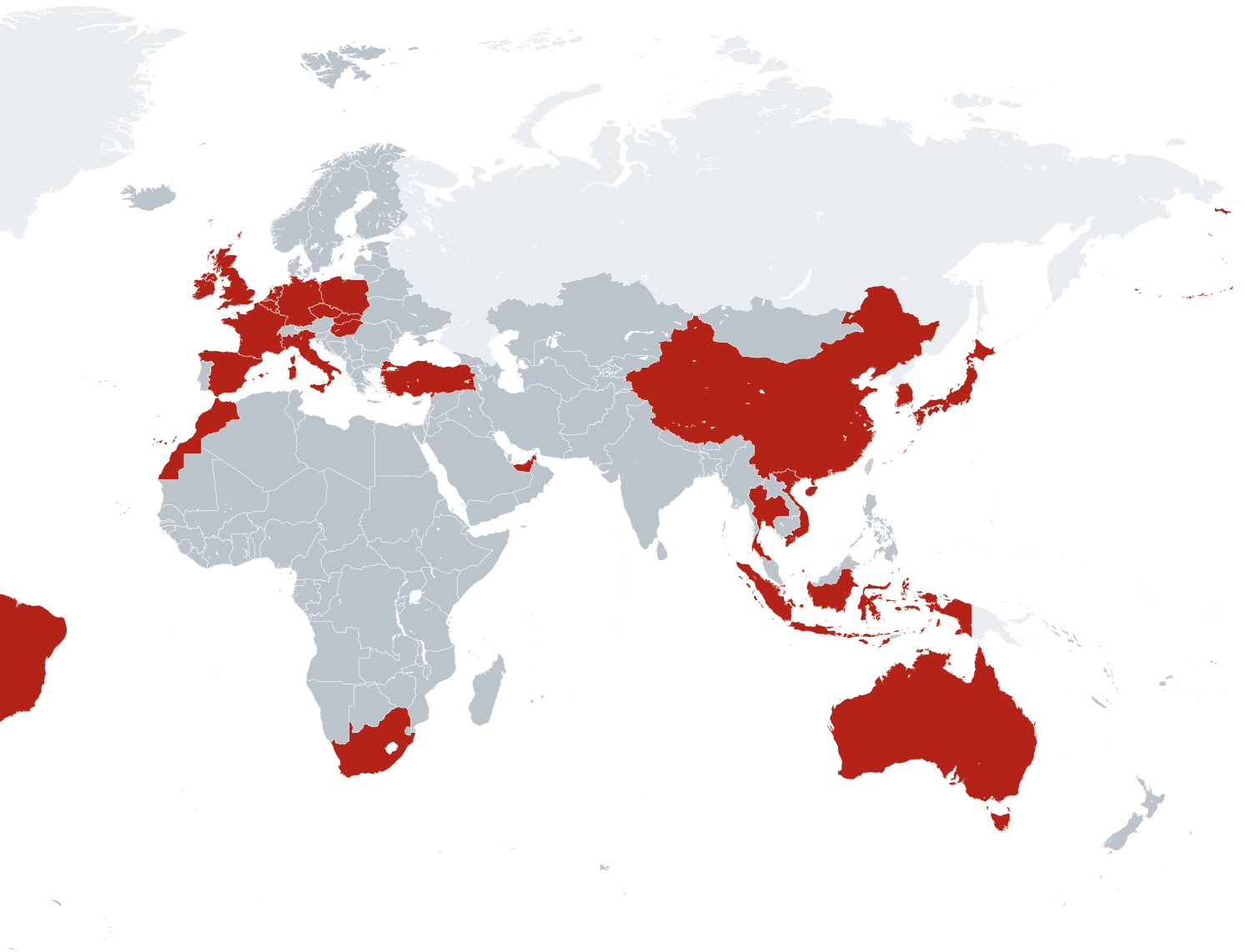
The team includes our award-winning, top tier global pensions practice, led out of our London office. In addition to dedicated pensions lawyers we also have investment funds, derivatives, insurance and tax specialists, with whom we work on a regular basis.

We pride ourselves on our truly integrated approach, built up over many years through close team-working and collaboration, enabling us to offer our clients a seamless cross-border service of the highest quality. We truly offer global reach but with local depth which is what enables us to successfully manage and deliver complex and far-reaching global projects.

Relationships

In addition to our own local presence (marked above), we have genuinely close relationships with an international network of over 100 relationship firms (particularly across Africa and Latin America). This guarantees a consistency in approach, uniformly high standards and access to the best local-law expertise. We collaborate with these law firms in managing many of the most complex and large-scale global transactions.





Band 2

Chambers 2023 – Europe-Wide (Employment)

Adding value for our clients

Examples of value added services available to our Employment & Benefits clients:

Thought leadership and market insight

Crisis management

The first 24 hours are critical in managing a crisis. You need a plan, and the time to plan is when you have no crisis. Our 'Crisis management checklist – What to do on the day' covers everything from appointing a crisis team to immediate action to protect the business and its customers. It deals with vital matters such as litigation issues, PR, briefings to board members, and regulatory and compliance considerations.

Online Services

Employment Restructuring Roadmap

This service enables you to manage key employment law obligations on a cross-border restructuring. Identify, at a glance, the applicable consultation and other procedural requirements, together with related timing and cost implications in 35 countries.

Global Shareweb

Through this service, you can access essential information on local regulatory, tax and other requirements relating to the implementation of global employee share plans in 50 countries.

Restrictive Covenants Around the Globe

This service provides a high-level overview of the key requirements applying to employment restrictive covenants in 30 countries across the U.S., Asia, Europe and the Middle East.

Events and training

We regularly host client seminars on legislative developments in different jurisdictions that affect your business when working cross-border. To maximise the value we can deliver to you, we will also be happy to do in-house training for your team, according to your specific needs.

APPS

Little Red App

This app provides key information and checklists on UK employment rights, including employment tribunal claims and process, statutory payments and redundancy rights.

Access Assist

This data protection app helps you deal with requests by employees, customers or others for access to the personal data you hold, together with targeted summaries of legislation, case law and guidance.

ArbeidsApp

This app explains all elements of Allen & Overy's Dutch law standard employment contract and provides top tips and tricks. All our apps are available to download free from iTunes.

Keeping up to speed

Legislation Tracker

This is a quarterly publication which focuses on employment and pensions law developments at an EU and international level, covering recent and pending employment and pensions law developments across 18 key jurisdictions.

eLibrary and eAlerts

Our eLibrary contains all our newsletters, eAlerts and bulletins from across the firm in searchable form. Email alerts can be set up on subjects and jurisdictions which interest you.

Solutions-led advice across the board

We advise clients on a full range of employment and benefits issues, both local and global, contentious and non-contentious, advisory and corporate transactional.

How we can help

Our approach is very much that of a partnership, working in collaboration with clients to develop individual and creative solutions to their workplace and benefits needs. We are accessible, pragmatic and hands-on, with expertise in communicating directly with workers, employee representatives and regulatory authorities on HR and reward issues.

Areas of expertise



A dedicated team



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Global presence

Allen & Overy is an international legal practice with approximately 5,800 people, including some 590 partners, working in more than 40 offices worldwide. A current list of Allen & Overy offices is available at www.allenoverly.com/global_coverage.

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The term partner is used to refer to a member of Allen & Overy LLP or an employee or consultant with equivalent standing and qualifications or an individual with equivalent status in one of Allen & Overy LLP's affiliated undertakings. A list of the members of Allen & Overy LLP and of the non-members who are designated as partners is open to inspection at our registered office at One Bishops Square, London E1 6AD.