

# RESTRICTIVE COVENANTS

## WHAT WE DO

In an increasingly competitive market economy, the technical and commercial know-how held by directors and employees can represent a significant part of the value of a business. How do you best protect it?

Carefully-drafted post-termination restrictive covenants can defend your trade secrets and commercial relationships when an employee with key skills and contacts leaves the business. Shoosmiths' employment team has significant experience in this area and can help you to manage and minimise these risks.



*"The lawyers provided the right level of expertise for negotiations while protecting our commercial interests."*

Chambers UK 2016

## RECENT WORK

A selection of recent work includes advising:

A **global freight-forwarding company** on breaches of restrictive covenants by a former employee (who was also a director and shareholder) who had set up a replica business in direct competition, and was approaching clients and employees. We obtained an interim injunction against the individual and pursued a 6-figure breach of contract claim.

A **major corporate** in respect of High Court injunctive proceedings involving multiple individuals arising from alleged breaches of restrictive covenants within the employment contract.

A **global company** on enforceability of post-termination restrictions in the employment contracts of senior executives who had newly joined the company, resulting in no further action being taken by the former employer.

A **company** on strategy and approach in the face of allegations of inducing a highly-skilled new employee to breach their continuing contractual obligations of confidentiality and non-dealing restrictive covenants towards their former employer. This complicated situation included advice on the impact of TUPE, and dealing with the impact of disciplinary proceedings during garden leave by the former employer against the individual. Our support resulted in disciplinary charges being dropped and the individual joining the company as planned.

An **industry leading company** on High Court injunctive proceedings involving several former employees joining a competitor en masse. Swift action was taken which led to undertakings provided by the individuals and the new employer to protect and preserve the goodwill and trade secrets of the company.



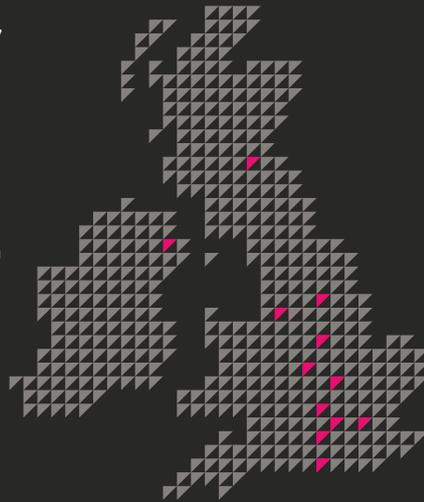
## WHY SHOOSMITHS?

Shoosmiths' employment law team comprises more than 30 specialist lawyers across the UK. As well as advising on policies and processes to make your organisation fully compliant with the latest legislation and case law, they can provide expert help with issues ranging from TUPE and Trade Union law to redundancy, discrimination claims and breach of contract actions.

There is not much that our team of experienced employment specialists has not seen before, which makes us well placed to deliver strategic and highly cost-effective advice. In addition we offer a range of customised training courses (including e-training modules) to help you strengthen the compliance skills of your own workforce.

## KEY FACTS

- 186 partners and 712 legal advisers
- Turnover of £116.7m to end April 2017
- The UK's leading legal adviser by deal volume in 2016 (and 5th in Europe) – Experian MarketIQ's M&A Review
- #1 in Employee Satisfaction Survey and rated a 'Best Employer' for twelfth consecutive year in 2016 - Legal Week
- Recognised twice in the 50 Most Innovative Law Firms report, for the eighth consecutive year - Financial Times
- Gold Standard status - Investors in People



## INTERNATIONAL

Shoosmiths is part of the World Services Group, an international network of law firms spanning 115 countries. Access to this network helps clients obtain the right legal advice in global markets.



OVERALL  
BEST LEGAL  
ADVISER  
2016/17



BEST EMPLOYERS  
REPORT 2016  
BEST  
EMPLOYER



INNOVATIVE  
LAWYERS 2016



## WHAT OUR CLIENTS SAY



*"They are accessible and responsive and, most importantly, top rate lawyers."*

International technical and professional services company



*"Shoosmiths LLP provides an 'excellent service' and is 'well versed' in clients' sectors."*

Legal 500 2015



*"I don't have a critical word to say about the team I work with at Shoosmiths."*

Andy Holmes, HR Manager, Policies, Kuehne + Nagel Limited



*"Very satisfied, very pleased with the arrangement and their flexible approach and responsiveness."*

UK professional organisation



To receive our briefings go to  
[www.shoosmiths.co.uk/register](http://www.shoosmiths.co.uk/register)