

HR Legal –What Legal Risks Make HR and Business Leaders Lose Sleep

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- Managing Change
- Integrity issues
- Pay and Rations
- The Risks from within
- Data Management



Managing Change



- Post-Acquisition and Re-structuring
 - The "one size fits all" challenges
 - HR planning and People Strategy too late to the table
 - Increased collective and regulatory power
 - Tougher job markets – lose the good performers and retain the weak
 - Costing is unrealistic
- Lack of flexibility in legal structures
 - Employee v Freelancer debate
 - Gig economy



Integrity Issues



- The Anti-Bribery and Corruption agenda brings culture into focus
- Increase in internal investigations that are expensive and distracting
- HR as the custodian of culture – the need to influence all levels of decision-making
- The cost of getting it wrong
- The increase importance of support for whistleblowers



Pay and Rations

- Everyone Presumes a Compliant infrastructure
- Increase in HR audits which goes beyond documents to processes
- Non-compliance can create contingent liability of very significant proportions
- Responsibility cannot be outsourced – it sits with HR leadership



The Risks from Within



- Trade secret and breach of confidence actions are on the increase
- Putting in place good structures including well drafted protections (notice, garden leave, IP and confidential information) and enforceable post-employment restraints is a must
- Using surveillance and forensic recovery is now common and a deterrent not just a response



Data Management



- One of the most dynamic areas generally across Asia-Pac
- PRC Cyber Security Law in effect from 1 June 2017 – this covers collection and storage of employee data
- All HR processes need to reflect the complex array of DP protection across Asia-Pac



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