Hong Kong HR & Employment Law
Get a Complete Understanding on the Latest Changes in Hong Kong Employment Law and Its Impact on Employers

Faculty Directors

Fiona Loughrey
Partner
Simmons & Simmons

Jennifer Van Dale
Partner
Gall Hong Kong

Cynthia Chung
Partner
Deacons

Rowan McKenzie
Partner
Baker & McKenzie

Guest Speaker

Sarah Berkeley
Consultant
Simmons & Simmons

“The subject matter experts assigned to present during the workshop were first class. The materials were current and very applicable to my business. Thank you Clariden!”

- VP, Human Resources Retail Operations
DFS Group Ltd
Fiona Loughrey is the national practice group head of employment in China. As one of the first lawyers in Hong Kong to specialize in employment law, Fiona has established the award winning Simmons & Simmons Hong Kong/China employment practice, and is recognized as one of Hong Kong’s most experienced employment lawyers.

Fiona advises on all aspects of the employment relationship, including hiring strategies; negotiation of employment terms and contract drafting; protection of confidential information, enforcement of, and issues relating to, business protection restrictions; dispute resolution and litigation, including applying for and defending applications for injunctions; privacy and data protection; the employment aspects of mergers and acquisitions and restructurings, share option/stock purchase schemes; and audits of human resources procedures. Fiona also has particular experience in dealing with the defense of equal opportunities and discrimination claims.

Fiona was voted by Asian based in-house counsel as “External Lawyer of the Year”, from lawyers in private practice of all disciplines, at the Asian-Counsel In-House Community Award (2010). She was named “Best in Labor and Employment” at the Euromoney Asia Women in Business Law Awards (2011). She was also named as a “Leading Individual” by PLC Which lawyer?, Asia Pacific Legal 500, Chambers Asia, The International Who’s Who of Business Lawyers, and Global Counsel 3000. Fiona was also recognized as “Labor Lawyer of the Year” at the 2006 China STAFF Human Resources Awards three times in 2004, 1999 and 1998.

Fiona is the chair of the Employment Law Committee of the Hong Kong Law Society and sits on the Legal Committee of the Hong Kong General Chamber of Commerce. She is a frequent speaker and participant at conferences on employment issues both in Hong Kong and internationally, and the author of numerous contributions to legal textbooks and journals.
Hong Kong HR & Employment Law

Jennifer Van Dale
Partner
Gall Hong Kong

- Consistently ranked in the top tier of employment lawyers by Legal 500 and Chamber Asia Pacific
- Awarded “Leading Labor and Employment Lawyer in Asia” by Euromoney Asia Women
- Heads the Employment Practice at Gall Hong Kong

Jennifer Van Dale heads the employment practice at Gall, advising corporate employers and individuals in relation to both contentious and non-contentious employment matters. She specializes in compensation and benefits, negotiating contracts and separation agreements, and advising on discrimination issues. Jennifer also advises employers on protection of trade secrets and confidential information; cross-border transfers of employee data; and implementing HR policies covering harassment and discrimination, fraud, corruption and employee surveillance policies. Jennifer also regularly conducts training sessions for corporate clients on termination, restructuring, discrimination, harassment and occupational health and safety.

Jennifer is widely recognized as one of Hong Kong and the region’s leading employment lawyers. She is consistently ranked in the top tier of employment lawyers by Legal 500 Asia Pacific and Chambers Asia Pacific in their annual legal guides. She is also consistently nominated and has won the “Leading Labor and Employment lawyer in Asia” Award by the Euromoney Asia Women in Business law survey.

Prior to joining Gall in September 2013, Jennifer headed the Hong Kong employment practice of a leading international firm where she advised clients on legal and commercial issues arising from the employment relationship for over 15 years. She is a member of the AmCham Board of Governors and formerly headed its Women of Influence committee. Jennifer frequently consults with advisory bodies and NGOs on women's issues and labor law.

Jennifer graduated from Rutgers University in the United States with a B.A. in Chinese and from the University of Hong Kong with an LL.B (first class) and P.C.LL. She is admitted as a solicitor in Hong Kong. As a resident of Hong Kong for over 20 years and a graduate of Hong Kong University, she combines an international background with local cultural and legal knowledge.
Hong Kong HR & Employment Law

Cynthia Chung
Partner
Deacons

- Recognized as a Leader in the area of Employment Hong Kong by Chambers Asia Pacific for 7 consecutive years since 2007
- Acknowledged as one of Asia’s Leading Lawyers in the area of Labor and Employment by Asia Pacific Legal 500 and Asialaw Leading Lawyers

Cynthia Chung is currently Partner at Deacons Hong Kong. She has over 15 years of experience in all kinds of advisory work related to employment and labor and on retirement schemes and provident funds. She assists clients with both contentious and non-contentious labor matters and the preparation of trust deeds and related documents for retirement and pension schemes. Cynthia also advises on general company law and commercial contracts and frequently assists foreign companies in the establishment of their Hong Kong operations.

Cynthia is constantly recognized as a Leader in the field of employment in Hong Kong by the Chambers Asia Pacific for 7 consecutive years since 2007. She was acknowledged as one of Asia’s Leading Lawyers in the area of labor & employment in the Asialaw Leading Lawyers in 2013. She was also listed in Euromoney’s Expert Guides – Women in Business Law (Labor & Employment) in 2012 and 2013. Cynthia was named in the International Who’s Who of Management of Labor & Employment Lawyers by Who’s Who Legal in 2013. Recently, she was named as Leading Individual in the area of Employment by Asia Pacific Legal 500.

Cynthia is the Honorary Legal Adviser for the Hong Kong Ballet and The Women’s Foundation. She is also the Deputy Chief Adjudicator of Immigration Tribunal. Cynthia is a frequent speaker at conferences and seminars on employment issues in Hong Kong and Internationally.

Rowan McKenzie
Partner
Baker & McKenzie

- Consistently listed as Leading Lawyer on Hong Kong Employment Law by Chambers Asia Pacific
- Extensive experience in advising corporations and financial institutions on Hong Kong employment and incentives related matters.
- Consistently ranked in the top tier of employment lawyers by Chamber Asia Pacific

Rowan is a partner in the Employment Law Group and is based in Hong Kong.

He is consistently called upon to provide advice in relation to the challenges of implementing HR strategy, anticipating problems and reducing legal risks in Hong Kong and across the region. He has extensive experience in all aspects of employment law. His recent work includes advising on employment-related disputes involving discrimination claims, enforcement of post-termination restrictions and bonus and equity entitlements on termination.

Rowan also advises on immigration, data privacy and the design, drafting and implementation of all aspects of retention and incentives arrangements including relevant securities and labour law regulations.

Rowan is regularly invited to chair and present seminars and has authored numerous publications. He is an Editorial Board Member for LexisNexis Practical Guidance.

Rowan has practiced in this area since 1991 and is admitted as a solicitor in Hong Kong and Australia (New South Wales).
New policies, regulations and changes in the Hong Kong Employment Ordinance can be confounding even for the most seasoned HR professionals. Failing to adhere to new regulations can put organizations in a vulnerable position that may subject them to unlawful practices, lawsuits and litigations. Led by Award-Winning Employment Lawyers with immaculate track records, this comprehensive 2-day program will provide HR leaders and professionals with the latest updates on the amendment to the law and how it will impact employers. You will also learn how to draft effective HR policies and employment contracts including commonly utilized restrictive covenants. In addition, you will understand how to deal with absent employees, payment of bonuses, discrimination and harassment, employment disputes, termination of employment, and transfer of employment when there is a sale of business without violating the law. Throughout the program, you will be discussing and reviewing prominent case studies drawn from actual legal cases to maximize your learning benefits.

At the end of the program, you will gain a deep understanding of Hong Kong HR law to ensure that your organization and its policies are fair, compliant and consistent, and will leave with specific action steps for resolving current and future challenges.
Program Details

PROGRAM INTRODUCTION

Proposed legislative changes to the Hong Kong Employment Ordinance are expected to be enforced by the end of 2014. New policies, regulations and rules in employment law can be confounding even for the most seasoned HR professionals. Failing to adhere to new regulations and proper administration can put an employer in a vulnerable position and open one to the risk of unlawful practices, lawsuits and litigations. Hence, it is critical for HR Leaders in Hong Kong to have a solid understanding of Hong Kong Employment Ordinance framework and be aware of the key challenges to avoid any potential unlawful practices and employment disputes.

Through this comprehensive two-day program, you will get the latest updates on the amendment to the law and how it will impact employers. You will also learn how to draft effective HR policies and employment contracts including commonly utilized restrictive covenants. In addition, you will understand how to deal with absent employees, payment of bonuses, discrimination and harassment, employment disputes, termination of employment, and transfer of employment when there is a sale of business without violating the law. Throughout the program, you will be discussing and reviewing prominent case studies drawn from actual legal cases to maximize your learning benefits.

At the end of the program, you will gain a deep understanding of Hong Kong HR law to ensure that your organization and its policies are fair, compliant and consistent, and will leave with specific action steps for resolving current and future challenges.

WHO WILL BENEFIT THE MOST

This course is designed for all Executives, Managers, Directors, Vice Presidents, Supervisors, Superintendent dealing with Human Resource, Learning/Training Development, Organizational Development, Workplace Relations & Compliance, Employment Relations, Talent & Recruitment, Remuneration, Compensation & Benefits, Mediators & Arbitrators of Employment Law, and People Development. This course is also applicable to General Manager, business owners, or those with staffing responsibility.

KEY HIGHLIGHTS INCLUDE

- Get the latest updates on the Hong Kong Employment Ordinance and its impact on employers
- Discover the crucial provisions/clauses, including the restrictive covenant that you need to put in the employment contract and HR policies to protect your business
- Be equipped with the practical aspects of dealing and mitigating risks of employee absence
- Be aware of the legal requirements in paying bonuses
- Find out the liabilities and legal risks for employers with regard to discrimination and harassment claims
- Learn the best practices in termination, negotiating exits, and separation agreements without violating the law
- Understand how to handle transfer of employment when there is a sale of business
- Take away practical strategies in dealing with employment disputes when they arise
Program Outline & Agenda

DAY ONE - MORNING

Latest Update on the Amendment to the Hong Kong Employment Ordinance
- Legislative update on MPF
- Reinstatement and re-engagement of employees
- Directors obligations under the New Companies Ordinance
- Contracts (Rights of Third Parties) Bill
- Paternity leave
- Standard working hours
- Continuous contracts

Drafting Effective Employment Contract and HR Policies
- General overview: what’s required, what’s recommended, what’s market practice
- Protection of business: imposing enforceable restrictions
- HR policies and contracts
- Termination of contracts

DAY ONE - AFTERNOON

The Practical Aspects of Dealing with Employee Absence
- Legal framework in Hong Kong
- What are the inherent requirements of the job?
- Independent medical examinations
- Practical strategies for dealing with employee absence
- Termination of employment
- Case studies

Treatment of Bonuses – The Burning Questions
- Exercising discretion – what are the rules of the road?
- What are contractual bonuses?
- What about deferred bonuses?
- What options are available in relation to clawback and forfeiture?
- Moving the goal posts – can an employer change the bonus terms during the performance period?
- Are bonus payments taken into account when calculating severance?
Program Outline & Agenda

DAY TWO - MORNING

Discrimination and Harassment

- An overview of discrimination law in Hong Kong, including direct discrimination, indirect discrimination and victimization
- A look at the law on harassment, with a particular focus on sexual harassment
- Liability for employers and how to manage the legal risk
- Dealing with EOC complaints and District Court claims
- Case studies – a practical look at how to handle common discrimination and harassment scenarios

Terminations, negotiated exits and separation agreements

- Basic entitlements on termination of employment in Hong Kong
- The potential application of foreign laws and other ‘special circumstances’
- The doctrine of ‘without prejudice’ and its use in negotiated exits
- The contents of a typical separation agreement for a senior executive
- Resignation from directorships and related issues
- Garden leave arrangements and post-termination restrictive covenants
- Conducting negotiations, employee leverage and strategic considerations

DAY TWO - AFTERNOON

Employment issues to consider when there is a restructuring

- Transfer of Shares vs. Transfer of Business
- What needs to be done when there is no change in the employing entity - is any pre-arrangement required?
- What needs to be done when there is a change in the employer - requirements under the Employment Ordinance
- Arrangement required for an amalgamation - new scenario under the New Companies Ordinance
- Privacy Issues - Code of Conduct and Exception under the Personal Data (Privacy) Ordinance

Handling Various Employment Disputes

- Common courses of actions or complaints against the employer
- Overall procedures in the Labour Tribunal
- Overall procedures in handling investigation by the Equal Opportunities Commissions
- Criminal prosecution
Date and Location

This executive program will be held at:

Kowloon Shangri-La, Hong Kong
27 - 28 October 2014
64 Mody Road, Tsim Sha Tsui East Kowloon, Hong Kong
Tel: (852) 2721 2111
Fax: (852) 2723 8686
Website: http://www.shangri-la.com/hongkong/kowloonshangrila

The fee for this two-day executive program includes all written materials, lunch and refreshments.

How to Register and Pay

An invoice and registration confirmation will be sent within 7 days, please contact us if you have not heard from us within 7 days. Payment can be made by credit card, by bank transfer or by cheque made payable to “Clariden Global International Limited”. ALL PAYMENTS MUST BE RECEIVED IN ADVANCE OF THE EVENT.

Accommodation

Accommodation is not included in the program fee but you will be entitled to use our corporate rate for your accommodation. Information will be sent along with your registration confirmation.

Sponsorship

INTERESTED IN PROMOTING YOUR ORGANIZATION TO OUR PARTICIPANTS
For more information on sponsorship, tabletop displays & insert opportunities, please contact us at +65 6899 5030.

Cancellations and Substitutions

Once we have received your booking, the place(s) are confirmed. No refunds will be made for any cancellations, however, program credits of equivalent value only applicable for Clariden Global events will be provided. Credits can only be redeemed for 1 program and is valid for only one (1) year from date of issue. Substitution with a qualified candidate is allowed by providing at least 5 working days of advance notice to Clariden Global. One time substitution is allowed with no charges. Subsequent substitutions will be charged 10% admin fee.

All Cancellations Must Be Received in Written Form

PLEASE NOTE: Clariden Global International Limited reserves the right to change the content and timing of the programme, the speakers and the date and venue due to reasons beyond their control. If in the unlikely event that the course is cancelled, Clariden Global International Limited will refund the full amount and disclaim any further liability.

Enquiries: If you have any queries about registration or payment please do not hesitate to contact our client services department on +65 6899 5030.

Private Disclosure Statement: Any information provided by you in relation to this event is being collected by Clariden Global International Limited and will be held in the strictest confidence. It will be added to our database for the primary purpose of providing you with information about future events and services.

Visit us at www.claridenglobal.com for upcoming events