

Key Takeaways

From allies to adversaries: Strategies to counter international competitive risks

1. Immediate Response

Act swiftly to gather contracts, policies and other relevant documents such as incentive agreements. Check whether you can impose garden leave (where available), amended duties, or suspension during your investigation?

2. Balancing Act

Is the priority to delay employees from joining a competitor, reduce the risk of others leaving, or protect confidential information and/or client relationships? Consider the financial implications and the precedent set by aggressive legal action.

3. Crisis Management and Communication

Investigate, preserve evidence, and manage internal and external communications, including with clients and the market. Consider who to bring into the circle of trust to manage both internal and external angles.

4. Engage experienced local counsel early

This ensures compliance with local laws when implementing global strategies.

5. Preventative Measures for Future Risks

Review contracts regularly, especially confidentiality, IP and post-termination restrictions to ensure they are 'state of the art' and enforceable anywhere you might need them. Consider longer notice periods and incentive arrangements to complement your protection strategy.

