

Labour Law Practice group

URÍA MENÉNDEZ





Introduction

Uría Menéndez is an independent law firm founded in the 1940s by Professor Rodrigo Uría González. The firm currently has fifteen offices based in Spain, Portugal, the rest of Europe and the Americas. Uría Menéndez specialises in providing legal advice to Spanish, Portuguese and European Community-based businesses. The firm also provides support to its clients through its network of offices and through its relationships with equally prestigious international law firms.

"We are one of the most prestigious law firms in Continental Europe and have adhered at all times to our core principles: rigorous analysis of the law, professional services of the highest quality and long-lasting relationships with clients, capacity for innovation and honesty, decency and strict compliance with high ethical and professional standards; in a nutshell, we strive to excel at all levels."

Rodrigo Uría Meruéndano



Introduction

The Labour Law Practice Group of Uría Menéndez is composed of five partners, one counsel, three senior associates and over twenty one associates, in the Madrid, Barcelona, Valencia, Bilbao, Lisbon and Porto offices, as well as a support lawyer from the Knowledge Management Department.

The advice provided by the Labour Practice Group includes practically all areas of labour and Social Security law in Spain and Portugal, and in particular the following matters:

"This large team remains active and prominent in employment matters"

Chambers Europe, 2008

- . Labour law-related advice.
- . Drafting of legal reports.
- . Advising on the special relationship of senior executives.
- . Litigation in labour courts.
- . Administrative and contentious-administrative proceedings in labour law.
- . Arbitration and out-of-court resolution of labour conflicts.
- . Collective redundancy schemes, changes to employment conditions and relocations.
- . Transfers of undertakings, work centres or independent production units.
- . Labour auditing.
- . Collective negotiation.
- . Collective conflicts.
- . Social Security.
- . Pension plans and welfare schemes.
- . Expatriation and immigration.

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Chambers Europe, 2008

1. LABOUR LAW-RELATED ADVICE

The Labour Law Practice Group of Uría Menéndez provides legal advice in all areas of labour and Social Security law, such as, the preparation of all types of employment contracts, specific agreements in relation to remuneration schemes, bonuses, stock-options, exclusivity agreements, non-competition agreements and permanence agreements, among others.

The Labour Law Practice Group also provides advice in contractual terminations, in particular, in dismissals for objective reasons and disciplinary dismissals.

2. DRAFTING OF LEGAL REPORTS

The Labour Law Practice Group has recognised experience in drafting legal reports on labour and Social Security law matters. The quality of these reports is supported by the head of the Practice Group, who is a chaired professor of Labour and Social Security Law.

3. SENIOR EXECUTIVES

The Labour Law Practice Group has significant experience in the execution and termination of agreements with senior executives and executive managers. The Labour Law Practice Group provides advice on contractual and remuneration issues, social security matters and welfare schemes as well as advising on the termination of such relationships.



"Clients quick to point out that there is consistent high quality and professionalism among all the lawyers"

Chambers Europe, 2008

4. LITIGATION IN LABOUR COURTS

The Labour Law Practice Group has ample experience in all kinds of proceedings, either collective or individual.

5. ADMINISTRATIVE AND CONTENTIOUS-ADMINISTRATIVE PROCEEDINGS IN LABOUR LAW

The Labour Law Practice Group has significant experience in sanctioning proceedings and in the settlement of the Social Security quotas filed by the labour authorities, providing advice and taking part in appeal proceedings against administrative resolutions.

6. ARBITRATION AND OUT-OF-COURT RESOLUTION OF LABOUR DISPUTES

The Labour Law Practice Group participates in out-of-court resolutions, which are much encouraged by labour regulations. The head of the Practice Group has been an arbitrator of the *Servicio Interconfederal de Mediación y Arbitraje* (SIMA) since it was founded in 1997.

7. COLLECTIVE REDUNDANCY SCHEMES, AMENDMENT OF THE EMPLOYMENT CONDITIONS AND RELOCATIONS

The Labour Law Practice Group provides advice at all stages of collective dismissal procedures, it prepares the necessary documentation, notifies the relevant persons and labour authorities, participates in the assistance and negotiation period, drafting the minutes and the agreements, as well as holding meetings with the Labour Inspectorate and the relevant labour authorities. The Labour Law Practice Group often conducts appeals, amends employment contracts and provides advice in the relocation of employees.



“The Barcelona office in particular specialises in employment issues, including day-to-day advice, negotiations, dismissals, benefits, stock options and litigation. It mainly represents collective employees, and clients say “the group is always readily available and we feel we receive a very personal, efficient and effective service”.

Chambers Europe, 2008

8. TRANSFERS OF UNDERTAKINGS, WORKPLACES AND INDEPENDENT PRODUCTION UNITS

The Labour Law Practice Group provides advice to its clients on labour issues arising in all types of commercial transactions, analysing the different questions relating to the subrogation of companies, standardisation of employment contracts and changes in the applicable collective bargaining agreements, amongst others.

9. LABOUR AUDITS

As a consequence of the commercial transactions in which Uría Menéndez provides advice, the Labour Law Practice Group frequently conducts legal audits in relation to labour issues including a complete and exhaustive analysis of companies' level of compliance with labour and Social Security obligations.

10. COLLECTIVE NEGOTIATIONS

The Labour Law Practice Group participates and provides advice in the negotiation, drafting, interpretation and application of collective bargaining agreements and other collective agreements. Likewise, the Labour Law Practice Group provides legal advice in procedures to challenge collective bargaining agreements.

11. COLLECTIVE DISPUTES

The Labour Law Practice Group provides advice in collective disputes proceedings before the labour courts.

12. SOCIAL SECURITY

The Labour Law Practice Group regularly provides advice to companies and individuals concerning Social Security issues, representing clients in Social Security inspections, contacting the authorities and filing, if necessary, the relevant administrative proceedings.



13. PENSION PLANS AND ADDITIONAL WELFARE SCHEMES

Similarly, Uría Menéndez has vast experience in relation to pension plans and other welfare schemes, which have developed over the last few years, as a consequence of legislative changes.

14. EXPATRIATION AND IMMIGRATIONS

The Labour Law Practice Group provides advice to companies and foreign managers, be they nationals of a European Union Member State or not, in relation to the procedures required for the application and obtaining of the relevant work and residence permits. Likewise, the Labour Law Practice Group advises on relocations of employees and, generally, with regard to the issues arising from rendering services abroad.

"This, along with "technical expertise," is what makes the full-service firm stand out"

Chambers Europe, 2008



Academic background

Academics and education are at the core of the Labour Law Practice Group of Uría Menéndez. Many of its lawyers actively partake in university life, whether in various postgraduate courses or in seminars and conferences. Our lawyers are therefore permanently in contact with university life and students.

Since 1992, Ignacio García-Perrote, partner and head of the Labour Law Practice Group, is a Chaired Professor of Labour and Social Security Law, and currently holds this position at the *Universidad de Castilla-La Mancha*.

Lourdes Martín, partner of the Labour Law Practice group, is a Guest Lecturer of Labour Law at the *Universidad Carlos III de Madrid*.

Mario Barros, partner of the Labour Law Practice Group, is also a Guest Lecturer of Labour Law at the *Universidad Carlos III de Madrid*.

Ana Higuera, associate of the Labour Law Practice Group, is a Guest Lecturer of Labour Law at the *Universidad Pontificia de Comillas UPCO - ICADE*.

Professional acclaim



CHAMBERS EUROPE, 2007 & 2008	<i>Ranked 1st in Laboral law</i>
PLC WICH LAWYER YEARBOOK, 2008	<i>Ranked 1st in Laboral law</i>
LEGAL 500, 2006, 2007 & 2008	<i>Ranked 1st in Laboral law</i>
CHAMBERS GLOBAL, 2007 & 2008	<i>Ranked 1st in Laboral law</i>
CHAMBERS EUROPE AWARDS, 2008	<i>Spanish law firm of the year</i>
WHO'S WHO LEGAL, 2008	<i>Best Spanish law firm of the year, for the third consecutive year</i>
IFLR EUROPEAN AWARDS, 2008 & 2005	<i>Best Law Firm in Spain</i>
DECIDEURS INTERNATIONAL LEGAL ALLIANCE SUMMIT & AWARDS, 2008	<i>Spanish law firm of the year</i>
LEGAL BUSINESS, 2007	<i>European law firm of the year</i>
TROPHÉES DU DROIT, 2007	<i>One of the best European law firms</i>
PLC WHICH LAWYER, 2007	<i>Best Latin American network</i>
MANAGING PARTNERS FORUM AWARDS, 2005	<i>Exceptional Achievement Award</i>
CHAMBERS & PARTNERS, 2005	<i>Best Iberian Law Firm of the Year</i>



Ignacio García-Perrote
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Ignacio García-Perrote heads the Labour Law Practice Group of the firm.

His professional experience covers all practice areas within the Practice Group, especially in the preparation of legal reports, appearance in labour courts and advising on corporate restructuring, including the negotiation of collective bargaining agreements and redundancy schemes.

Ignacio has also been an arbitrator of the *Servicio Interconfederal de Mediación y Arbitraje* (SIMA) since it was founded in 1999.

He was an Attorney of the Constitutional Court from 1989 to 1991 and from 1995 to 1999. He was awarded the medal of the Constitutional Court.

Since 1992, Ignacio is a Chaired Professor of Labour and Social Security Law.

He is a founder member of *Foro Español de Laboristas* (FORELAB).



Lourdes Martín
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Lourdes Martín is a partner in the Madrid office of Uría Menéndez. She joined the firm in 1992 and became a partner in 2001.

Lourdes specialises in labour and Social Security law. She is frequently asked to advise on matters relating to employment contracts (including pension plans, additional benefits and stock options) as well as on contracts for "senior executives" which are specifically regulated in Spain. Lourdes also assists clients with the negotiation, drafting, interpretation and application of collective bargaining agreements, collective dismissals and industrial disputes. She is frequently asked to carry out labour audits of companies and to issue the corresponding due diligence reports. Lourdes also has extensive experience in representing clients before the labour courts.

Lourdes was regarded by PLC Which Lawyer? Yearbook from 2003 until 2008 as a *Recommended Individual* for labour and employee benefits as well as *Leading lawyer* by *Who's Who of Lawyers Spain*, in its 2006 edition.

Lourdes is a member of the Advisory Board of *Justicia Laboral*, a Labour Law and Social Security Journal, Lex Nova Edition, and of the Editor's Committee of Uría Menéndez's legal journal *Actualidad Jurídica*.

Since 2004, Lourdes has been a Lecturer of the Advanced Programme on Employment Relations at the *Instituto de Empresa* and, since 2005, a Guest Lecturer on Employment Law at the *Universidad Carlos III de Madrid*. She regularly participates as a speaker at conferences, seminars and courses pertaining to her field of expertise.

She is also founder member of *Foro Español de Laboralistas* (FORELAB).



Mario Barros
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Mario Barros is a lawyer in the Madrid office of Uría Menéndez. He became a partner in 2008. Since he joined the firm in 1996, Mario has specialised in labour and Social Security law and advises on all matters pertaining to this area of practice.

Mario has extensive experience in advising Spanish and foreign companies on the drafting and termination of employment contracts, particularly those of senior executives, as well as on labour law issues that arise in transactions (mergers, acquisitions, corporate restructurings) and in outsourcing.

He has frequently been asked to advise on the adjustment of employment levels (“expediente de regulación de empleo”) and collective bargaining agreements.

A substantial part of Mario’s practice involves advising clients on their employment disputes, representing them before courts as well as in out-of-court settlements. He also provides advice on remuneration systems, pensions, social benefits, etc.



Mario Ibáñez
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Mario Ibáñez has practiced labour law since 1992. He joined the Barcelona office of Uría Menéndez in 1994, where he has managed the Labour Law Practice Group since its creation. He became a partner of the firm in January 2004.

Mario specialises in employment and Social Security law, in particular issues affecting large Spanish and multinational companies operating in Spain. He specialises in the labour aspects of corporate restructurings, collective dismissals, and legal aspects of the special employment relationship of senior executives.

He also advises on all fields of labour law, such as, the negotiation, drafting and interpretation of collective bargaining agreements, individual dismissals, employee handbooks, labour aspects of pension plans, issues arising from Social Security contributions, or implementing shift systems, among others.

He has extensive experience in appearing before labour courts and tribunals, as well as out of court conciliation procedures. He also advises on the international aspects of employment relationships on a regular basis.



Tito Arantes Fontes
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Tito Arantes Fontes is a partner based in the Lisbon office of Uría Menéndez. He joined the firm in 2004 when his previous firm, Vasconcelos, F. Sa Carneiro, Fontes & Associados - one of the most prestigious Portuguese law firms, founded in 1993 - integrated with Uría Menéndez. He has been a lawyer since 1982 and became a partner at Vasconcelos, F. Sa Carneiro, Fontes & Associados in 1994, where he headed up the Litigation Practice Group and focused his practice on litigation, arbitration and labour law.

Tito is the head of the Litigation Practice Group covering all the practice areas (both contentious and non-contentious). He represents clients in civil, criminal and commercial proceedings, at all instances including the higher courts and the Constitutional Court. He also acts in arbitration hearings either as an arbitrator or as a lawyer representing parties in insolvency proceedings and in particular before the Commercial Court (*Tribunal de Comércio*). Tito represents Portuguese and foreign companies before the Portuguese courts and arbitration tribunals and also actively participates in the negotiation, drafting and enforcement of complex agreements, often after years of litigation.

Chambers Global and European Legal Experts have recommended Tito for his work in arbitration and litigation.



Relevant experience

1. LABOUR LAW-RELATED ADVICE

General advice on all areas of employment and Social Security law affecting companies which operate within different economic sectors: private banking, air or maritime transport companies, energy, consultancy firms, IT, building industry and real estate, textile industry, automotive industry, pharmaceuticals, cosmetics, paper industry, electricity, metallurgy and insurance. We also advise Spanish and foreign public entities (mainly embassies and consulates).

2. SENIOR EXECUTIVES

Labour advice on hiring, implementation of remuneration plans and termination of senior executive contracts of companies from different sectors, especially, financial services, food, media and tourist operators.

3. RECENT PROCEEDINGS CONDUCTED IN THE LABOUR COURTS

- Advice on the termination of the contract of the person in charge of a multinational company in Spain, from before the dismissal up to the negotiation of a private agreement, including legal advice in the pre-contentious and contentious proceedings.
- Advising an engineering and construction multinational company in proceedings concerning salary, Social Security and tax liabilities due to the outsourcing of the construction works commissioned by the original employer.
- Advising on the dismissal of the general manager of a multinational company in the railway sector. The advice provided included coordination the audit carried out in the company before the dismissal, designing a plan of action and representing the company in court.



- Advising a leading company in the automotive industry involved in proceedings concerning a claim for hardship bonus.
- Advising a US airline company on the termination of the contract of the general manager of its Spanish subsidiary.

4. ADMINISTRATIVE AND CONTENTIOUS-ADMINISTRATIVE PROCEEDINGS

Providing advice in administrative proceedings arising from investigations carried out by the Labour Inspectorate of companies from different business sectors such as the land transport sector, automotive industry or the iron and steel industry.

5. COLLECTIVE REDUNDANCY SCHEMES

- Advising on the negotiation of a collective redundancy scheme which affected approximately 2,000 employees, and was the most significant labour dispute in Spain in recent years.

- Advising employees to claim benefits from the Salary Guarantee Fund (Fogasa), to apply for pre-retirement benefits to the public authorities, monitoring the redundancy scheme procedure. Advice was also provided in the claims arising from the redundancy scheme.
- Advising a public transport company concerning the restructuring of its personnel (over 300 employees were affected).
- Advising on personnel cut-backs carried out by a company in the telecommunications sector, including the procedures for the redundancy scheme which led to the dismissal of over 500 employees.
- Advising on the collective dismissal of all the staff (250 employees) of a factory located in Portugal carried out by a multinational in the automotive industry.
- Advising on the application and procedures for redundancy schemes as a consequence of the closing down of two factories of a food company, including the negotiation with the employee representatives. This measure affected 160 employees, the majority of which were approximately 55 years old with seniority in the company exceeding 20 years.



Relevant experience

- Advising a company in the metal industry on the closing down of two factories located in Catalonia and the Basque Country, affecting over 200 employees. It was one of the first collective dismissals within a group of companies, causing significant social and political unrest.
- Advising in the business restructuring process carried out by an IT services multinational company, including the preparation and procedures of the collective redundancy related to the closing of a work centre located in Valencia with over 180 employees.
- Advising in the collective redundancy of over 100 employees as a consequence of the closing of a medicine factory in Asturias. The factory belonged to an important US group in the chemical industry sector.
- Advising on the redundancy procedure of a company in the automotive industry as a consequence of the closure of a plant located in Barcelona which employed over 110 people.
- Advising on the collective dismissal procedure of over 150 employees of an electric company located in Catalonia.

- Advising on the collective dismissal procedure of the Portuguese subsidiary of an important pharmaceutical multinational company affecting over 30 employees.

6. WORK-RELATED ACCIDENTS

Advising companies in the maritime transport sector, chemical industry, iron and steel industry, logistics and telecommunications industries among others, with regard to work-related accidents.

7. COLLECTIVE NEGOTIATION

- Advising on the negotiation with the employee representatives of a leading company in the automotive industry prior to the execution of an enterprise agreement, with the added pressure of an imminent strike.
- Advising companies operating in different business sectors on the negotiation of general employment conditions, such as, postal, consultancy, telecommunications, transport, metal industry and banking companies, amongst others.



8. COLLECTIVE DISPUTES

Acting before the National Court and the Supreme Court concerning the collective dispute resulting from the salaries claimed by the trade union representatives of an IT services multinational company, which affected over 2,900 employees in Spain. As a consequence, a total of 500 employees have initiated numerous individual proceedings. The Labour Law Practice Group is providing advice in various autonomous regions.

9. PROFESSIONAL SPORTSPERSONS

- General labour-related advice to a first division football club.
- Advice on the claim issued by a FIFA agent against a Spanish club for the transfer of a player. Preparation and drafting of out-of-court claims. Preparation and drafting of a claim against the Players' Status Committee (FIFA).
- Advising the sponsor of a cycling team as a consequence of a claim for labour-related debts.

10. EXPATRIATION AND IMMIGRATION

Advising on the application and procedures to obtain work and residence permits for companies.



URÍA MENÉNDEZ

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