

An Employer's Perspective

The best employment law defense counsel takes every aspect of a case into account, but most importantly the impact a lawsuit may have on the reputation and finances of the Company. Employers must be aware of state and federal laws that govern employee hiring, compensation and treatment. Federal and State employment laws concerning wages and overtime are complex and impose significant responsibility on the employer.

Other things an employer should consider are:

- Anti-discrimination laws
 - sexual discrimination
 - age discrimination
 - disability discrimination
 - race discrimination
- Hiring practices (contracts)
- Compensation (wages, bonuses, paid leave, vacation pay, benefits, severance packages)
- Family and Medical Leave
- Termination
- Immigration matters
- Sexual harassment
- Intellectual property rights

Employers should also be cognizant of employees that are allowed access to intellectual property information created or developed for the Company by employees in the course of their employment.

There are a number of questions to be addressed by the Employer both at the time of hiring personnel and at regular intervals throughout the course of their employment, such as:

- The scope of the employees duties, and how those are to be documented;
- Their level of seniority;
- Whether their duties involve a requirement that they invent (or contribute to inventions);
- The employee's propensity to invent;
- The access which the employee has to the employer's resources (both during and after hours) for their own purposes.
- Proprietary Information Agreements
- Non-competition Agreements, where indicated

On the basis of recent decisions of the Federal Court, only very brave employers are likely to decide that they do not require employment agreements with their senior employees or with those employees privy to confidential or proprietary information.

If you are an employer facing legal issues in any aspect of employment or intellectual property rights, consult Mark A. Nacol of The Nacol Law Firm for guidance.