



2015 Primerus Legal Risk Management Seminar: A Comparative Analysis by World Region

Comparative Approach to Employment Law

Thursday, October 1, 2015 (4:15 p.m. – 5:00 p.m.)

Presented by:

Moderator: Caroline Berube – HJM Asia Law & Co LLC – Singapore

Panelist: Marc O. Dedman – Spicer Rudstrom, PLLC – Nashville, TN

Panelist: Felipe Chapula – Cacheaux Cavazos & Newton – Mexico City, Mexico

Panelist: Murray N. Thornhill – HHG Legal Group – West Perth, Australia

Panelist: LiPu Lee – Formosan Brothers – Taipei, Taiwan

**Panelist: Dr. Zsolt Fusthy – Fusthy & Manyai & Hargittay Law Office –
Budapest, Hungary**

- I. Key terms in employment agreement in your jurisdiction: the atypical clauses
 - A. Verbal vs written employment agreement required
 - B. Social charges/pension required to be paid by the employee/employers?
 - C. Probation period.
 - D. Is employment subject to statutory rules or common law?
 - E. Non-compete clause enforceability.
 - F. Minimum salary/minimum age/retirement age.

- II. Is firing possible and, if so, cost/process involved?
 - A. At will? Severance package required? If so, how is it calculated?
 - B. Legal proceedings: mediation, labor bureau, representation by lawyer or the employee.

III. Sending expat in other jurisdictions

- A. Process: work permit, residence permit, health check required?
- B. Timeframe.
- C. Special terms for expat (insurance, allowance (housing, living allowance, car, school, hardship posting bonus, etc.))

IV. Social media role in recruiting and termination process

- A. Is data privacy law applicable?
- B. What are the limits of the use of social media when hiring and firing?
- C. Should employer have a social media policy regarding employees?

Speaker Biography



Caroline Berube, Esq.

HJM Asia Law & Co LLC
B-1002, R&F Full Square Plaza No. 16, Ma Chang Road
ZhuJiang New City Tianhe District
Guangzhou, China 510623
Phone: +8620 8121 6605

cberube@hjmasialaw.com
www.hjmasialaw.com

Caroline graduated from McGill University with a BCL and LL.B degree and completed her studies at the National University of Singapore with a focus on Chinese laws. Caroline began her legal career working in Singapore for a French law firm and subsequently was taken over by a British law firm. During that period, she represented international corporate clients and banks in asset-financing and M&A cross-border transactions, travelling to various Asian countries in the course of her work. In 2002, she moved to China to be part of the rapidly developing legal industry there, and joined a Chinese law firm specializing in corporate law. Since then, her career has focused on Chinese corporate law and commercial practice, an area in which she has built up well-respected expertise amongst many European, Asian and North American clients. Caroline is especially well-regarded for advising clients on the Asian legal structure of their companies, based on her sound understanding of the pitfalls and advantages of most Asian jurisdictions.

Caroline has advised clients in various industries such as manufacturing, energy (oil, gas and mining), technology and services.

Due to her longstanding expertise, practice and professionalism as a lawyer in China, Caroline has been featured in numerous magazines and newspapers. Caroline is also a regular speaker at many international conferences.

Caroline is an arbitrator approved by the Chinese European Arbitration Center.

Speaker Biography



Felipe Chapula, Esq.

Cacheaux Cavazos & Newton
Avenida Tecamachalco No. 14-502
Colonia Lomas de Chapultepec
Mexico City, Mexico 11010
Phone: (011 52)(55)5093-9700

fchapula@ccn-law.com.mx
www.ccn-law.com

Felipe Chapula Almaraz is a partner at CCN, where he became the first non-founding partner of the firm where he has worked as an attorney since 1996. He is the partner in charge of CCN's offices in Mexico City and Ciudad Juarez. His legal practice includes corporate, mergers and acquisitions, anti-trust, automotive and consumer products; as well as implementing business and customs strategies for exporters operating in accordance with numerous free trade agreements signed by Mexico.

Mr. Chapula is experienced in tax and customs law and has worked on numerous complex international business transactions, M&A and start ups. Mr. Chapula speaks English and Spanish fluently and is accustomed to representing U.S., European, Central American and South American clients in their operations and investments in Mexico, as well as with many Mexican companies operating domestically. Among the notable legal matters worked on over the years is Mr. Chapula's work in multiple global acquisitions involving complex multi-subsiidiary transactions and their anti-trust implications.

Speaker Biography



LiPu Lee, Esq.

Formosan Brothers
8F, No. 376 Section 4, Jen-Ai Road
Taipei, Taiwan 10693
Phone: +886 2 2705 8086

lipolee@mail.fblaw.com.tw
www.fblaw.com.tw

Education:

- Washington University in St. Louis, United States JD
- LL.M. Washington University in St. Louis, United States,
- Tunghai University, Bachelor of Laws

Experience:

- In January 2006, Ministry of Economic Affairs commissioned a research project, “M & A Law legal review commissioned project” researcher
- in November 2007, the FSC Banking Bureau commissioned research project “Financial institutions (including financial holding company) acquired type of legal research “researcher
- Shun Business Law Firm (2006 ~ 2007)
- Palais Law Firm (2005 ~ 2006)
- Zhang Shixing Law Firm (1996 ~ 1998),
- Assistant Professor of National Open University (property law) (2006 years)
- the right of private worship Institute of Technology Assistant Professor (Legal English) (2006 ~ 2008)
- of Chinese territory to develop talent Incubation Center Seminar (2007 ~ 2008)
- Assistant Professor, Ming Chuan University (M & A Law) (2010 – present)

Speaker Biography



Marc Dedman, Esq.

Spicer Rudstrom, PLLC

414 Union Street, Bank of America Tower
Suite 1700
Nashville, TN 37219
Phone: 615.823.6137

mod@spicerfirm.com

www.spicerfirm.com

Education:

- Tulane University School of Law (J.D., 1983)
- Columbia University Graduate School of Business (M.B.A, 1988)
- Loyola University (B.B.A. 1980)

Admissions:

- Louisiana (1983)
- Tennessee (1990)
- Tennessee Trial & Appellate Courts
- Tennessee Supreme Court
- United States District Courts, Western, Middle and Eastern Districts of Tennessee
- United States District Court, Northern District of Mississippi
- United States District Court, Eastern District of Arkansas
- United States Supreme Court

Practice Areas:

- Business and Commercial Litigation
- Employment Practices Litigation
- Insurance Coverage Litigation
- Pharmacy Malpractice
- Professional Liability

Speaker Biography



Murray Thornhill, Esq.

HHG Legal Group
Level 1
16 Parliament Place
West Perth, Australia 6005
Phone: +61 8 9322 1966

murray.thornhill@hgg.com.au
www.hgg.com.au

Murray Thornhill heads up the business and government division of HHG Legal Group. He was admitted as a Barrister and Solicitor of the Supreme Court of Western Australia and the Federal and High Courts in 1998. Murray's background involves significant experience working for a leading boutique litigation firm, a top tier national firm and an historic regional practice. Since 2003, Murray has developed and lead HHG's success in construction, insolvency, employment, trusts and estate litigation and corporate/commercial dispute resolution. He has developed the firm's Local Government expertise and has represented clients in most Courts and tribunals in WA and the Federal and High Courts.

Murray presents at a variety of seminars for the firm and for clients, as well as external legal education bodies, and has contributed to various legal publications in all of these areas of practice. He oversees HHG staff training, including CPD and is responsible for the firm's Quality Practice certification. He is a member of the peak Alternative Dispute Resolution body, LEADR and sits on the Law Society of WA Quality Practice Standards committee. He is a regional committee member of the Master Builders Association and is active in the Australian Institute of Company Directors, a member of the Law Council of Australia Business Law & Litigation Sections, a Fellow of the Australian & New Zealand College of Notaries, a member of the Society of Construction Law and a member of the Australian and New Zealand Education Law Association. For many years, Murray has also advised substantial charities, school associations, principals, board members and other non-profit bodies on their unique legal challenges.

Speaker Biography



Dr. Zsolt Fusthy, Esq.

Fusthy & Manyai & Hargittay Law Office

Lajos u. 74-76

Budapest, Hungary H-1036

Phone: +36 1 454 1766

zfusthy@fusthylawoffice.hu

www.fusthylawoffice.hu/en/node

Education:

- Eötvös Loránd University, Budapest (Dr. Jur. 1988).

Member:

- Budapest Bar
- International Bar Association
- British-Hungarian Law Association

Practice Areas:

- Environmental Law
- European Union Law
- Mergers and Acquisitions
- Corporate Law
- International Banking law and Securities Matters
- Labor and Employment
- Antitrust/Competition law
- Contract law
- Real Estate