

Employment issues in M&A Taiwan

This month, we speak to Arthur Shay, the Partner heading strategic investment practice group of Shay & Partners in Taiwan. He discusses with us the employment issues surrounding mergers and acquisitions in Taiwan, and his work within this complex field.

Shay & Partners is highly recommended by both Asia Law & Practice and Asia Legal 500 as a prominent law firm in the fields of Information Technology, Telecommunications & Media, Intellectual Property Rights, Mergers & Acquisitions, Corporate Restructuring, Trade Regulation and Dispute Resolution. It is also a long-standing member of Globalaw, a worldwide legal network of 106 independent law firms with over 4,500 lawyers in 160 cities.

Mr. Shay specializes in E-commerce and Internet, Intellectual Property Rights, Mergers & Acquisitions, Telecommunications, Media and Information Technology. He has been selected as one of Asia's leading lawyer in Information Technology, Intellectual Property, Labor and Employments, Mergers & Acquisitions and Telecommunications

(Asia Law & Practice, Leading Lawyers 2008-2010).

Mr Shay explained that Shay & Partners is experienced in not only advising inbound employment matters for foreign clients, but also assisting them in the complex compliance of labour regulations set forth in Taiwan and China respectively. "We often advise in the cases which a number of expatriates are assigned for duties involving operation across the strait in greater China market," he said.

Mr Shay pointed out that given the close economic tie between Taiwan and China, many foreign clients see Taiwan as a good place for recruiting an experienced task force on their expansion into greater China market as well as a spring board to the same.

"It is commonly observed that foreign companies build up their local workforce

"We advise clients doing the right thing in addition to doing the thing right!"

Arthur Shay

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here by outsourcing support. The local labour authority is developing more and more regulations on outsourcing which our professionals have been watching closely and feeding back opinions in public consultation. Liabilities on taxes and personal injuries are associated issues that cannot be ignored. We have successfully developed a road map to assist clients identify signposts that threaten risks to their business model and entry strategy," he added.

Shay & Partners have been successfully helping European companies which have operation in cities across China, Hong Kong and Taiwan on reorganization and its follow up lay off. The professional team of Shay & Partners advises their clients the fast changing legal updates on labour and employment regulations and provides services broadly enough to include privacy protection issue in work place as

well as suitable measures applied to challenges brought by various requirements set forth from time to time by labour authorities. Mr Shay also discussed new legislation in relation to employment law. He said: "A new set of labour regulations, among them the amendment of the Act Governing Labour Union is in particular noted, has become effective which would greatly lift the ban and restriction on strikes and offer much more power to labour unions in collective bargaining for disputes about wage, layoff, and pension among other things." Shay & Partners demonstrated last year its strength on litigating for clients in labour disputes in the court proceedings in a large lay off dispute case. In addition, the firm has utilized its useful network connections in China to help a Taiwanese distribution company on solving difficult issues created under the changing labour law scheme implemented in China. **LM**

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