



Benefits Law Briefing Webinar: Antitrust Issues

Concerning Sharing Compensation and Benefit Information

Wednesday, December 17, 3:00 - 4:00 p.m. ET

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The American Benefits Council will host a **Benefits Law Briefing webinar** on **Wednesday, December 17 at 3 p.m. Eastern Time**, to discuss the recent uptick in class action antitrust litigation alleging that employers informal sharing of compensation and benefits information for benchmarking purposes violated US antitrust laws. For example, class action lawsuits are ongoing against several large technology and entertainment companies. Violations of the antitrust laws expose employers to substantially increased damages and each defendant may be found jointly and severally liable for all the damages incurred by the plaintiffs. Consequently, employers need to be familiar with these issues and may need to revise their policies regarding the sharing of compensation and benefits data to reduce the risk.

The webinar will cover:

1. An overview of these types of claims, the law on which they are based and the "bad" facts that have allowed cases to proceed.
2. A discussion of employer policies and practices regarding the sharing of compensation and benefits information and how such policies could be revised to reduce the risk for these types of claims.
3. Best practices for obtaining compensation/benefit survey data to reduce these risks.

Jan Jacobson, *senior counsel, retirement policy*, will moderate the webinar. She will be joined by:

- [Eric Keller](#), *partner, Paul Hastings LLP*
- [Jeremy Evans](#), *partner, Paul Hastings LLP*

We will take questions from webinar participants throughout the session and attempt to answer as many as possible. Members are encouraged to [submit questions for the webinar in advance](#).

A recording of this session will be available by request.

NOTE: Participation in Council webinars may be used toward continuing education/renewal requirements for many professional accreditation programs, but only by means of self-certification. Descriptions of past programs are available by [clicking here](#). Please retain your registration confirmation for your verification records.

Background:

Recent class action lawsuits highlight the risks to employers of antitrust liability arising from their employment practices, including the sharing of compensation and benefits information. Only months ago, a federal judge in Northern California rejected a settlement in excess of \$300 million by leading high technology companies arising from alleged “non-poaching” agreements in which company executives agreed not to solicit employees from competitors. Soon thereafter, several follow-on cases against large entertainment companies were filed making similar allegations. And earlier this year in Detroit, a federal judge granted class action certification to a group of current and former nurses who alleged that Detroit area hospitals engaged in an unlawful conspiracy to exchange compensation and benefits information that harmed the nurses by depressing their compensation and benefits.

Antitrust class action lawsuits pose particular risks to employers because of the threat of treble damages (triple actual/compensatory damages) and the fact that each defendant can be held jointly and severally liable for all the damages incurred by the plaintiffs. In this environment, employers need to be familiar with these issues and revise their policies regarding the sharing of compensation and benefits data to reduce potential antitrust risks.

For questions related to registration – If you have colleagues at your organization who would like to participate in this session, but do not regularly receive Council materials, please contact [Deanna Johnson](#), director, membership, or [Sondra Williams](#), membership services coordinator, at (202) 289-6700.

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