[Name of the Writer]

[Name of Instructor]

Marketing and PR

[Date]

Discussion Question

In April 2018, the US Department of Justice shifted its policy by announcing that no-poach and wage-fixing agreements would be treated as criminal misconduct (Hittinger and Herrold, 2018). The antitrust laws enacted by Antitrust Division apply to both competitions to sell and competition to hire new employees equally. Over the years, the Antitrust Division investigated numerous cases and prosecuted many companies found indulged in no-poaching and wage-fixing agreements. However, these cases were treated as civil antitrust violations, rather than criminal antitrust violations. In 2010, many leading Silicon Valley companies were prosecuted for agreeing to no-poach agreements with their competitors. However, these cases resulted in settlement urging other companies to do the same if found convicted. This resulted in Antitrust Division issuing newer rules for HR professionals suggesting that no-poach and wage-fixing agreements would be treated as criminal misconduct.

HR professionals are at increased risk ever since the Antitrust Division issued newer guidelines for HR professionals. HR professionals that are found guilty would have to pay hefty fines and serve substantial jail time. The employer that is convicted will have to pay fine upto $ 100 million, while HR professionals could end up paying $ 1 million in fines and spending up to 10 years in prison (Levitas and Morris, 2018). Furthermore, according to many analysts, the Antitrust Division is likely to announce extra no-poach enforcement actions in the coming future. Moreover, any two companies seriously contemplating a merger would have to carry out a comprehensive antitrust risk analysis before the merger. Should the merging companies found any evidence of their employees’ participation in unlawful no-poach agreements, they must take appropriate steps to rectify the situation (Stutz, 2018). The Department of Justice’s Antitrust Division has made it clear as a day for the employers that stringent laws and vigorous enforcements in the employment domain will remain its paramount priority.

# Works Cited

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