

## Employment Newsletter - July 11

Welcome to the latest edition of our employment news letter for H.R professionals. We hope you will find this article interesting and useful

### THE BRIBERY ACT 2010

The Bribery Act 2010 comes into force today. The Act creates several new offences carrying a maximum penalty of ten years' imprisonment or an unlimited fine for which employees, directors and commercial organisations can be liable.

The Government stated that it does not intend that genuine hospitality or similar business expenditure that is reasonable and proportionate be caught by the Act.

The Act creates the new offences of:

- bribing another person
- being bribed
- bribing a foreign official
- a commercial organisation failing to prevent bribery.

A commercial organisation will be guilty of an offence where a person associated with it bribes someone with the intention of obtaining or retaining business or an advantage in the conduct of business. A person is associated with a commercial organisation if he or she performs services for it or on its behalf. Employees and workers are therefore associated persons.

A commercial organisation has a defence if it can show that it had 'adequate procedures' in place to prevent such conduct. The Guidance to the Act makes it clear that one size does not fit all and has set out six principles to assist businesses:

- Proportionate procedures
- Top level commitment
- Risk assessment
- Due diligence
- Communication (including training)
- Monitoring and review

The Bribery Act will be one of the topics covered at our next seminars, which are scheduled to take place on 15 and 20 September 2011. If you would be interested in attending, please e mail Liz Scott at [liz.scott@lifeandlegal.com](mailto:liz.scott@lifeandlegal.com)

Or if you have any questions which relate to any aspect of employment law, please just e mail us at [info@lifeandlegal.com](mailto:info@lifeandlegal.com) or call us on 0845 6434282.

We would be delighted to answer your questions or put you in touch with our own Employment law specialists.

This newsletter has been produced jointly by Life & Legal and Schofield Sweeney Solicitors, Leeds.