

Antitrust Red Flags for Employment Practices



Agreements and information exchanges among employers that compete to hire or retain employees may be illegal. If you are a **manager or human resource (HR) professional**, antitrust concerns may arise if you or your colleagues:

- Agree with another company about employee salary or other terms of compensation, either at a specific level or within a range.
- Agree with another company to refuse to solicit or hire that other company's employees.
- Agree with another company about employee benefits.
- Agree with another company on other terms of employment.
- Express to competitors that you should not compete too aggressively for employees.
- Exchange company-specific information about employee compensation or terms of employment with another company.
- Participate in a meeting, such as a trade association meeting, where the above topics are discussed.
- Discuss the above topics with colleagues at other companies, including during social events or in other non-professional settings.
- Receive documents that contain another company's internal data about employee compensation.

This list is by no means exhaustive. And the presence of a red flag does not necessarily mean that there has been an antitrust violation.

As a manager or HR professional, be aware that you and your company could be subject to **criminal or civil liability** if you violate the antitrust laws. For more information, please see **Antitrust Law and the Human Resource Professional**, available at <http://go.usa.gov/xkdrq>.

If you notice these red flags or other suspicious behavior and believe that there has been an antitrust violation, the Department of Justice Antitrust Division and Federal Trade Commission encourage you to report it.

You can report suspicious behavior to the Division through the Citizen Complaint Center by e-mail (antitrust.complaints@usdoj.gov), phone (1-888-647-3258, toll free in the U.S. and Canada, or 202-307-2040), or mail (Citizen Complaint Center, 950 Pennsylvania Avenue, NW, Room 3322, Washington, DC 20530).

You can report suspicious behavior to the FTC through the Bureau of Competition's Office of Policy and Coordination by email (antitrust@ftc.gov), phone (202-326-3300), or mail (Office of Policy and Coordination, Room CC-5422, Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580).