GARRIGUES

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Labor and Employment
Life Sciences and Healthcare
Automotive
Energy

Rafael Giménez-Arnau is a partner in the Garrigues Labor and Employment Department, where he has worked since 1992. He specializes in providing strategic advice on labor law and employment matters to senior management and HR managers of companies. He is a legal advisor with proven expertise in restructuring processes, collective labor relations, litigation practice, senior management contracts, and outsourcing, mergers and acquisitions, covering a wide variety of sectors such as pharmaceutical, automotive, energy, private equity, commerce, and manufacturing industries, among others. Degree in Law and in Economic and Business Sciences (ICADE-3) from the Universidad Pontificia de Comillas. It is recognized by the Chambers & Partners, Legal 500, and Best Lawyers directories, among others. He is a founding partner of the Spanish Forum for Labour Lawyers (FORELAB). Member of the Advisory Board of the "Labor Yearbook for Lawyers" (Wolters Kluwer Group) and co-author of several books and manuals of labor content.

Experience

Rafael Giménez-Arnau has been a partner in Garrigues' Labor and Labor Department since 2003, which he joined in 1992.

Throughout his professional career at Garrigues, he has participated in numerous projects, currently being legal advisor with qualified experience, among others, in the following areas:

- Comprehensive labor advice to national and multinational companies, in different sectors of activity, serving as continuous support for the analysis of all issues that arise in the labor and Social Security order, and for decision-making in the area of Human Resources.
- Restructuring processes, collective dismissals, contract suspensions, and substantial modification of collective conditions (including non-application of agreement conditions): advising both in the preparation phase, as well as in the negotiation phase with unions and workers' representatives, until the effective implementation. As an example, he has advised on the last two collective dismissal processes of one of

the main telecommunications companies in Spain, with more than 1,500 employees affected, as well as on numerous processes of activity closures, or on incentive leave plans.

- Collective bargaining: Active assistance and support in the design and preparation phase of the negotiation process, as well as in the negotiation phase, and in the agreement and formalization phase. Among other sectors, he has advised on service station employees, notary employees, and at the business level on various agreements and company agreements.
- Assistance in judicial processes of a labor nature, taking the legal direction, preparation and assistance in Courts of the social order. Knowledge of all instances: Social Courts, High Courts of Justice, National High Court, Supreme Court, and Constitutional Court. Carrying out procedures of special complexity such as disciplinary dismissals of three managers of one of the main food companies in the world, obtaining final judgments with a declaration of the dismissals as justified, or processes challenging collective dismissals before the National Court, among others.
- Contracts of senior managers: advising numerous companies in the preparation of contracts, in the analysis and review of them, with preparation of requested opinions in relation to this matter. As an example, drafting senior management contracts of relevant financial institutions or other listed companies.
- Corporate restructuring operations, outsourcing, mergers and acquisitions, and processes of homogenization of conditions. Advice on the planning of these operations, preparing opinions in this regard, suggesting the strategy to be followed in terms of procedures, calendar, communication, and direct intervention in the execution of the project, including, where appropriate, negotiation with the union representation. As an example, participation in the process of outsourcing the IT services of one of the main Spanish financial institutions.
- Labor audits: review of all aspects of labor order and Social Security of companies in purchases, sales, mergers, acquisitions.
- Opinions and reports on various matters of the labor order: remuneration systems, senior management, collective procedures, second opinions in cases of special relevance, outsourcing, etc.
- Compensation, remuneration and social benefits systems. Advice on compensation systems from a labor legal point of view, forms of implementation and formalization and implications.
- Codes of work ethics and policies. Advice on the design, elaboration and implementation of codes and business policies, in national and multinational companies.

Academic background

Degree in Law, Economics and Business Studies. ICADE-3. Universidad Pontificia Comillas (Madrid).

Memberships

Member of the Madrid Bar Association.

Founding partner of the Spanish Forum for Labour Lawyers (FORELAB).

Member of the European Employment Lawyers Association (EELA).

Distinctions

- Chambers & Partners 2022
  Band 2
  Rafael Giménez-Arnau is held in high esteem for his prowess in handling complex voluntary termination plans and restructuring-related cases. Clients describe Rafael Giménez-Arnau as a "great partner to work with."
- Legal 500, 2022
  Other key lawyers: Rafael Giménez-Arnau se especializa en el asesoramiento estratégico a la alta dirección
- Who´s Who Legal.
  Recommended lawyer in labor and Employment law.
- Best Laywers

Publications

- "Practical application of the labor reform law." Expansion. 2013. Various authors.
- "Comments on the bankruptcy law". Editorial Marcial Pons. 2004. Various authors.
- "La Prueba de Confesión Judicial", Editorial McGraw-Hill Interamericana de España. 1999. Various authors.

He is part of the Advisory Board of the "Labor Yearbook for Lawyers", which is published annually, of the Editorial La Ley (Wolters Kluwer Group), having participated in several of its editions.

Various publications in economic journals (Expansión, Cinco Días and El Economista), and national ("El País"), as well as in the Journal of the Spanish Association of Personnel Management (AEDIPE).