In the Matter of

Guardian S M D (4 0T Gndu 9r s

a corporation.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, as amended, 15 U.S.C. § 41, et seq., and by virtue of the authority vested in it by said Act, the Federal Trade Commission ("Commisreof would be in the public interest, hereby

arges in that respect as follows:

NATURE OF THE CASE

ices contractor that operates in New York City and New

les No-Hire Agreements in its customer service agreements wners. The No-Hire Agreements limit the ability of those peting building service contractors—to hire Guardian's se employees suffer hardship if the building they work at use the No-Hire Agreement

retained to replace Guardian agree to refrain from directly or indirectly soliciting or employing Guardian's employees.

12. Guardian's No-Hire Agreements are anticompetitive because they eliminate direct, horizontal, and significant forms of competition to attract labor in the U.S. building services industry. These agreements deny employees access to job opportunities, restrict their mobility, and deprive them of competitively significant information that they could have used to negotiate for better terms of employment.

13. Guardian's use of No-Hire Agreements is a method of competition that is unfair and has the tendency or likely effect of harming competition, consumers, or workers, including by: (i) impeding the entry and expansion of Guardian's competitors in the building services industry, (ii) reducing employee mobility, and (iii) causing lower wages and salaries, reduced benefits, less favorable working conditions, and, among other things, personal hardship to employees.

14. Any legitimate objectives of Guardian's conduct as alleged herein could have been achieved through significantly less restrictive means.

CHARG **VIOLATIONS CHARGED**

15. The allegations in all the paragraphs above are re-alleged and incorporated by reference as though fully set forth herein.

16. Guardian's (t)-2 (e)4 (m)-2 (nu0 -1.15-2 (noi)-2 (2 (n.)TJ(t)-2ur)3 (a)4 (t-0.004 T-2 (c))-2 (l)a)4 (b-2 (f)