

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Lina M. Khan, Chair
Rebecca Kelly Slaughter
Alvaro M. Bedoya
Melissa Holyoak
Andrew Ferguson

In the Matter of

Guardian Service Industries Inc.,
a corporation.

DECISION AND ORDER
Docket No. C-4813

DECISION

The Federal Trade Commission initiated an investigation of certain acts and practices of Guardian Service Industries Inc. ("Guardian" or "Respondent"). The Commission's Bureau of Competition prepared and furnished to Guardian the Draft Complaint,

1. Guardian is a corporation organized, existing, and doing business under the laws of New York State, with its executive offices and principal place of business at 55 Water Street, New York, NY 10041.
2. The Commission has jurisdiction of the subject matter of this proceeding and over Guardian.

business, partnership, subsidiary, division, agent, servant, employee, trade name, or other device.

II. Injunction

- You may seek or accept a job with any company, including our competitors, that wins the building's business from us.
- D. Provide notice pursuant to Paragraphs III.A and III.B in the native language(s) of Guardian Employee and Customer

IV. Compliance Obligations

IT IS FURTHER ORDERED that Guardianshall:

- A. No later than 30 days after the date on which this Order is issued: (1) take all steps necessary to void and nullify all existing Hire Agreements, and notify Commission staff in writing that all existing Hire Agreements are voided and nullified, once completed; and (2) not require any Person who is party to an existing Hire Agreement to pay any fees or penalties relating to a Hire Agreement.
- B. No later than 30 days after the date on which this Order is issued, provide a copy of this Order and the Complaint to Guardian directors, officers, and employees with responsibility for hiring or recruitment of Guardian Employees or negotiating Customer contracts in the United States.
- C. For a period of 10 years from the date this Order is issued, provide a copy of this Order and the Complaint to any Person who becomes a director, officer, or employee of Guardian with responsibility for hiring or recruitment of employees or negotiating Customer contracts in the United States, and provide such copies within 30 days of the

V. Compliance Reports

IT IS FURTHER ORDERED that Guardians shall file verified written reports (“Compliance Reports”) in accordance with the following:

- A. Guardians shall submit:
 - 1. Interim Compliance Reports 30 days after the date this Order is issued, and then 150 days thereafter for the first year;
 - 2. Annual Compliance Reports one year after the date this Order is issued, and annually for the next 9 years on the anniversary of that date; and
 - 3. Additional Compliance Reports as the Commission or its staff may request.
- B. Each Compliance Report shall contain sufficient information and documentation to enable the Commission to determine independently whether Guardians are in compliance with this Order. Conclusory statements that Guardians have complied with its obligations under the Order are insufficient. Guardians shall include in its reports, among other information or documentation that may be necessary to demonstrate compliance, (1) a full description of the measures Guardians implemented and plans to implement to comply with each paragraph of this Order, including a list of all persons who received the notice required by Paragraph III.A and III.B of this Order, together with proof of service of the notice (which service may be satisfied by sending the notice via email, as described in Paragraphs III.A and III.B) and (2) upon the Commission’s request, a copy of any Customer agreement that Guardians enter or implements after execution of the Consent Agreement.
- D. For a period of 5 years after filing a Compliance Report, Guardians shall retain all material

IX. Term

IT IS FURTHER ORDERED that this Order shall terminate 10 years from the date it is issued.

By the Commission, Commissioners Holyoak and Ferguson dissenting.

April J. Tabor
Secretary

SEAL:
ISSUED: January 16, 2025

APPENDIX A

[Letter to Customer]

[Guardian letterhead]

[Name and email address of Customer]

VIA U.S. MAIL , EMAIL, or HAND DELIVERED

Re: NoHire Agreement in Contracts with t t teNen S (en)e9 (e)4.ieHAND eteies4 (t)TJ0.00118.

source of information is the FTC Order. The FTC Order reflects an agreement between the FTC and Guardian that settles the FTC's allegations. It does not constitute an admission by Guardian that it has violated the law or that any of the facts alleged in the FTC Order are true.

APPENDIX B

[Letter to Employee]

[Guardian letterhead]

[Name and email address of Employee]

VIA U.S. MAIL , EMAIL, or HAND DELIVERED

Re: Your Ability to Seek Employment with other Companies

Dear [name of Employee]

You are receiving this letter because you are an employee affected by a Consent Order that we have entered into with the Federal Trade Commission ("Commission").

As you may know, Guardian included no-hire agreements in our customer contracts that did not allow our customers—the owners of the buildings where you work—or another company that may win the customer's business from Guardian (our competitors) to solicit or hire Guardian employees during their employment with Guardian. As of [X], we have either rescinded all no-hire agreements in our customer contracts or no longer enforce them. -38.29 -1 (u)-14 (ar)5de Comausetterr 0 Tw

source of information is the FTC Order. The FTC Order reflects an agreement between the FTC and Guardian that settles the FTC's allegations. It does not constitute an admission by Guardian that it has violated the law or that any of the facts alleged by the FTC regarding Guardian