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## [DOJ Criminally Prosecutes First No-Poach Agreement on Heels of First Criminal Wage-Fixing Indictment](#) ›

### **Key takeaways**

A grand jury has indicted Surgical Care Affiliates for allegedly entering into agreements with two unnamed healthcare companies to not poach each company's senior-level employees

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This is the DOJ's first criminal indictment for no-poach agreements and comes on the heels of its first criminal indictment for wage-fixing agreements in December

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Companies should review current non-solicitation provisions and non-compete clauses with antitrust counsel and develop a company antitrust compliance policy with clear guidelines designed to prevent and detect antitrust violations

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After years of foreshadowing, the DOJ has made true on its promise to criminally prosecute "no-poach agreements," announcing on Thursday that a grand jury indicted Surgical Care Affiliates LLC, a unit of UnitedHealth Group, for allegedly entering into agreements with two other unnamed healthcare companies to not poach each company's senior-level employees.

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