



## Michael G. Congiu

Shareholder

Co-Chair, Business and Human Rights

Practice Group

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## Focus Areas

ERISA and Benefit Plan Litigation

Business and Human Rights

International Employment Law

## Overview

Michael G. Congiu has a distinct international and U.S.-based domestic practice.

**Internationally,** Michael is a recognized authority on international labor standards who has been part of the U.S. employer delegation to the International Labour Organization in Geneva, Switzerland. Michael has advised the United Nations, as well as multinational corporations, on business and human rights and international labor issues.

He has also repeatedly testified at the United Nations Human Rights Council's Open-ended Intergovernmental Working Group (OEIGWG), that continues to explore a Legally Binding Instrument to Regulate the Activities of Transnational Corporations and Other Business Enterprises. He also has been one of a small handful of technical advisors to the United Nations Working Group on Business and Human Rights' work on developing best practices for state legislation and practice as it relates to effective legal remedy, known as the Accountability and Remedy Project.

Michael has also represented employers before the OECD National Contact Points in the United States and in other countries and regularly advises on the following:

- The International Labor Organization and its Committee on Freedom of Association
- The Organization for Economic Cooperation and Development and National Contact Points
- The United Nations Global Compact

- The United Nations Guiding Principles on Business and Human Rights
- The Canadian Ombudsman for Responsible Enterprise
- Other international labor standard-setting or regulatory organizations

**Domestically,** Michael has a broad transactional, advisory and litigation practice that includes a specific focus on benefits issues and multiemployer pension plans. He regularly counsels and represents employers with issues involving the interplay between collective bargaining, multiemployer pension plan obligations, and withdrawal liability touching on the following laws:

- The Employee Retirement Income Security Act (ERISA)
- The Taft-Hartley Act
- The Pension Protection Act
- The Multiemployer Pension Plan Amendments Act

Michael serves as the Minnesota coordinator and liaison for Littler's Workplace Policy Institute (WPI). Michael focuses on Minnesota state legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. He assists the employer community in understanding and impacting Minnesota legislation before it becomes law.

While in law school, Michael served as a judicial extern to the Hon. Joan Gottschall of the U. S. District Court for the Northern District of Illinois and as a legal extern for Hon. Margaret Lee Herbert, supervisory administrative law judge at the Equal Employment Opportunity Commission. He served as notes and comments editor for the *Chicago-Kent Law Review* and was a member of the Moot Court Honor Society. In college, he was captain of the University of Wisconsin-Madison's men's soccer team.

## Professional and Community Affiliations

- Member, American Bar Association
- Member, International Bar Association
- Member, Federal Bar Association
- Member, Illinois Bar Association

## Recognition

- Recipient, CALI Award for Excellence in International Employment Law

## Education

J.D., Chicago-Kent College of Law, 2006

B.A., University of Wisconsin, Madison, 2003

## Bar Admissions

Minnesota

Illinois

## Courts

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, District of Minnesota

## Languages

Italian

Spanish

## Publications & Press

### **The E.U. Advances a Watered-Down but Nonetheless Landmark Human Rights Draft Law – What This Means for Global Employers**

*Little Insight*

March 26, 2024

### **South Korea Proposes Mandatory Human Rights Due Diligence Obligations on Employers**

*Little Insight*

January 16, 2024

### **DOL Issues Annual Report on Child Labor with Emphasis on Enforcement**

*Little Insight*

October 5, 2023

### **Employers Rapidly Implement Japan’s Guidelines on Business & Human Rights**

*Little Insight*

September 11, 2023

### **Canada Passes Modern Slavery Act**

*Little ASAP*

May 17, 2023

**PBGC Issues Proposed Rule on Withdrawal Liability Actuarial Interest Rate Assumptions**

*Little Insight*

October 14, 2022

**Recent Human Rights Due Diligence Law Developments in the European Union, Switzerland, and Japan**

*Little Insight*

October 11, 2022

**The Fashion Industry Meets Human Rights Due Diligence: New York's Proposed "Fashion Sustainability and Social Accountability Act"**

*Little Insight*

February 14, 2022

**U.S. Enacts Law Barring Products Made With Forced Labor in China**

*Little Insight*

January 3, 2022

**Europe and Canada Seek to Mandate Human Rights Due Diligence and Transparency Obligations on Companies and Their Global Partners**

*Little Insight*

October 28, 2021

**Congress Considers New Multiemployer Pension Reform**

*Little ASAP*

February 16, 2021

**An Employer's Guide To 'Composite' Retirement Plans**

*Law360*

August 7, 2020

**United Nations Takes Another Step in Developing a Treaty on Business and Human Rights**

*Little Insight*

November 5, 2019

**Little Lightbulb: Highlighting Global Human Rights Topics**

*Little Insight*

October 15, 2019

**Germany Seeks to Mandate Human Rights Due Diligence for Companies and Their Global Partners**

*Little Insight*

April 25, 2019

**The PBGC Proposes Simplified Methods for Calculating Withdrawal Liability**

*Little ASAP*

March 12, 2019

**Australia Passes Law Requiring Large Companies to Report on Modern Slavery**

*Little Insight*

December 4, 2018

**United Nations Further Deliberates a Treaty Seeking to Impose Corporate Liability for Human Rights Violations**

*Little Insight*

November 7, 2018

**California Enacts Two Laws to Combat Human Trafficking**

*SHRM Online*

October 9, 2018

**California Enacts Two Laws Aimed At Combating Human Trafficking**

*Little ASAP*

October 2, 2018

**Little Global Guide - Hong Kong - Q2 2018**

*Little Global Guide Quarterly*

July 20, 2018

**Australia: New South Wales Introduces Law Requiring Companies to Report on Modern Slavery**

*Little Insight*

July 13, 2018

**U.S. Supreme Court Forecloses Liability of Foreign Corporations Under the Alien Tort Statute**

*Little Insight*

May 10, 2018

**Hong Kong Considers Draft Law Requiring Companies to Report on Modern Slavery**

*Little Insight*

April 16, 2018

**Canada Announces Two New Initiatives To Hold Companies Accountable For Human Rights Violations Abroad**

*Little Insight*

February 13, 2018

**Proposed Act Seeks to Require Large Companies Operating in Australia to Report on Modern Slavery**

*Littler Insight*

February 6, 2018

**United Nations Continues its Development of a Treaty Imposing Liability on Companies for Human Rights Abuses**

*Littler Insight*

November 9, 2017

**European Court Clarifies Legality of Banning Islamic Headscarves in the Workplace**

*TLNT Talent Management and HR*

April 11, 2017

**European Court Clarifies Legality of Banning Islamic Headscarves in the Workplace**

*Littler Insight*

March 20, 2017

**Dutch and French Legislatures Introduce New Human Rights Due Diligence Reporting Requirements**

*Littler Insight*

March 13, 2017

**Advancing Human Rights Claims Based on Global Supply Chain Activities: Recent Developments in California and Canada**

*Littler Insight*

February 15, 2017

**Handling Human Rights Issues in Tech Supply Chains**

*Inside Supply Management*

February 2, 2017

**The U.S. Issues a National Action Plan on Responsible Business Conduct**

*Littler Insight*

January 17, 2017

**Human Rights in the Electronics and Information Communication Technology Industry**

*Supply Chain Management Review*

January 12, 2017

**Proposed French Law Would Impose New Due Diligence Obligations on Certain Employers and Their Supply Chains**

*Littler ASAP*

December 12, 2016

**Human Rights Issues in Tech Supply Chains**

*Today's General Counsel*

December 1, 2016

**4 Reasons Why International Labor Standards Are Important For All HR Leaders**

*TLNT*

September 30, 2016

**Union Petition Under US-Colombia Free Trade Agreement Highlights Labor Violations in Oil and Sugar Industries in Colombia**

*ACC Docket*

July/August 2016

**The Central States Rescue Plan Rejection and Next Steps**

*Littleter Podcast*

June 6, 2016

**The Corporate Human Rights Benchmark Ranks Large Companies' Human Rights Performance**

*Littleter Insight*

April 4, 2016

**Littleter Names Three Co-Chairs to Business and Human Rights Practice Group**

*Littleter Press Release*

February 17, 2016

**Certain Illinois Employers Now Required to Post Human Trafficking Helpline**

*Littleter ASAP*

February 8, 2016

**From “Soft-Law” to “Hard-Law”? News from the Regulatory Front**

*CSR & Human Rights Newsletter*

December 1, 2015

**California Laws Are Being Used to Advance Human Rights Claims Based on Global Supply Chain Activities**

*Littleter Insight*

October 14, 2015

**The Advent of Privately Developed Corporate Human Rights Reporting Frameworks**

*Littleter Insight*

September 9, 2015

**House Bill Would Require Public Disclosure of Company Policies to Combat Supply Chain Trafficking**

*Little Insight*

August 4, 2015

**HOT TOPIC: Converging Developments Spur Corporations to Focus on Human Rights**

*Inside Counsel*

June 1, 2015

**Supply Chain Management And The Alien Tort Claims Act**

*Law360.com*

October 28, 2014

**Ninth Circuit Case Portends Implications for Alien Tort Claims Act Liability Throughout Corporate Supply Chains**

*Little Insight*

September 22, 2014

**An Estimate is Just That - The Seventh Circuit Highlights Several Important Lessons for Employers Navigating Intermittent FMLA Leave**

*Little Insight*

August 21, 2014

**Ill. High Court Holds The Line On Employees Classification**

*Law360.com*

April 15, 2014

**Illinois high court affirms viability of construction industry classification law**

*Chicago Daily Law Bulletin*

April 2, 2014

**Illinois Supreme Court Strikes Down Prohibition on Non-Consensual Audio Recordings, Raising New Issues for Employers**

*Little Insight*

March 26, 2014

**Illinois High Court Affirms Viability of Construction Industry Classification Law**

*Little Insight*

March 6, 2014

**More CNIL Guidance for Multinationals Seeking to Comply with SOX & Dodd-Frank**

*Little Insight*

March 4, 2014



**Viva [FMLA Family Care Leave in] Las Vegas**

*Littler Insight*

January 31, 2014

**Supreme Court Leaves Much Unclear In Opinion On Alien Tort Statute**

*Inside US-China Trade*

April 24, 2013

**The Final Breaths of the Alien Tort Statute**

*Littler Insight*

April 19, 2013

**The 2012 Global Employer: Highlights of Littler's Fifth Annual Global Employer Institute**

*Littler Report*

February 21, 2013

**Littler Elevates 13 Associates To Shareholder Status**

*Littler Press Release*

January 9, 2013

**A Guide to Employee Benefits Administration and Leaves of Absence**

*Littler Insight*

November 21, 2012

**The 2011 Global Employer: Highlights of Littler's Fourth Annual Global Employer Institute**

*Littler Report*

February 15, 2012

**Managing Employees During Political Unrest**

*Law360.com*

March 30, 2011

**The Seventh Circuit Clarifies the Availability of Class Claims Alleging 401(k) Improprieties**

*Littler Insight*

March 1, 2011

**Managing the Global Workforce – A Legal and Practical Guide to Dangerous International Employee Assignments**

*Littler Report*

February 17, 2011

**New York District Court Clarifies the Jurisdictional Scope of the Alien Tort Claims Act and Torture Victim Protection Act**

*Little Insight*

December 9, 2010

**New York Federal Court Rejects Attempt to Litigate Alleged Human Rights Abuses in the U.S.**

*Little Insight*

December 1, 2010

**The Continued Viability of the Alien Tort Claims Act and the Torture Victim Protection Act**

*Little Insight*

January 28, 2009

**Designing a Bonus Plan That Rewards Attendance and Productivity Without Violating the FMLA**

*2009 Employment Law Update*

2009

**From Shopping Malls to Cubicles: The Contours of Restricting Political Speech in the Private Sector Workplace**

*2009 Employment Law Update*

2009

**The European Union's Second-Highest Court Highlights the Importance of Hiring Outside Counsel**

*Little Insight*

September 25, 2007

**Corporate Liability for Human Rights Abuses Goes on Trial**

*Little Insight*

July 20, 2007

**In the Shape-Shifter's Shadow: Strategic International Union Organizing Along Multinational Corporate Lines**

*2007 Employment Law Update*

2007

**Corporate Responsibility for Union Busting and Forced Labor Around the World: The Alien Tort Claims Act and the State Action Requirement**

*2007 Employment Law Update*

2007

**An End to Empty Distinctions: Fee Shifting, the IDEA, and Doe v. Boston Public Schools**

*80 CHI-KENT L. REV. 963*

2005

**From Rights to Remedies: The Alien Tort Claims Act, Sosa v. Alvarez-Machain, and the State Action Requirement**

*South Carolina Journal of International Law & Business, Vol. 2*

2005

## **Speaking Engagements**

**2022 Midwest Regional Employer Conference**

Minneapolis, MN

November 3, 2022

**Human Rights Due Diligence and Transparency Obligations Under the German Supply Chain Act**

April 26, 2022

**Multiemployer Pension Plan Withdrawal: An In-Depth Examination**

Strafford Webinar

March 23, 2022

**What Employers Need to Know About the PBGC's Interim Final Rule About the Special Financial Assistance Program**

July 19, 2021

**Reduce Human Trafficking in the Supply Chain**

Lorman Education Services Webinar

June 22, 2021

**Input Statement**

Digital Consultation to inform the upcoming report of the UN Working Group on Business and Human Rights

April 9, 2021

**Multiemployer Pension Relief: How the COVID-19 Relief Bill Impacts Employers**

March 16, 2021

**Testimony regarding Second Revised Draft on a Legally Binding Instrument to Regulate the Activities of Transnational Corporations and Other Business Enterprises – Article 5 (Protection of victims), Article 6 (Prevention), and Article 7**

United Nations Human Rights Council – 6th Session of Open-ended Intergovernmental Working Group (OEIGWG),  
Geneva

October 27, 2020

**With the Emergence of More Regulation Concerning the Human Rights Due Diligence Process, What Is the Impact of a Spaghetti Soup of Laws?**

International Business and Human Rights Conference, Madrid, Spain

April 3, 2019

**Multiemployer Pension Plan Withdrawal**

Strafford

March 19, 2019

**Discussion on the UN Treaty Process on Business and Human Rights**

Webinar

March 7, 2019

**Human Rights Disclosure Mandates: A Practical Compliance Guide Through the Maze of New Laws Around the World**

Practising Law Institute

February 26, 2019

**The Legal, Business and Human Rights Landscapes of the Global Workplace**

Minneapolis, MN

September 26, 2018

**National Due Diligence and Corporate Responsibility Legal Developments in Canada, Australia, Germany and Switzerland**

2018 United States Counsel for International Business – Corporate Responsibility and Labor Affairs Committee Spring Meetings, Washington, DC

May 3, 2018

**Improving Effectiveness of Nonjudicial Mechanisms**

2017 U.N. Forum on Business and Human Rights, Geneva

November 28, 2017

**The Role of Human Rights Due Diligence in Determinations of Sanctions and Remedies**

United Nations Human Rights Council

October 6, 2017

**Update on Treaty Process**

2016 United Nations Forum on Business and Human Rights, Geneva

November 16, 2016

**Panelist**

United Nations Human Rights Council – 2nd Session of Open-ended Intergovernmental Working Group (OEIGWG), Geneva

October 24-28, 2016

**Business and Human Rights Workshop – Exchange Between European Companies and Federations**

BDA | Confederation of German Employers, Berlin, Germany

February 18-19, 2016

**The Interface Between Judicial and Non-judicial Remedy: Experiences and Challenges**

2015 United Nations Forum on Business and Human Rights

November 16, 2015

**Employer Considerations for Operations in Mexico**

Chicago, IL

November 4, 2015

**Procurement as Policy: Minimum Wage, Paid Leave, Anti-Trafficking, Equal Employment Opportunity Executive Orders**

U.S. Chamber of Commerce, Labor, Immigration and Benefits Division, Washington, D.C.

October 28, 2015

**International Business & Human Rights: What the Corporate Legal Department Should Know**

October 13, 2015

**Coverage of the Instrument: [transnational entities] and other Business Enterprises – Concepts and Legal Nature in International Law**

United Nations Human Rights Council – 1st Session of Open-ended Intergovernmental Working Group (OEIGWG), Geneva

July 7, 2015

**Business and Human Rights: The Increased Expectations Placed on Companies to Respect Human Rights and Strategies to Mitigate the Adverse Impact**

Littler Mendelson, Phoenix, AZ

May 6, 2015

**Business and Human Rights: The Increased Expectations Placed on Companies to Respect Human Rights and Strategies to Mitigate the Adverse Impact**

Littler Mendelson, Miami, FL

March 6, 2015

**Improving access to remedy: What needs to be done**

International Conference on Business and Human Rights - International Organisation of Employers and the Fédération des Entreprises Romandes Genève (IOE-FER), Genève. Switzerland

November 19, 2014

**The 2014 Charlotte Employer — International Edition**

Charlotte, NC

September 23, 2014

**The Contrasting Positions of the EEOC and the Courts on Key ADA Issues – What's An Employer to Do?**

February 26, 2013

**Leave Me Alone**

Chicago, IL

March 8, 2012

**Navigating the Top FMLA Concerns for Employers**

Thompson Publishing Group Webinar

February 2012

**Transitioning Employees Returning from FMLA Leave: Avoiding Legal Landmines**

Thompson Publishing Group Webinar

December 2011

**Dangerous Assignments: Practical & Legal Considerations**

SHRM Webinar, Atlanta, GA

March 2011

**Books & Book Chapters**

- Misplaced Efforts: The United Nations' Proposed Treaty Imposing Corporate Liability for Human Rights Violations, *2019 Employment Law Update*, Chapter 11, Wolters Kluwer, chapter co-author Lavanga Wijekoon, 2019
- Imposing Liability on Employers Under the Shadow of the United Nations Guiding Principles on Business and Human Rights, *2017 Employment Law Update*, Chapter 4, Wolters Kluwer, chapter co-author Lavanga Wijekoon, 2017
- Whistleblowing & Retaliation: A Guide for Human Resources Professionals & Counsel, Chapter 10, *International Whistleblowing Issues*, LexisNexis and Littler Mendelson, 5th Ed., Chapter Co-Authors: P. Berkowitz and L. Wijekoon, 2014
- Leveling the Playing Field: Examining Firestone Deference in Delinquent Contribution Lawsuits, Chapter 2, *2014 Employment Law Update*, Wolters Kluwer, chapter co-authors: Stefanie H. Kastrinsky and Lavanga V. Wijekoon, 2014
- The Soft-Law Revolution – International Labour Standards and Human Rights, *The International Comparative Legal Guide to Employment & Labour Law 2012*, Global Legal Group, chapter author, 2012
- International Whistleblowing Issues, Chapter 10, *Whistleblowing & Retaliation: A Guide for Human Resources Professionals & Counsel*, LexisNexis and Littler Mendelson, 3rd Ed., chapter author, 2010