

Stefan J. Marculewicz

Shareholder
Co-Chair, Business and Human Rights
Practice Group

815 Connecticut Avenue NW
Suite 400
Washington, DC 20006
main: (202) 842-3400
direct: (202) 423-2415
fax: (202) 842-0011
smarculewicz@littler.com



Focus Areas

International Employment Law
Labor Management Relations
ERISA and Benefit Plan Litigation
Workplace Policy Institute
Business and Human Rights

Overview

A recognized authority on international labor standards, Stefan Marculewicz advises multi-national corporations on issues involving employer efforts to address and respond to international labor standards. He also advises multinational enterprises in connection with the following:

- The International Labour Organization and its Committee on Freedom of Association
- The Organisation for Economic Co-operation and Development
- The United Nations Global Compact
- The United Nations Guiding Principles on Business and Human Rights
- Other international labor standard-setting organizations

He helps multi-national corporations based in the United States and abroad formulate and implement strategies to respond to efforts by labor unions and non-governmental organizations to discredit them through global campaigns. His work includes:

- Development of global labor relations strategies
- Developing supply chain management systems
- Establishing corporate codes of social responsibility and human rights policies

- Negotiating international framework agreements with Global Union Federations

He has represented employers before the ILO and OECD National Contact Points. He also works with global employers regarding the design and implementation of human resources policies.

As a complement to his international practice, Stefan handles a wide range of issues related to labor management relations domestically, including:

- Negotiating collective bargaining agreements for clients
- Assisting employers in all aspects of their dealings with labor unions
- Offering advice on corporate campaigns and neutrality/access agreements
- Handling grievance arbitrations
- Litigating complex RICO cases and class actions involving labor unions

Drawing on his experience as a trial attorney for the National Labor Relations Board in its Baltimore and Fort Worth regional offices, he also regularly assists clients before the NLRB.

Additionally, Stefan advises employers in connection with multi-employer benefit funds, particularly with respect to withdrawal liability, and has represented numerous companies in litigation involving such plans. He also advises employers on many other aspects of labor and employment law.

In 2012, Stefan testified before the House Committee on Education and the Workforce about the legal and practical implications of President Obama's decision to make three recess appointments to the National Labor Relations Board at a time when the Senate was not in recess and still holding periodic *pro forma* sessions.

Stefan previously testified before the Senate Health, Education, Labor and Pensions Committee in opposition to proposed amendments to expand the Worker Adjustment Retraining and Notification Act, the federal law requiring 60 days advanced written notification of plant closings or mass layoffs.

Professional and Community Affiliations

- Co-Chair, International Labor Law Policy Subcommittee, U.S. Chamber of Commerce International
- Advisor, Labor Policy Committee, U.S. Council on International Business
- Member, Maryland State Bar Association
- Member, American Bar Association
- Member, International Bar Association

Recognition

- Named, The Best Lawyers in America®, 2009-2019
- Named, Super Lawyer, Washington DC, *Super Lawyers*, 2013 and 2015
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*

- Named, Recommended Lawyer, Labor Management Relations, Workplace and Employment Counseling, *Legal 500 United States*, 2016

Education

J.D., Catholic University of America Columbus School of Law, 1993

B.A., Lawrence University of Wisconsin, 1988

Bar Admissions

District of Columbia

Maryland

Courts

U.S. Supreme Court

Languages

Spanish

Publications & Press

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

Littler Insight

April 25, 2019

Australia Passes Law Requiring Large Companies to Report on Modern Slavery

Littler Insight

December 4, 2018

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

Littler 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

Littler ASAP

October 2, 2018

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Littler Global Guide - Hong Kong - Q2 2018

Littler Global Guide Quarterly

July 20, 2018

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

Littler Insight

July 13, 2018

Littler Attorneys Named in 2018 Who's Who Legal Labour, Employment & Benefits Guide

Littler Press Release

June 5, 2018

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

Littler Insight

May 10, 2018

Congress Holds Hearing on Proposed NLRA Amendments

SHRM Online

May 2, 2018

No Consensus On Labor Law's Future After Hour Hearing

Law360

April 26, 2018

Does Federal Labor Law Need to be Modernized?

InsideSources

April 26, 2018

House Committee Examines How to Modernize Labor Laws

Competitive Enterprise Institute

April 26, 2018

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

Littler Insight

April 16, 2018

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

Littler 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

Littler Attorneys Named in 2017 Who's Who Legal Guide

Littler Press Release

September 28, 2017

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 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

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

Littler Insight

January 17, 2017

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

Littler ASAP

December 12, 2016

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

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

ACC Docket

July/August 2016

Littler Ranks in The Legal 500 United States Guide

Littler Press Release

June 20, 2016

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

Littler Insight

April 4, 2016

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

Littler Press Release

February 17, 2016

Certain Illinois Employers Now Required to Post Human Trafficking Helpline

Littler ASAP

February 8, 2016

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

Littler Insight

October 14, 2015

The Advent of Privately Developed Corporate Human Rights Reporting Frameworks

Littler Insight

September 9, 2015

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

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

Littler Insight

August 4, 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

Littler Insight

September 22, 2014

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

Labor-Dispute Threats Spur Pennsylvania to Revisit Exemption

Wall Street Journal

May 8, 2014

Worker Centers, Union Allies Seeking New Representation Model, Chamber Says

Bloomberg BNA Daily Labor Report

April 17, 2014

U.S. Chamber Says Non-Union Groups Could Reshape Labor Relations

New York Times

April 16, 2014

Subverting Majority Rule

Washington Free Beacon

April 16, 2014

Worker Centers Are Center of Attention

Workforce

November 8, 2013

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

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

Littler Report

February 21, 2013

Labor Organizations by Another Name: The Worker Center Movement and its Evolution into Coverage under the NLRA and LMRDA

Federalist Society for Law & Public Studies

November 19, 2012

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Littler Press Release

September 7, 2012

NLRB Seeks Feedback on Backpay Award Questions

Littler ASAP

August 1, 2012

Federal Court Rejects NLRB's Attempt to Reverse Ruling on Election Rule

Littler ASAP

July 30, 2012

New Interactive NLRB Webpage Provides Examples of Employee Section 7 Rights Under NLRA

Littler ASAP

June 19, 2012

NLRB Suspends Implementation of New Representation Election Rule

Littler ASAP

May 15, 2012

D.C. Federal Court Finds NLRB Election Rule Invalid for Lack of a Quorum

Littler ASAP

May 14, 2012

U.S. Court of Appeals for the D.C. Circuit Enjoins NLRB From Enforcing Notice Posting Rule

Littler ASAP

April 17, 2012

South Carolina Federal Court Finds NLRB Posting Rule Unlawful

Littler ASAP

April 15, 2012

Federal Court Partially Invalidates NLRB Notice Posting Rule, Rejects First Judicial Attempt to Contest Board Recess Appointments

Littler Insight

March 5, 2012

Federal Court Partially Invalidates NLRB Notice Posting Rule, Rejects First Judicial Attempt to Contest Board Recess Appointments

Littler ASAP

March 2, 2012

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

Littler Report

February 15, 2012

Littler Shareholder Stefan Marculewicz Testifies at Congressional Hearing Addressing NLRB Recess Appointments

Littler ASAP

February 7, 2012

NLRB General Counsel Policy Change Would Limit Arbitration Deferral

Littler ASAP

January 22, 2012

Addressing Human Rights Is More Than Having A Policy

Littler Insight

January 17, 2012

NLRB Recess Appointment Decision Receives First Legal Challenge

Littler ASAP

January 13, 2012

Obama Makes Three Recess Appointments to the NLRB

Littler ASAP

January 4, 2012

NLRB Revises Representation Case Handling Procedures for Two-Member Board

Littler ASAP

December 29, 2011

NLRB Delays Implementation Date of Notice Posting Rule until April 30, 2012

Littler ASAP

December 23, 2011

DC Judge Recommends Postponement of NLRB Notice Posting Rule

Littler ASAP

December 20, 2011

NLRB Issues Rule Governing Procedural Instructions in Anticipation of Losing Quorum

Littler ASAP

December 13, 2011

NLRB Issues New Order Anticipating the Loss of One or More Members as Concern Mounts over Potential Hayes Resignation

Littler ASAP

November 29, 2011

NLRB Vote on Portions of Proposed Election Rule Imminent

Littler ASAP

November 18, 2011

Agencies Issue Final Rule Disallowing Federal Contractor Reimbursement for Persuader Activities

Littler ASAP

November 2, 2011

NLRB Releases Employee Rights Poster Under New Rule

Littler ASAP

September 15, 2011

Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition

Littler Press Release

September 12, 2011

NLRB scrutinizes social media policies

InsideCounsel

September 1, 2011

NLRB Transition - What Happens Now?

Littler ASAP

August 30, 2011

New NLRB Rule Requires Posting of Workers' Right to Organize

Corporate Counsel

August 29, 2011

NLRB General Counsel's Office Releases Report on Social Media Cases

Littler ASAP

August 18, 2011

NLRB Advice Memoranda Recommend Dismissal of ULP Charges Based on Facebook Postings

Littler ASAP

July 28, 2011

Speakers List Grievances About Proposed NLRB Election Rule Changes

Littler ASAP

July 20, 2011

NLRB Proposed Election Rule Scrutinized at Congressional Hearing

Littler ASAP

July 7, 2011

NLRB to Hold Public Meeting on Proposed Representation Election Rule

Littler ASAP

June 24, 2011

NLRB Proposes Significant Changes to Election Process

Littler ASAP

June 21, 2011

NLRB Files Suit Against Arizona for its Secret Ballot Protection Amendment

Littler ASAP

May 9, 2011

NLRB to File Lawsuits Against Arizona, South Dakota Over Secret Ballot Issue

Littler ASAP

April 26, 2011

European Union's Renewed Consideration of Class Actions May Create a New Mechanism for Employment Law Claims

Littler Insight

April 5, 2011

Employer Freedom of Opinion and Expression Within the Context of Union Organizing – A Fresh Perspective from the ILO

Littler Insight

November 10, 2010

Littler Mendelson Welcomes Stefan Jan Marculewicz to Its Washington, D.C. Office

Littler Press Release

September 9, 2010

Elimination of the Secret Ballot Union Election and Compulsory Arbitration Under the Employee Free Choice Act – A Violation of Fundamental Principles of International Labor Law

2009

Some Tough Questions for Pre-Employment Drug Testing

10 J. Contemp. Health L. & Pol'y 243

1994

Speaking Engagements

Capital Briefing: Policy Changes in Federal Labor and Employment Law Under President Trump

2018 Mid-Atlantic Employer Conference, Washington, D.C.

June 5, 2018

Protests, Political Speech, and Public Relations

2017 Mid-Atlantic Employer Conference, Washington, D.C.

June 6, 2017

Segunda Conferencia Anual en México - Ciudad de México

México City

October 5, 2016

Second Annual Mexico Conference - Mexico City

México City

October 5, 2016

Second Annual Mexico Conference - Monterrey

Nuevo León, C.P.

October 4, 2016

Segunda Conferencia Anual en México - Monterrey

Nuevo León, C.P.

October 4, 2016

Second Annual Puerto Rico Conference

Condado Vanderbilt San Juan, Puerto Rico

August 18, 2016

2016 Mid-Atlantic Employer Conference

Washington, DC

June 7, 2016

The Future of Union Organizing: Addressing Labor's New Strategies in the Streets and the Emergence of UFOs

May 4, 2016

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

October 13, 2015

Littler Global Colombia Conference

Bogotá

September 10, 2015

Littler Global Puerto Rico Conference

Hato Rey, PR

August 20, 2015

First Regional Forum: Proper Use of Technology Under Labour Law

Panama City, Panama

November 14, 2013

Human Resources Executives Summit 2013

Chicago, IL

October 15, 2013

Opportunities and Challenges in Implementing a Responsible Supply Chain Management Program

Littler Mendelson, Washington D.C.

November 9, 2012

Protecting Your Operations in Latin America: Risks and Opportunities in the Region's Current Legal Landscape

Littler Mendelson, Washington D.C.

November 8, 2012

Doing Business South of the Border

Littler Mendelson, Scottsdale, AZ

May 10, 2012

Business and Human Rights – What American Companies Need to Know

January 11, 2012

What Retailers Need to Know About Labor Developments and Union Organizing Strategies

December 8, 2011

Expedited Elections and the Advice Rule: Tilting the Union Election Playing Field Further

September 13, 2011

Business and Human Rights: The UN Issues Draft Recommendations

December 22, 2010

Elimination of the Secret Ballot Union Election and Compulsory Arbitration Under the Employee Free Choice Act – A Violation of Fundamental Principles of International Labor Law

International Organisation of Employers Annual Labour and Social Policy Review

2009

Books & Book Chapters

- The International Comparative Legal Guide to: Employment & Labour Law 2012, *Global Legal Group*, The Soft-Law Revolution – International Labour Standards and Human Rights, Chapter Author, 2012
- International Corporate Practice: A Practitioner’s Guide to Global Success, *Practising Law Institute*, International Labor and Employment Law, Chapter 21, co-authors: Philip Berkowitz, Joseph Lazazzero, Trent Sutton, and Philip Gordon, 2012