

# GLOBAL EMPLOYER INSTITUTE

The Fairmont Hotel / Washington, D.C.

**November 7-9, 2012**



**Littler** | **70**  
YEARS



Please join the attorneys of Littler Mendelson's International Employment and Labor Law Practice Group for the fifth annual Global Employer Institute.

This unique program will provide a special opportunity to network with colleagues while gaining valuable insight into today's most pressing international employment and labor law issues.

Our distinguished speakers encompass the globe



# THE LITTLER REPORT: HIGHLIGHTS OF LITTLER'S 2011 GLOBAL EMPLOYER INSTITUTE

In February 2012, Littler published a report highlighting the topics covered and discussions held in November 2011 at Littler's Fourth Annual Global Employer Institute. Regions represented by the attorneys and HR professionals presenting at the Institute included North and South America, Europe, Africa and Asia, including rapidly expanding markets such as Brazil, India and China.

Topics featured at the 2011 conference included:

- The Globalization of Employment and Labor Law: Breaking Developments, Trends, and Practical Compliance Initiatives for 2012
- International Security: Keeping Employees Safe in Dangerous Locations
- Best Practices for Cross-Border Employment Agreements
- Avoiding Corruption: A Practical Approach to the Foreign Corrupt Practices Act and the UK Bribery Act
- Out of the Financial Crisis "Frying Pan" and into the Compliance "Fire": What Multinationals Need to Know About New Financial Reforms
- Global Labor Relations: Global Union Federations, International Labor Standards and Human Rights
- Bullies at Work: Solutions from Different Lands
- Focus on Africa: A Wealth of Business Opportunities in an Unfamiliar Legal Landscape
- The Evolving Labor Relations and Labor Law Picture in the People's Republic of China
- International Employment Law Update: 2011

We encourage you to review this Littler Report available at [www.GlobalEmployer.com](http://www.GlobalEmployer.com).

TIME	TOPIC	SPEAKERS
2:00pm–5:00pm	<b>In-Depth Session</b> Running with Scissors: What U.S. Employers Should Know Before Cutting Global Staff	<ul style="list-style-type: none"><li>• <b>David Goldman, Littler Mendelson*</b></li><li>• Russell Brimelow, Lewis Silkin (U.K.)</li><li>• Kim J. Dockstader, LyondellBasell</li><li>• Steven Friedman, Littler Mendelson</li><li>• Javiera Medina Reza, Littler Mendelson (Mexico)</li><li>• Tahl Tyson, Littler Mendelson</li></ul>
6:00pm	<b>Welcome Dinner</b>	

TIME	TOPIC	SPEAKERS
7:15am-8:15am	<b>Breakfast</b>	
8:15am-9:00am	<b>Session 1</b> Sustainable Innovations for a Changing Global Workforce	<ul style="list-style-type: none"> <li>• <b>Garry Mathiason, Littler Mendelson*</b></li> <li>• Steve O'Brien, Gallup</li> <li>• Paul Weiner, Littler Mendelson</li> <li>• Juan Carlos Varela, Littler Mendelson (Venezuela)</li> </ul>
9:00am-10:15am	<b>Session 2</b> Preventing Workplace Harassment in a Global Workforce	<ul style="list-style-type: none"> <li>• <b>Margaret Hart Edwards, Littler Mendelson*</b></li> <li>• Reid Bowman, NAVEX Global</li> <li>• Roselyn Sands, Ernst &amp; Young Société d'Avocats (France)</li> <li>• Mónica Schiaffino, Littler Mendelson (Mexico)</li> </ul>
10:30am-11:45am	<b>Session 3</b> Tensions and Workplace Disruptions in China: Evolving Labor Challenges and New Rules on The Democratic Management of Enterprises	<ul style="list-style-type: none"> <li>• <b>Robert Millman, Littler Mendelson*</b></li> <li>• Jesse Chang, TransAsia Lawyers (China)</li> <li>• Guo Jun, All-China Federation of Trade Unions (China)</li> <li>• Isabelle Wan, TransAsia Lawyers (China)</li> </ul>
11:45am-1:00pm	<b>Session 4</b> What Every Multinational Should Know About Bounty Hunters and Whistleblowers	<ul style="list-style-type: none"> <li>• <b>Philip M. Berkowitz, Littler Mendelson*</b></li> <li>• Edward Ellis, Littler Mendelson</li> <li>• Philip Gordon, Littler Mendelson</li> <li>• Gregory Keating, Littler Mendelson</li> <li>• Michelle Miller, Medtronic, Inc.</li> <li>• Frances Phillips Taft, GE Oil &amp; Gas (Italy)</li> </ul>

TIME	TOPIC	SPEAKERS
1:00pm-1:15pm	<b>Lunch</b>	
1:15pm-2:15pm	<b>Guest Speaker</b>	<ul style="list-style-type: none"> <li>• <b>Edward Luce, Columnist, the <i>Financial Times</i></b></li> </ul>
2:15pm-3:30pm	<b>Session 5a</b> Assuring Compliance with Anti-Corruption Policies and Requirements	<ul style="list-style-type: none"> <li>• <b>Katherine Cooper Franklin, Littler Mendelson*</b></li> <li>• Holly Laurent, Fidelity Investments</li> <li>• John McKay, former United States Attorney</li> <li>• Bradley Siciliano, Littler Mendelson</li> </ul>
2:15pm-3:30pm	<b>Session 5b</b> They're Not Your Employees, But it's Still Complicated: New Developments in the Field of Contingent Workers and Independent Contractors	<ul style="list-style-type: none"> <li>• <b>Eric Savage, Littler Mendelson*</b></li> <li>• Christoph Crisolli, Kliemt &amp; Vollstadt (Germany)</li> <li>• John Kloosterman, Littler Mendelson</li> <li>• Jeff Phelps, iWorkGlobal</li> </ul>
3:45pm-5:00pm	<b>Session 6a</b> Protecting Your Operations in Latin America: Risks and Opportunities in the Region's Current Legal Landscape	<ul style="list-style-type: none"> <li>• <b>Stefan Marculewicz, Littler Mendelson*</b></li> <li>• Oscar de la Vega, Littler Mendelson (Mexico)</li> <li>• Francisco Salas, BDS Asesores (Costa Rica)</li> <li>• Juan Carlos Varela, Littler Mendelson (Venezuela)</li> </ul>

TIME	TOPIC	SPEAKERS
3:45pm–5:00pm	<b>Session 6b</b> Preventative Measures Embassies, Consulate Offices and Other Foreign Sovereign Employers Should Take to Avoid or Minimize Their Exposure to Employee Claims in the U.S.	<ul style="list-style-type: none"> <li>• <b>Rebecca Aragon, Littler Mendelson*</b></li> </ul>
5:00pm–6:00pm	<b>Session 7</b> 5th Annual International Employment Law Update	<ul style="list-style-type: none"> <li>• <b>Bruce Sarchet, Littler Mendelson*</b></li> <li>• Rafael Aguiló-Vélez, Schuster Aguiló (Puerto Rico)</li> <li>• Roman Gil, Sagardoy Abogados (Spain)</li> <li>• Jeffrey Goodman, Heenan Blaikie (Canada)</li> <li>• Bartłomiej Raczkowski, Raczkowski i Wspólnicy (Poland)</li> </ul>
6:30pm	<b>Dinner</b>	



TIME	TOPIC	SPEAKERS
7:45am-9:00am	<b>Breakfast / Guest Speaker</b>	<ul style="list-style-type: none"> <li>• Charles Krauthammer, Columnist &amp; Political Commentator</li> </ul>
9:00am-10:15am	<p><b>Session 8a</b> Opportunities and Challenges in Implementing a Responsible Supply Chain Management Program</p>	<ul style="list-style-type: none"> <li>• Johan Lubbe, Littler Mendelson*</li> <li>• Traci Burch, Rite Aid Corporation</li> <li>• Stefan Marculewicz, Littler Mendelson</li> <li>• Zoe McMahon, Hewlett-Packard</li> <li>• Isabelle Wan, TransAsia Lawyers (China)</li> </ul>
9:00am-10:15am	<p><b>Session 8b</b> The Time is Nigh! Restructure your Global Mobility Program</p>	<ul style="list-style-type: none"> <li>• Ian Macdonald, Littler Mendelson*</li> <li>• Joni Andrioff, Littler Mendelson</li> <li>• GJ Stillson MacDonnell, Littler Mendelson</li> <li>• Jorge Lopez, Littler Mendelson</li> </ul>
10:30am-11:45am	<p><b>Session 9a</b> Employment Law Challenges Facing Multinationals in Asia</p>	<ul style="list-style-type: none"> <li>• Philip Berkowitz, Littler Mendelson*</li> <li>• Selvamalar Alagaratnam, SKRINE (Malaysia)</li> <li>• William Gilbert, Canon USA, Inc.</li> <li>• Joseph S. Kendy, Former Senior Vice President, General Counsel and Secretary, Shiseido Americas Corporation</li> <li>• Masahiro Matsuoka, Nagashima Ohno &amp; Tsunematsu (Japan)</li> <li>• Daniel Rosenblum, Japan Society</li> </ul>

TIME	TOPIC	SPEAKERS
10:30am-11:45am	<b>Session 9b</b> Out & About: LGBT Issues and the Globally Mobile Workforce	<ul style="list-style-type: none"> <li>• <b>Robert Conti, Littler Mendelson*</b></li> <li>• Russell Brimelow, Lewis Silkin (U.K.)</li> <li>• Lee Schreter, Littler Mendelson</li> <li>• Juan Carlos Varela, Littler Mendelson (Venezuela)</li> <li>• Denise Visconti, Littler Mendelson</li> </ul>
11:45am-1:00pm	<b>Session 10</b> Forging a Global HR Team to Align with a Global Business: Transparency and Integration	<ul style="list-style-type: none"> <li>• <b>Adam Forman, Littler Mendelson*</b></li> <li>• Eric Lombardo, TripAdvisor</li> <li>• Victoria Moore, ADTRAN</li> <li>• Rebecca Holland New, Patheon</li> <li>• Tahl Tyson, Littler Mendelson</li> </ul>
1:00pm-2:00pm	<b>Lunch / Guest Speaker</b>	<ul style="list-style-type: none"> <li>• <b>Michael Dunne, President, Dunne &amp; Co, Ltd.</b></li> </ul>

## **In-Depth Session / Running with Scissors: What U.S. Employers Should Know Before Cutting Global Staff**

Ending the employment relationship is never easy, and often leads to a range of emotional, practical, cultural, organizational, financial, political and legal issues. When the workforce is multinational with management reaching across borders, the degree of complexity expands exponentially.

This workshop takes some of the mystery out of managing issues related to dismissing employees in your globalized workforce. In addition to addressing risk management once a problem is already ripe, we will examine the underlying causes of some recurrent scenarios and consider approaches to managing risk proactively rather than reactively. Topics include:

- The global termination checklist: what you should do every time you employ in a new country
- Nuts and bolts:
  - Investigating the reasons for termination—while planning for appeal
  - Disciplinary steps and PIP requirements
  - Severance and compensation
- Unified global termination procedures: myth or reality?
- Making the data-driven business case for proactive steps: what the termination will really cost and what can be done to avoid those costs in the future
- Creating a global culture of fairness and consistency—the best defense

This workshop will focus on crafting solutions and will not be a legal lecture. Instead, we will work through case studies that allow participants to engage in a sustained dialogue with the presenters and colleagues. The case studies will focus on recurring themes such as: terminating an employee who's not in his own country; termination and global restructuring; and when the problem is the manager recommending termination.

## Session 1 / Sustainable Innovations for a Changing Global Workforce

The pace of technological change has accelerated dramatically over the last three decades, adding new layers of complexity to the task of complying with federal and state employment and labor laws. Thirty years ago, few could have foreseen the impact of globalization on the workplace, the emergence of the information-based worker, or the extent to which technology in the form of networked computers, email, the Internet and social media would dramatically change the workplace. Few realized how these technological advances would conflict with the limitations of existing employment and labor laws, many of which were drafted during an era when “factory worker” was the common job description.

For in-house counsel and HR professionals with global responsibilities, the challenges posed by the breathtaking pace of technological change are even more daunting, demanding compliance with each jurisdiction’s unique legal and regulatory framework developed in response to evolving workplace norms.

In this opening session of the 2012 Global Employer Institute, we will highlight some of the most critical compliance issues facing multinational employers, such as:

- Responding to workers’ demands that employers open up their networks to employee-owned smartphones and tablets, and the resulting issues involving wage and hour, workplace privacy, protection of trade secrets and confidential information, and eDiscovery
- Navigating jurisdictional differences in prohibited forms of harassment and discrimination
- Addressing the explosion in whistleblowing and retaliation claims
- Managing labor relations challenges in Latin America and Asia—regions with rapidly developing laws and practices

## **Session 2 / Preventing Workplace Harassment in a Global Workforce**

Prohibited forms of harassment differ by jurisdiction. For example, harassment based on economic status or world view may be illegal. In some countries workplace bullying can land a manager in jail. As a result, global anti-harassment policies must reflect local practice, and training to prevent harassment must be flexible and culturally sensitive. This panel will offer practical perspectives on how to define harassment and what to consider in developing policies and training for a global workforce.

## **Session 3 / Tensions and Workplace Disruptions in China: Evolving Labor Challenges and New Rules on the Democratic Management of Enterprises**

China continues to pose significant and evolving compliance challenges for multinational employers. This session will focus on two of the main challenges:

- The All-China Federation of Trade Unions (ACFTU) is pressing large multinationals to establish trade unions, with a goal of 95% of Fortune 500 companies doing so by the end of 2013.
- Chinese employment law issues—especially those relating to social insurance and trade unions—increasingly are taking foreign investors by surprise, even years after their merger or acquisition transaction has closed.

You will have a unique opportunity to hear directly from a senior ACFTU official, as well as leading Chinese labor law specialists regarding these issues.

## Session 4 / What Every Multinational Should Know About Bounty Hunters and Whistleblowers

The Dodd-Frank Wall Street Reform and Consumer Protection Act, signed into law by President Obama on July 21, 2010, provides sweeping financial overhaul for U.S. and multinational financial institutions and publicly traded companies. In addition to expanding the whistleblower laws enacted under the Sarbanes-Oxley Act of 2002 and offering retaliation protection to new categories of whistleblowers, Dodd-Frank offers monetary awards (sometimes referred to as a “bounty”) to whistleblowers through incentive programs—in fact, a whistleblower may receive between *ten and thirty percent* of the sanctions obtained as a result of the information provided.

This program will consider current judicial and administrative enforcement of Dodd-Frank and Sarbanes-Oxley whistleblower claims, with a particular emphasis on the special concerns facing multinational companies in defending against these claims. We will also consider best practices in investigating cross-border whistleblower claims, data protection issues involved in these investigations, and coordinating activities across borders as well as across legal disciplines.



### Guest Speaker / Edward Luce, Columnist, the *Financial Times*

Edward Luce is the Washington Bureau Chief of the *Financial Times*. Previously, he was the South Asia bureau chief for the *Financial Times*, the Philippines correspondent and capital markets editor for the *Financial Times*, as well as the Geneva-based correspondent for *The Guardian*.

## Session 5a / Assuring Compliance with Anti-Corruption Policies and Requirements

Countries across the globe are increasingly striving to stamp out corruption. The U.S. has been leading the charge but many countries have also jumped on this crusade, including the U.K., the Netherlands, China, Australia and Mexico. This session will focus on a review of the latest anti-corruption cases and in-depth discussion of effective compliance programs. We will discuss what controls and procedures work across the globe for multinationals to combat corruption and be in compliance with the multitude of relevant laws.

We will discuss:

- Is corporate hospitality dead?
- With increased extra-territorial application of local anti-bribery laws, what must we comply with?
- What should a compliant policy/code include?
- What does an effective compliance program look like?
- What kind of reporting tools should companies employ?
- What kind of training is effective? How much is enough?
- When does non-compliance rise to a “pattern” of non-compliance and what are the implications?
- What new challenges do cross-border coordinated agency investigations face?

## **Session 5b / They're Not Your Employees, But it's Still Complicated: New Developments in the Field of Contingent Workers and Independent Contractors**

Companies increasingly rely on contingent workers and independent contractors, creating a \$425 billion industry in the US alone. Employers expect to gain greater flexibility and incur fewer costs by using such workers instead of permanent employees. However, a complex array of laws controls the proper classification of workers, payment obligations, tax and benefit requirements, termination of the relationship, and whether multiple entities should be jointly responsible for compliance with worker rights. The panel will address the issues and risks faced by multinational companies that rely on contingent workers and independent contractors, and discuss how employers can minimize their legal risks.

## **Session 6a / Protecting Your Operations in Latin America: Risks and Opportunities in the Region's Current Legal Landscape**

Recently, countries in Latin America have experienced dramatic reforms in their laws while others are scheduled to enact new ones within the next few months. This interactive panel will discuss the current and prospective legal landscape for employers in Latin America, helping corporations identify the risks and opportunities created by these reforms in order to protect your company's investment in the region. Led by experts in the Latin American employment and labor relations fields, this panel will place special emphasis on reviewing the laws regulating the hiring/firing of expatriates, independent contractor agreements, outsourcing, plant closures, and the use of protection unions, among other highly relevant topics.

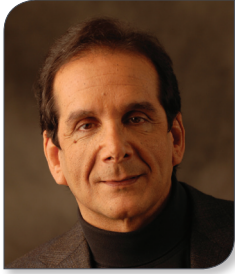


## **Session 6b / Preventative Measures Embassies, Consulate Offices and Other Foreign Sovereign Employers Should Take to Avoid or Minimize Their Exposure to Employee Claims in the U.S.**

Over the past years, there has been an increase in claims brought against foreign sovereign employers by personnel working in embassies, consulate offices, or for nationalized companies located in the U.S. In some instances, these foreign sovereign employers may avoid the application of complicated U.S. employment and other laws and, in other situations, they should consider taking individually-designed measures to comply with such laws to avoid costly claims or adverse publicity. This presentation will explore the interplay between the Foreign Sovereign Immunities Act and U.S. employment laws; the federal and state employment laws that apply to foreign sovereign employers that have personnel working in the U.S.; the precarious situations where individuals are improperly classified as diplomatic or civil service personnel; the circumstances under which foreign sovereign employers may seek immunity against employment-related claims; and the measures foreign sovereign employers should take to avoid or minimize claims by their personnel in the U.S.

## **Session 7 / International Employment Law Update**

An international panel of employment and labor lawyers will identify the year's most interesting trends and developments in the worldwide workplace, in areas such as discrimination, privacy, flexible working, and regulation of wages and working hours.



### **Guest Speaker / Charles Krauthammer, Columnist & Political Commentator**

Winner of the Pulitzer Prize and named by the *Financial Times* as the most influential commentator in America, Charles Krauthammer has been honored from every part of the political spectrum for his bold and original writing.

### **Session 8a / Opportunities and Challenges in Implementing a Responsible Supply Chain Management Program**

Corporations are subject to growing pressures by various stakeholders and legal obligations, such as the *California Transparency in Supply Chain Act* of 2010, to monitor compliance by their supply chain providers with local labor and environmental laws and other corporate social responsibilities. The scope of these obligations extends even to corporations who engage only minimally in global sourcing. This panel will discuss the challenges facing corporations, the design of an effective supply chain management program, integration of in-house counsel and human resource personnel into the supply chain management process, and provide practical compliance suggestions to keep your corporation out of newspaper headlines.

## **Session 8b / The Time is Nigh! Restructure Your Global Mobility Program**

This session will address how global access to markets and talent is reshaping the mobility business. In the next 5 to 7 years, demographic shifts will have 5 generations of employees working side by side, ranging from “traditionalists” and “baby boomers” to “millenials” and “generation 20/20s.” Technology is expected to connect employees, customers and partners for immediate communication 24/7, thereby reshaping the global mobility business. Headquarter offices are expected to continue to change with destinations in China, India, Russia and Brazil becoming increasingly prominent. In this changing environment, the need for strong tax, employment and immigration compliance is critical and must form the foundation of any comprehensive mobility program. The panelists will address challenges associated with implementing mobility programs in what is still an immature market.

## **Session 9a / Employment Law Challenges Facing Multinationals in Asia**

Multinational employers face unique labor and employment law challenges, starting with expatriates who are unfamiliar with local laws and customs, to jurisdictions with differing rules on employment law. Beyond the tensions of differing legal systems, divergent cultural issues are often equally, if not more important. Employers in Asia face even more diverse challenges. Just as their histories and languages differ, the business cultures and employment laws of Asian countries could not be more different. The progress of women, racial, and cultural minorities may be particularly acute in these jurisdictions, and the laws of the western cultures are slowly catching up with them, while the historical practices continue to have their strong influence.

This program brings together lawyers from diverse Asian countries, as well as in-house lawyers with substantial experience navigating their corporate clients through legal employment law quagmires that often have their root in differing cultural as well as legal expectations.

## Session 9b / Out & About: LGBT Issues and the Globally Mobile Workforce

Global employers are discovering both the advantages and the challenges of creating a diverse workforce. Perhaps one of the most difficult areas to address globally is the inclusion of LGBT employees into the organization, both at the employers' local level as well as worldwide. Progress toward achieving such a goal is particularly daunting when trying to overcome not only internal challenges, but cultural ones as well. For example, how can one establish an inclusive workforce when the employer is located in a region hostile to LGBT individuals? This workshop is designed to aid employers in achieving this goal through establishing a corporate infrastructure that includes creating ERGs, training and the necessary follow-through.

## Session 10 / Forging a Global HR Team to Align with a Global Business: Transparency and Integration

As companies globalize, HR must also change to support a global business model. But employment laws and human beings tend to be locally oriented, and HR leaders face unique obstacles in transitioning to a global model. This session will identify some of the goals and challenges, and discuss tools, opportunities and strategies for change management within the globalizing business and HR team.



### Guest Speaker / Michael Dunne, President, Dunne & Co, Ltd.

Michael Dunne is president of Dunne & Company Limited, a Hong Kong-based strategic marketing company specializing in Asian car markets. From 2006 to 2010, Michael was vice president, Asia Pacific, for J.D. Power and Associates. J.D. Power had acquired Michael's first company, Automotive Resources Asia (ARA), which he founded in 1993. From its base in Asia, ARA assisted automotive companies enter and compete in Asian car markets from China to India to Southeast Asia.

To register for the conference online, please visit [www.LittlerReg.com/Global](http://www.LittlerReg.com/Global) or call Juanita Treadway at 541.512.0223.

## Registration Fee

The cost to attend the conference is \$495. Registration and attendance at the 2012 Global Employer Institute will guarantee the early bird registration rate for the 2013 Executive Employer Conference. *Early Bird registration rate only guaranteed based on space availability.*

## Location and Hotel Accommodations

The Fairmont Hotel, 2401 M Street, Washington, DC 20037

## MCLE/CLE Credits

This program will qualify for minimum continuing legal education credit in most jurisdictions. Littler is an approved MCLE provider in the states of California, Georgia, Illinois, Nevada, New York and Pennsylvania. This program provides up to 15.25 hours of available credit. Littler certifies that this activity conforms to the standards for approved education activities prescribed by the rules and regulations of the state bars governing mandatory legal education. This activity is pending approval for continuing education credit by the state bar in those states in which Littler has offices and where there are continuing legal education requirements. If you require credit in a state other than those cited above, please indicate which state(s) in the appropriate place on the registration form.

## PHR/SPHR Certification Credits

This program provides up to 15.25 recertification credit hours towards recertification through the Human Resource Certification Institute (HRCI). For more information about certification or recertification, please visit the HRCI website at [www.hrci.org](http://www.hrci.org).

## Questions?

Please contact Juanita Treadway at 541.512.0223 with any questions about registration.



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