

# LITTLER GLOBAL

## Latin America Conference

4th Annual



### THURSDAY, MARCH 5

TIME	TOPIC	SPEAKERS
8:00 am – 9:00 am	Registration & Breakfast	
9:00 am – 9:15 am	Welcome Remarks	Jeremy A. Roth Thomas J. Bender Peter A. Susser
9:15 am – 10:30 am <b>GENERAL SESSION 1</b>	<p><b>Global Compliance &amp; Cross-Border Investigations: Strategies for Enforcement and Risk Management in Latin America and Beyond</b></p> <p>An informative and interactive discussion covering complex issues that arise during whistleblower and corruption investigations, including the heightened challenges due to data privacy laws and other regulatory schemes. This program will also provide recommendations to protect the attorney-client privilege when the investigations are across borders.</p>	<p><b>Littler Global:</b> Mónica Schiaffino (Mexico)* Santiago Martínez (Colombia) Philip N. Storm (Chicago)</p> <p><b>Guest Speakers:</b> Daniel E. Karson, Chairman, Kroll Associates, Inc. Roselyn Sands, Partner, EY Law (France)</p>
10:30 am – 10:45 am	Coffee Break	
10:45 am – 12:00 pm <b>BREAKOUT SESSION 2A</b>	<p><b>Hiring and Terminations in Latin America: Risks and Opportunities Resulting from Legal Developments and Emerging Issues</b></p> <p>This program will address how the legal developments and current state of the law in key jurisdictions in Latin America impact employers' ability to hire and terminate labor. Topics will include:</p> <ul style="list-style-type: none"> <li>• Recruitment, including use of pre-hire screening and social media</li> <li>• Employment agreements and secondment arrangements: Regulatory requirements and recommendations</li> <li>• Use of independent contractors and outsourcing restrictions</li> <li>• Terminations: Recommendations to avoid litigation</li> </ul>	<p><b>Littler Global:</b> Oscar de la Vega (Mexico)* Marco Durante (Costa Rica) César Gonzales Hunt (Peru) Renata Neeser (New York and Brazil) Angelina Salegna Bacó (Dominican Republic)</p>

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10:45 am – 12:00 pm <b>BREAKOUT SESSION 2B</b>	<p><b>New Employment Law Developments and Trends in Europe and Asia: What Steps Can and Should Employers Take?</b></p> <p>This program chronicles labor and employment law developments in key jurisdictions in Europe and Asia, providing guidance on how employers can respond to these changes.</p>	<p><b>Littler Global:</b> Tahl Tyson (Seattle)* Trent M. Sutton (Rochester) Hyunjae Park (Littler Los Angeles and Partner, Kim &amp; Chang, South Korea)</p> <p><b>Expositor Invitado:</b> Salvador del Rey, Partner, Cuatrecasas, Gonçalves Pereira (Spain)</p>
12:00 pm – 1:15 pm <b>BREAKOUT SESSION 3A</b>	<p><b>Compensation, Benefits and Social Plans in Latin America: What Are Employers Mandated to Provide?</b></p> <p>Compensation, benefits and social plans can be important tools to attract and retain key talent. In this program, experienced practitioners will provide practical guidance on how global companies can navigate through the different regulatory environment and remuneration rules in key jurisdictions in Latin America. Issues that will be discussed include:</p> <ul style="list-style-type: none"> <li>• Definition of the regulatory remuneration standards</li> <li>• What company benefits may become part of the employee's salary?</li> <li>• Assessing the demands in the market and different industries</li> <li>• Strategies to structure pay and benefits</li> </ul>	<p><b>Littler Global:</b> Francisco Salas (Costa Rica)* Marielena Ulloa de Pineda (Honduras) María Isabel Rey (Puerto Rico)</p> <p><b>Guest Speaker:</b> Mercedes Balado Bevilacqua, Partner, MBB Abogados (Argentina)</p>
12:00 pm – 1:15 pm <b>BREAKOUT SESSION 3B</b>	<p><b>Making the Case for International Labor and Employment Arbitration</b></p> <p>The advantages of utilizing arbitration as an alternative method to resolve labor and employment disputes cannot be overstated, especially for global companies employing personnel across multiple jurisdictions. While employer use of arbitration has grown in North America, it has been a less common practice in other regions of the world. This session will explore the current possibilities of arbitrating transnational L&amp;E disputes in regions other than North America.</p>	<p><b>Littler Global:</b> Juan Carlos Varela (Venezuela)* Scott McDonald (Dallas)</p> <p><b>Guest Speaker:</b> Manuel Gómez, Professor, Florida International University, College of Law</p>
1:15 pm – 2:15 pm	<p><b>Luncheon with Special Presentation</b></p> <ul style="list-style-type: none"> <li>• Latin American editor and syndicated foreign affairs columnist of <i>The Miami Herald</i> column, "The Oppenheimer Report," published in more than 60 U.S. and foreign newspapers.</li> <li>• Anchor of the CNN en Español show "Oppenheimer Presenta," and author of seven Best-Sellers.</li> <li>• Named one of the 50 most influential Latin American intellectuals by <i>Foreign Policy en Español</i> (2012), by <i>Poder Magazine</i> as one of the "100 most powerful people" in Latin America (2002), and as one of the "500 most important journalists" in the U.S., in <i>Forbes Media Guide</i> (1993).</li> <li>• Co-winner of the 1987 Pulitzer Prize as a member of <i>The Miami Herald</i> team that uncovered the Iran-Contra scandal.</li> </ul>	<p><b>Guest Speaker:</b> Andrés Oppenheimer</p>

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TIME	TOPIC	SPEAKERS
2:15 pm – 3:30 pm <b>BREAKOUT SESSION 5A</b>	<p><b>Restrictive Covenants, Trade Secrets, and Other Key Worries in Drafting Cross-Border Employment Agreements in Latin America and Other Regions in the World</b></p> <p>Studies suggest that over 50 per cent of employees who resign or are discharged acknowledge taking proprietary data from their employers. As a tool to protect confidential information and remain competitive, global companies need to ensure that the post-employment restrictions are in fact enforceable across geographical borders. Topics will include:</p> <ul style="list-style-type: none"> <li>• Regulatory restrictions on restrictive covenants</li> <li>• Strategies to protect trade secrets</li> <li>• Cross-border enforcement of non-competes</li> <li>• Choice of law and choice of forum clauses</li> <li>• Mandatory arbitration in cross-border agreements</li> </ul>	<p><b>Littler Global:</b> Philip M. Berkowitz (New York City)* Alejandro Trejos Gómez (Costa Rica) Emma Neher (Venezuela)</p>
2:15 pm – 3:30 pm <b>BREAKOUT SESSION 5B</b>	<p><b>Global Mobility Solutions: Managing Expats through the Maze of Immigration, Compensation and Benefits Regulations</b></p> <p>Global commerce increasingly leads companies to mobilize their personnel across borders. This program will provide guidance on how to manage the transfer of personnel across borders with greater ease, taking into account the different regulatory frameworks. Key considerations to be discussed include:</p> <ul style="list-style-type: none"> <li>• Structuring the assignment to avoid common pitfalls</li> <li>• Compensation, immigration, benefits and tax planning</li> <li>• Secondment Arrangements: Jurisdictions with limited or expanded rights for secondees</li> </ul>	<p><b>Littler Global:</b> Johan Lubbe (New York)* Jorge Lopez (Miami) Naomi Sheridan (Los Angeles and Australia)</p> <p><b>Guest Speaker:</b> Lee. E. Boyd, Esq, Vice President, Law &amp; Compliance, Sealed Air Corporation</p>
3:30 pm – 3:45 pm	<b>Coffee Break</b>	
3:45 pm – 5:00 pm <b>BREAKOUT SESSION 6A</b>	<p><b>How to Prepare for Employment Litigation in Brazil, Colombia, Mexico, and Venezuela</b></p> <p>This program aims to provide a disciplined and practical approach to prepare for a pre-termination or post termination litigation when conducting business in any of these major economies. Topics to discuss include:</p> <ul style="list-style-type: none"> <li>• Understanding the key distinctions between each country’s legal systems</li> <li>• Common challenges and pitfalls, including novel and run-of-the-mill plaintiffs’ claims</li> <li>• Preservation of evidence, long-arm jurisdiction, length of trials, costs, risk exposure, including the concept of “moral damages”</li> <li>• Using ADR (alternative dispute resolution) methods to resolve disputes</li> </ul>	<p><b>Littler Global:</b> Juan Carlos Varela (Venezuela)* Enrique García Conde (Mexico) Renata Neeser (New York and Brazil) Luis Alejandro Córdoba Escamilla (Colombia)</p>

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TIME	TOPIC	SPEAKERS
<b>3:45 pm – 5:00 pm</b> <b>BREAKOUT</b> <b>SESSION 6B</b>	<p><b>Health and Safety Risks for Your Traveling Employees: What Steps Can Employers Take to Protect Employees Working Overseas and Mitigate the Risks?</b></p> <p>Just as there are compensation and benefits implications when sending employees to work abroad, employers face risks and challenges associated with keeping an employee safe during an oversea assignment. In an interactive discussion, this program will provide, among other things, recommendations on implementing a global travel security plan. Topics to be discussed will also include:</p> <ul style="list-style-type: none"> <li>• What are the most common threats to the traveling employee?</li> <li>• Recommendations for an employer’s first response to an unexpected crisis in the host country</li> <li>• What duty of care does the employer owe to the employee while the employee is working in the host country?</li> <li>• Key characteristics of a comprehensive security plan for overseas assignments</li> </ul>	<p><b>Littler Global:</b>  Michael P. Royal (Dallas)*  Thomas Benjamin (Ben) Huggett (Philadelphia)  Emma Neher (Venezuela)  Jaime Solís Canjura (El Salvador)</p> <p><b>Guest Speaker:</b>  Frances Phillips Taft, Assoc. General Counsel, Labor &amp; Employment GE Infrastructure, GE Oil &amp; Gas</p>
<b>6:00 pm – 7:30 pm</b>	<b>Reception &amp; Networking</b>	

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### FRIDAY, MARCH 6

TIME	TOPIC	SPEAKERS
7:30 am – 8:30 am	<b>Registration &amp; Breakfast</b>	
8:30 am – 9:45 am <b>GENERAL SESSION 7</b>	<p><b>Cybersecurity: Protecting Your Company’s Confidential Information in the Age of Cloud Computing and BYOD and Responding to Security Breaches When Those Protections Fall Short</b></p> <p>An increasing number of employers are exploring the option of relying on “cloud computing” to enable the access to personnel records from any part of the world. Other employers are considering whether implementing a “bring your own device” program will expose them to data security breaches. This session will provide human resources professionals and in-house employment counsel with practical recommendations for implementing these technologies in compliance with multiple data protection laws and responding to a multinational security breach.</p>	<p><b>Littler Global:</b> Philip L. Gordon (Denver)* Michael J. McGuire (Minneapolis)</p> <p><b>Guest Speakers:</b> Juan Bonilla Blasco, Partner, Cuatrecasas, Gonçalves Pereira (Spain) Timothy Ryan, Managing Director, Kroll Advisory Solutions</p>
9:45 am – 11:00 am <b>BREAKOUT SESSION 8A</b>	<p><b>Transfers of an Undertaking and Collective Redundancies: Key Considerations for Employers in Latin America</b></p> <p>The labor and employment law climate in Latin America has experienced some changes relative to transfers of an undertaking and collective redundancies. This program will examine the current state of the law in major Latin American economies. Topics to discuss include:</p> <ul style="list-style-type: none"> <li>• Employers’ rights and obligations in the current regulatory environment</li> <li>• Reduction in Force: Substantive and procedural requirements</li> <li>• Layoffs: What are the relevant selection models and common strategies for managing layoffs?</li> </ul>	<p><b>Littler Global:</b> Juan Carlos Varela (Venezuela)* Mónica Schiaffino (Mexico) Ricardo Alemán (Panama)</p> <p><b>Guest Speaker:</b> Enrique Munita, Partner, Philippi (Chile)</p>
9:45 am – 11:00 am <b>BREAKOUT SESSION 8B</b>	<p><b>Business and Human Rights: The Increased Expectations Placed on Companies to Respect Human Rights and Strategies to Mitigate the Adverse Impact</b></p> <p>Under the “Guiding Principles on Business and Human Rights,” adopted by United Nations, businesses are expected to establish a policy and program to address an employer’s impact on human rights wherever they operate. Human rights consist of many aspects, including principles established by the International Labour Organization that must be considered by human resources professionals and counsel. This program will provide an overview of the UN Guiding Principles and how a company’s approach to them will affect the human resources, labor relations and legal functions in a company. Topics will include:</p> <ul style="list-style-type: none"> <li>• Assessing risks posed by third parties (part of supply chain), global unions, and other areas</li> <li>• Due diligence and preemptive risk management</li> <li>• Development and global implementation of comprehensive human rights policies</li> <li>• Remedy considerations</li> </ul>	<p><b>Littler Global:</b> Stefan Marculewicz (Washington, D.C.)* Michael G. Congiu (Chicago)</p> <p><b>Guest Speakers:</b> Robert Avinoam, JD, Director and Senior Counsel, Labour Relations, Scotiabank Frances Phillips Taft, Assoc. General Counsel, Labor &amp; Employment GE Infrastructure, GE Oil &amp; Gas</p>
11:00 am – 11:15 am	<b>Coffee Break</b>	

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### FRIDAY, MARCH 6

TIME	TOPIC	SPEAKERS
11:15 am – 12:30 pm <b>BREAKOUT SESSION 9A</b>	<p><b>Understanding Puerto Rico Law in 2015</b></p> <p>This program provides comprehensive guidance on the complex employment laws impacting employers with operations in Puerto Rico, with special focus on the interplay between the U.S. federal legislation and Puerto Rico laws, including wage and hour laws, licenses and employee benefits, and a discussion on the new employment law legislation enacted during 2014 requiring special attention by employers.</p>	<p><b>Littler Global:</b></p> <p>Rafael E. Aguiló-Vélez (Puerto Rico)*            Mariela Rexach (Puerto Rico)            Lourdes C. Hernández-Venegas (Puerto Rico)            Erika Berríos Berríos (Puerto Rico)</p>
11:15 am – 12:30 pm <b>BREAKOUT SESSION 9B</b>	<p><b>An Update on Industrial Relations in Latin America, Europe and Asia</b></p> <p>With an impressive panel of experienced practitioners, this program will provide a unique opportunity to understand crucial developments in these geographical regions in the area of industrial relations and in light of the unions' increasing globalization efforts. This session will also discuss:</p> <ul style="list-style-type: none"> <li>• Corporate strategies to address organizing and bargaining</li> <li>• Key considerations for managing relations with unions and works councils</li> <li>• Jurisdictions where employers are required to become members of and bargain with federations</li> </ul>	<p><b>Littler Global:</b></p> <p>Oscar de la Vega (Mexico)*            Hyunjae Park (Littler Los Angeles and Partner, Kim &amp; Chang, South Korea)            Ricardo Alonso (Venezuela)            Stefan Marculewicz (Washington, D.C.)</p>
12:30 pm – 2:00 pm <b>GENERAL SESSION 10</b>	<p><b>Luncheon w/ Special Presentations:</b></p> <p><b>Corporate Social Responsibility in Latin America: Brazil's Corporate Tax Program</b></p> <p>The Salvation Army provides much needed assistance to the underprivileged throughout Brazil on the basis of Brazil's corporate tax program, which allows companies to donate up to 6% of their corporate taxes to a charitable project in the region. This session will briefly discuss this tax program and how organizations can implement a corporate social responsibility program of this nature in their region.</p> <p><b>Ethical Issues Arising in Cross-Border Investigations</b></p> <p>This hour-long program will address how to safely navigate some of the most common and challenging ethical issues facing a company's legal department when conducting cross-border investigations of employment-related claims. Topics to discuss will include:</p> <ul style="list-style-type: none"> <li>• Update: International enforcement of Sarbanes-Oxley Act (SOX), Dodd Frank, Foreign Corrupt Practices Act (FCPA) and UK Bribery Act</li> <li>• Ethical minefields when investigating employment law claims across borders</li> <li>• Attorney-client privilege: Protecting the privilege when conducting cross-border investigations</li> <li>• Privacy and discovery: Protecting confidential information/avoiding inadvertent production of privileged information in discovery/collection of workplace e-mails, social media and other electronic data</li> <li>• Cultural Issues when interacting with witnesses and personnel in operations overseas</li> </ul>	<p><b>Guest Speakers:</b></p> <p>Derek Linsell, CEO and Founder, Apricot Consulting            Shannon Powell, General Counsel, Apricot Consulting</p> <p><b>Littler Global:</b></p> <p>Philip M. Berkowitz (New York City)*            Bruce R. Millman (New York City)</p>
2:00 pm	<b>Conference Adjourns</b>	