CPD Hours 7

Third Transatlantic Conference

Organized by ELA International Committee in conjunction with American Bar Association, International Labor & Employment Law Committee of the Section of Labor & Employment Law

Monday 7 October 2013, London

Employment Lawyers Association,
P.O. Box 353,
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**Third Transatlantic Conference**  
Organised by ELA International Committee in conjunction with American Bar Association, International Labor & Employment Law Committee of the Section of Labor & Employment Law

**Monday 7 October 2013**  
CPD hours: 7  
Time: 7.45am for 8.30am start to 5.15pm  
Drinks Reception: 5.30pm – 7.00pm

**Fee:** £220 plus VAT per delegate (VAT not applicable to delegates based overseas). The fee includes all refreshments and conference papers.

**Venue:** BMA House Tavistock Square London WC1H 9JP  
http://www.bmahouse.org.uk/bmahouse.nsf/Content/WhereToFindUs

We are pleased to inform you that ELA will once again be joining forces with the ABA International Labor & Employment Law Committee of the Section of Labor & Employment Law for this one-day event.

We will be exploring cross-border employment issues ranging from team moves and privacy issues, discrimination through cross-border acquisitions and managing cross-border litigation.

Delegates will have an opportunity to join two plenary sessions and to sit in on numerous break out discussion groups, involving leading employment lawyers from both sides of the Atlantic.

**PROGRAMME**

**7.45am**  
Registration

**8.30am**  
Introductory Remarks  
Juliet Carp, Chair of ELA International Committee; Speechly Bircham LLP

**8.45am**  
Plenary Session: What do multi-nationals regard as their most pressing employment issues?

**Moderator:** Ming Henderson, Seyfarth Shaw (UK) LLP

**ELA**  
Vance Kearney, Oracle EMEA HR Director, Vice President  
Hilary Schrader, Senior Employment Counsel - International, NBC Universal

**ABA**  
Terry Fitz, Employment Counsel, Seagate USA  
Mike Putetti, Bank of America Merrill Lynch, USA

This panel of experienced in-house legal and HR professionals will focus on the most significant employment law issues facing them, which outside counsel need to understand and be prepared to address.

**10.00am**  
Tea/Coffee
10.20am – 11.35  Breakout sessions I (Choice of three):

1A Team Moves and Restrictive Covenants
Moderator: Wendi Lazar, Outten & Golden LLP
There has been a resurgence in team moves. Many teams have unhappily weathered the economic storms at their current place of work and have decided that now is the right time to move. In the UK, the recent spate of case law on team moves merits close study.
This panel will look at in-country and cross-border issues that arise on a team move, including implied rights and obligations, fiduciary and fidelity issues, the use of (and difficulties in enforcing) restrictive covenants and jurisdiction.

ELA Panel:
 Paul Goulding QC, Blackstone Chambers
Clive Howard, Slater & Gordon (UK) LLP

ABA Panel:
 Wendi Lazar, Outten & Golden LLP
David J Millstone, Squire Sanders

1B Monitoring Technology & Privacy
Moderator: Clare Murray, CM Murray LLP
New technologies (e.g., GPS tracking, radio frequency identification chips, technologies for e-discovery) are facilitating improved worker productivity and benefitting employers. The use of such technologies in the workplace creates a wide range of employment law concerns for employees.
What are the rights to privacy in the UK and US? What workplace technologies are being developed? What are the employment law concerns that should be considered and can employees be disciplined based on the information obtained – and what are the risks?

ELA Panel:
 Timothy Pitt-Payne QC, 11 KBW
Rob Weston, Director – Forensic Technology, KPMG

ABA Panel:
 Danny Kaufer, Heenan Blaikie (Canada)
Nicole Walthour, International Paper, US

1C The Challenges of Cross-Border Acquisitions
Moderator: Henry Clinton-Davis, Arnold & Porter LLP
This panel will look at the employment aspects of cross-border acquisitions and will bring together the expertise of private practice specialists and in-house counsel to consider the challenges of how to combine operations seamlessly in multiple jurisdictions, whilst at the same time maintaining business continuity.
The panel will give practical guidance to address challenges such as consultation requirements, retention and attrition, implementing global programmes, automatic transfer of employees, collective redundancies and changing contractual terms and conditions.

ELA Panel:
 Matthew Briggs, Employment Counsel, Google UK
Henry Clinton-Davis, Arnold & Porter LLP

ABA Panel:
 Terry Fitz, Seagate USA
Stephen Moldof, Cohen, Weiss & Simon LLP

10 minute gap to allow time for attendees to change rooms for next session
Breakout sessions II (Choice of three):

**2A General EU & Transatlantic updates / trends**

*Moderator: Toni Lorenzo, Lewis Silkin LLP*

Overview of recent changes in legislation and upcoming reforms that are likely to affect all EU countries and North America. The topics may be reviewed nearer the time, but at this stage, here are some issues that appear to be current or upcoming:

- Obama administration regulatory approach to labor and employment
- Labor law reform
- Reform of Collective redundancies and consultation.

**ELA Panel:**
- Toni Lorenzo, Lewis Silkin LLP
- Claire Toumieux, Flichy Grangé & Associés, Paris (France)

**ABA Panel:**
- Rick Seymour, Law Office of Richard T. Seymour, P.L.L.C
- Mort Mitchnick, Borden Ladner Gervais LLP (Canada)

**2B Corporate Whistleblowing and Wrongdoing**

*Moderator: Stéphanie Godof, EMEA Employment Counsel, GE (France)*

The Dodd-Frank Act, the UK Bribery Act and the US Foreign Corrupt Practices Act all require active attention and awareness. What do employers and employment counsel need to know to steer through this minefield? The panel will also address legal privilege, whistleblowing, and effective investigations.

**ELA Panel:**
- Stéphanie Godof, EMEA Employment Counsel, GE (France)
- Simon McMenemy, Signet Partners LLP

**ABA Panel:**
- Michael Delikat, Orrick Herrington & Sutcliffe LLP
- D. Jan Duffy, Management Practices Group

**2C Compensation and Discrimination/Equal Pay Issues in the Financial Services Sector**

*Moderator: Christine Cooper, Professor, Loyola University Chicago School of Law*

This panel will look at equal pay and promotion in the financial services sector, along with other issues such as caps on bonuses, deferred compensation and recoupment.

**ELA Panel:**
- Christopher Walter, Covington & Burling LLP
- Joanna Blackburn, Mishcon de Reya

**ABA Panel:**
- Wayne Outten, Outten & Golden LLP
- Adam Klein, Outten & Golden LLP
- Barbara Brown, Paul Hastings

**1.00pm** Lunch
2.15pm – 3.30pm  Breakout sessions III (Choice of three):

### 3A  Atypical Workers

**Moderator:** Juliet Carp, Speechly Bircham LLP

This panel will take a look at developments in atypical working arrangements, such as agency arrangements, fixed term contracts, self-employed commercial agents, “zero-hour” employees, seasonal employees, job sharing, employees of sub-contractors, “virtual” and cross-border team working and international commuter arrangements. This will be an opportunity to look at the practical challenges of hiring flexible workforces and management of risk and legal constraints.

**ELA Panel:**
- Vicente Calle, Garrigues, Madrid (Spain)
- Jules Quinn, Jones Day

**ABA Panel:**
- Rick Seymour, Law Office of Richard T. Seymour, P.L.L.C
- Tahl Tyson, Littler Mendelson

### 3B  Managing Litigation: Issues in Disclosure / Discovery – Contrast & Compare, US/UK and EU

**Moderator:** Andrew Taggart, Herbert Smith Freehills LLP

More and more employment disputes involve gathering evidence in other countries. This session will address the differences in approaches and strategies for gathering evidence; record-retention requirements and rules for confidential or privileged information.

**ELA Panel:**
- Henning Wiehe, Wiehe Scharm, Frankfurt (Germany)
- Andrew Taggart, Herbert Smith Freehills LLP

**ABA:**
- David Lopez, General Counsel, Equal Employment Opportunity Commission
- Philip Berkowitz, Littler Mendelson

### 3C  Religious Discrimination

**Moderator:** Anne Radolinski, Fredrikson & Byron, P.A

Multi-cultural workforces and religious, ethnic, and economic strife are making the workplace a battleground for religious and cultural wars. Religious discrimination has become an increasing area of litigation in the UK. Looking at some practical examples and case law, this panel will look at common situations which can constitute religious discrimination including consideration of Human Rights issues:

- Working time and holidays
- Company uniform
- Organisations with religious beliefs

**ELA Panel:**
- Karon Monaghan QC, Matrix Chambers
- Stephen Levinson, RadcliffesLeBrasseur

**ABA Panel:**
- Anne Radolinski, Fredrikson & Byron, P.A.
- Steven Sheinberg, General Counsel, Anti-Defamation League
3.30pm    Tea/Coffee

3.45 pm  Plenary Session – Case Study addressing the following issues:

- Cross border US/UK fact pattern raising potential sexual harassment, performance, pregnancy/maternity leave & promotion issues
- Strategic considerations on how best to manage litigation in US/UK, including EEOC involvement from a plaintiff and defendant standpoint
- Assessment/value of claims in US/UK
- Mediation strategies

Moderator: Wayne Outten, Outten & Golden LLP

ELA Panel:
Ed Gelsthorpe, Chief Counsel Labour Law, BAE Systems plc
Lisa Mayhew, Berwin Leighton Paisner LLP

ABA Panel:
Barry Goldstein, Goldstein, Borgen, Dardarian & Ho
Gary Siniscalco, Orrick Herrington & Sutcliffe LLP
Alexa Pappas, Global Head of Employment Law, Morgan Stanley

5.15pm    Closing Remarks

5.30pm – 7.00pm   Drinks Reception
**Accommodation information**

Special discounted rates have been negotiated by the conference venue, BMA House, at four local hotels for use by BMA delegates and guests. If you experience any problems with your booking please liaise directly with the relevant contact at each hotel. Rates are subject to availability.

**Hilton – London, Euston**

17-18 Upper Woburn Place, London, WC1H 0HT.
T +44(0)20 7943 4644 F +44(0)20 7387 5102
E reservations.euston@hilton.com W www.hilton.co.uk/euston

If you experience any problems with your booking please contact: Dylan Schiffer (Sales Manager) on +44(0)20 7943 4644, email: dylan.schiffer@hilton.com

Per room, per night with breakfast - Guest rate: At all times £170.40 (Tue-Wed), £164.40 (Thu-Mon)

**Holiday Inn – London, Bloomsbury**

Coram Street, London, WC1N 1HT.
T 0870 400 9222 F 020 7713 5954
E reservations-bloomsbury@ichotelsgroup.com W www.holiday-inn.com

In order to book please quote ‘BMA House’

If you experience any problems with your booking please contact: Stephanie Wong – (Sales Manager) on 0773 674 6040

Per room, per night with breakfast - Guest rate: At all times £170.40 (Tue-Wed), £164.40 (Thu-Mon)

**Pullman – London, St Pancras**

100-110 Euston Road, London, NW1 2AJ.
T +44(0)20 7666 9010 F +44(0)20 7666 9001
E H5309-SL3@accor.com W www.pullmanhotels.com/5309

In order to book please quote ‘BMA House’

If you experience any problems with your booking please contact: Jeremy Daudin, Account Development Manager on +44(0)20 7666 9005 or +44(0)7798 667599

Per room, per night with breakfast: Guest rate: At all times subject to availability £178.00

**Ambassadors Bloomsbury – London, Euston**

12 Upper Woburn Place, London, WC1H 0HX.
T +44(0)20 7693 5414 F +44(0)20 7388 9930
E reservations@ambassadors.co.uk W www.ambassadors.co.uk

If you experience any problems with your booking please contact:

Sharon Baker on +44(0)20 7693 5400

Per room, single/double occupancy, with breakfast Guest rate: (Tues. to Thurs.) £162.00, (Fri. to Sun.) £138.00, (Monday) £159.60

**DoubleTree by Hilton Hotel – London, West End**

92 Southampton Row, London, WC1B 4BH.
T +44(0)20 7400 3800 F +44(0)20 7831 9170
E reservations@dtlondonwestend.com

When booking, please use BMA Corporate i.d. D227068178

If you experience any problems with your booking, please contact the above Reservations no. or call Marcos Pires (Sales) on +44(0)207 400 1668 Mobile +44(0)79 491 931 41

Per room, per night, with breakfast (Standard room, Double/Twin, single occupancy)

Guest rate (Mon-Fri) £174.00, (Sat-Sun) £156.00
Booking Details

Workshop Fee
£220 plus VAT per delegate (VAT not applicable to delegates based overseas)

Booking
Please complete the Booking Form below if you are not a member of ELA. Members of ELA may book online at [insert link]

Payment by direct bank transfer to the following account:

Name of account: Employment Lawyers Association
Sort Code: 08-92-99
Account number: 65508482
Bank name: The Cooperative Bank
Address of bank: P.O. Box 250, Delph House, Skelmersdale WN8 6WT
SWIFT Code (US payments only): CPBKGB22
IBAN (European payments only): GB16CPBK08929965508482

Please quote reference: ABAELA when making your payment
VAT is not payable if you are based overseas
Payment must be received before the start of the event.

Venue
BMA House Tavistock Square London WC1H 9JP

Cancellations
Fees (less 20% administration charge) will be refunded when written cancellation requests are received fourteen days before the workshop date. Thereafter, no refunds will be made, although delegates may be substituted at any time at no extra charge. The organisers reserve the right to alter the programme and speakers should the need arise.
Booking Form

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Please register the following delegate for the above event. (Please copy this form if registering multiple delegates.)

TITLE___________________________
FIRST NAME___________________________________________________________________________
SURNAME_____________________________________________________________________________
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I have paid the Employment Lawyers Association
£……………………………… by direct bank transfer
On………………………….(enter date payment sent)

£220 + VAT per delegate. VAT is not payable if you are based overseas
£264.00 including VAT per delegate

Please return this form to the Employment Lawyers Association:
Employment Lawyers Association
P.O. Box 353, Uxbridge UB10 0UN
Tel/Fax: 01895 256972
E-mail: ela@elaweb.org.uk

Please specify below any dietary/special needs requirements.