

American Bar Association Section of Labor & Employment Law
International Labor and Employment Law Committee
Midyear Meeting
The Westbury Hotel ~ Dublin, Ireland
May 7-11, 2017

PROGRAM AGENDA

Sunday, May 7

4:30 – 6:30 p.m. Musical Pub Crawl (*optional ticketed event*)

7:00 – 9:00 p.m. Welcome Reception at The Westbury Hotel

Monday, May 8

Welcome to Ireland

7:30 – 8:00 a.m. Registration

8:00 – 8:05 a.m. **Welcome by Committee Co-Chairs**
Robert B. Stulberg, *Broach & Stulberg, LLP, New York, New York*
Mike Delikat, *Orrick Herrington & Sutcliffe LLP, New York, New York*
Owen Herrnstadt, *LAMAW, Upper Marlboro, MD*

8:05 – 8:20 a.m. **Opening Remarks from U.S. and Ireland Dignitaries**

8:20 – 8:50 a.m. **Keynote Address: TBA**

8:50 – 10:05 a.m. **Ireland: The Changing Labor and Employment Landscape on the Emerald Isle**
Leading legal experts will explore the institutions, laws, policies and practices of Irish labor and employment law, and the cultural and historical roots from which they have developed. The panel will address, among other things, the recent adoption of a comprehensive “New System” for adjudicating workplace disputes, and major changes in laws governing union recognition, injunctions blocking executive terminations, and expansion of Ireland’s robust Equality Code and family/parenting protections.

10:05 – 10:20 a.m. **Coffee Break**

Brexit, Trump and Beyond

10:20 a.m. – 12:30 p.m. **Brexit and Beyond: How the New Political Landscapes in the U.S. and U.K. Will Impact Workplace Law around the World**
With the U.K.’s impending exit from the EU, a new U.S. administration seeking dramatic changes in labor and employment policy, and the growing emergence of populist, nativist and/or isolationist movements in other nations, longstanding standards of workplace governance and law are in rapid flux. Panels A and B will examine how these developments will affect employers, employees and labor unions in the United States and the rest of the world.

- A. **With Trump Towering in the U.S., How Will Labor & Employment Laws and Standards Change at Home?**
A panel of North American labor and employment law experts will examine how the new administration’s policies and actions have already affected, and could affect in the future, U.S. labor and employment law and regulations, particularly with respect to organizing rights, minimum, overtime and prevailing wages, benefits and discrimination. The panel also will discuss how a new Supreme Court appointment could alter federal labor and employment jurisprudence, and how administration opponents are increasingly turning to “states’ rights” as the primary source of workplace protections.

B. With the UK Exiting the EU and Similar Movements Gaining Ground Elsewhere, How Will Labor and Employment Laws & Standards Change Abroad?

A panel of U.K., E.U. and North American labor and employment law experts will examine how Brexit and similar political upheavals in their jurisdictions will affect cross-border workplaces, international and multi-national labor standards, and international labor and employment law practice. The panel will survey recent workplace law changes fostered by proponents and opponents of the new political orders. Emphasis will be placed on practical ways that practitioners (public and private sector, in-house and outside, government, judiciary, ADR neutrals) will need to respond to those changes.

1:30 – 5:30 p.m. **Dublin City Tour (*optional ticketed event*)**

7:00 – 8:30 p.m. **Cocktail Reception at *Mason Hayes & Curran***

Tuesday, May 9

**Globalization's Impact on Labor and Employment Law:
How the Issue Is Shaping the Workplace**

8:00 – 9:15 a.m. **Enforcing Responsible Business Conduct in a Changing Political Environment**

Efforts to enforce responsible cross-border business conduct make use of many legal instruments, including recently enacted national laws like the U.K. Anti-Slavery Act and the U.S. Justice for Victims of Trafficking Act, state consumer laws, Organization for Economic Cooperation and Development Guidelines on Multinationals, and voluntary agreements like the Bangladesh Accord. The panel will examine these laws, guidelines and agreements, discuss their effectiveness to date, and explore their future in a rapidly changing political environment.

9:15 – 10:30 a.m. **Where the Work Gets Done:
The Changing Climate for Corporate Decision-making**

Corporate decisions about where to manufacture, assemble, design and service products have a direct impact on the workforce and are influenced by many factors, including tax laws, investment rules, trade policies, union contracts, and, more recently, government efforts to pressure multinationals to rethink decisions on where the work should get done. This panel will examine how these decisions are made, their impact on employers, unions and employees, whether such government pressure represents a resurgence of protectionism and, if so, how that resurgence will affect labor markets.

10:30 – 10:45 a.m. **Coffee Break**

10:45 a.m. – 12:00 p.m. **Anti-immigration Efforts in the U.S., U.K. and E.U. and Their Impact on Labor & Employment Law and Practice**

On January 27, 2017, President Trump signed an Executive Order imposing a ban on entry of individuals into the U.S. from seven countries populated predominantly by Muslims. The EO impacts not only refugees fleeing oppressive regimes, but also U.S. employers who rely heavily on a multinational workforce to produce their products and deliver their services. At the same time, Brexit raises serious questions about how the breakup will affect freedom of movement of skilled and unskilled workforces to and from the U.K. This panel of immigration and labor/employment experts will examine the evolving legal frameworks at the intersection of immigration and employment, and their significance for employers, employees and labor unions worldwide.

1:00 – 6:00 p.m. **Wicklow Tour with Picnic Lunch in Glendalough (*optional ticketed event*)**

7:00 – 8:30 p.m. **Cocktail Reception at *Matheson***

Wednesday, May 10

Hot Cross Border Issues

- 8:00 – 8:30 a.m. Committee Business Meeting and Update from Section Leadership**
Robert B. Stulberg, *Employee Co-Chair, Broach & Stulberg, LLP, New York, New York*
Mike Delikat, *Employer Co-Chair, Orrick Herrington & Sutcliffe LLP, New York, New York*
Owen Herrnstadt, *Union & Employee Co-Chair, LAMAW, Upper Marlboro, MD*
Gail Golman Holtzman, *Section Chair, Jackson Lewis PC, Tampa, Florida*
Don Slesnick, *Section Chair-Elect, Slesnick & Casey LLP, Coral Gables, Florida*
Joyce Margulies, *Employer Council Liaison, Margulies Employment Law*
Wayne N. Outten, *Employee Council Liaison, Outten & Golden, LLP, New York, New York*
- 8:30 – 9:45 a.m. Please Mind the Gap:
A Cross-Border Comparison of New Laws and Initiatives to Equal Pay**
Equal pay has moved to the forefront of legislative, regulatory, political, shareholder, employee and public concern. With the recent unprecedented wave of legislation and initiatives enacted in the U.S. and abroad to address the pay gap, including new state legislation and mandatory pay data disclosure and pay transparency requirements in the U.S., the U.K. and EU, this panel will provide the latest developments for practitioners representing employers, employees and unions. This panel also will discuss the first wave of litigation arising from this new legislation, ongoing litigation brought under the Equal Pay Act, as well as other steps that employees, labor unions and employers are taking to proactively address these concerns.
- 9:45 – 10:45 a.m. Company Relocations and Restructurings:
More Brexit Implications for Multinationals and their Workforces**
UK lawyers are not alone in their search for a new EU base outside of London. Concerns about single market access and the preservation of freedom of movement are leading a broad array of multinationals to consider whether to relocate (whether to Dublin or elsewhere in the EU), to restructure, or to merge. These cross-border moves will present significant challenges to employers, labor unions and individual employees who are caught in the middle. The panel of employer, union and individual employee representatives will discuss these challenges and the legal tools and other steps needed to address them
- 10:45 – 11:00 a.m. Coffee Break**
- 11:00 a.m. – 12:15 p.m. The Legal and Other Challenges to the “Gig Economy” around the Globe:
What's the Score?**
The new age of ‘app-driven’ businesses has challenged fundamental tenets of the employer/employee relationship around the globe, and has produced a wave of legal challenges from legislators, regulators and private plaintiffs. This panel will discuss the status of statutory, regulatory and court-based challenges to, as well as organizing drives directed at, these alternative work models in various countries, and solutions that are being crafted in an effort to compromise the clashing interests of stakeholders in those disputes. The panel also will address how regulation of these businesses, as well companies using contingent, temporary or zero hours workforces, may be affected by the changing political landscape in the U.S., U.K., E.U. and elsewhere.
- 2:00 – 4:00 p.m. Literary Pub Crawl (optional ticketed event)**
- 7:00 – 10:30 p.m. Gala Dinner and Reception at Royal Hospital Kilmainham**

Thursday, May 11

Industry Day:
Exploring Key Global L&E Issues in Three Industry Groups

8:00 – 9:15 a.m.

Technology

How do California-based tech companies with operations around the world implement their workplace policies abroad, and what challenges are they and their workforces facing in jurisdictions with very different labor and employment regimens than those at home? Among other things, how is this industry dealing with the new EU General Data Protection Regulation, the UK and EU equal pay reporting laws, and conflicting trade secret and restrictive covenants laws?

9:15 – 10:30 a.m.

Pharma & Health Care

With challenges brewing to the Affordable Health Care Act, Medicare and Medicaid in the U.S., increasing attention is being paid to the way medical care and prescription drugs are provided to employees around the world. This global panel will explore the changing models for providing health/pharma employee benefits and for employing health care workers. The panel also will address the movement of large pharma companies to Ireland and other EU jurisdictions, often for tax reasons, and the impact of that movement on employers, labor unions and employees.

10:30 – 10:45 a.m.

Coffee Break

10:45 a.m. – 12:00 p.m. **Energy & Infrastructure**

As the demand for renewable energy and reliable infrastructure expand exponentially around the globe, these two industries are facing complex domestic and cross-border labor and employment issues, including how to protect their workers and the public from workplace and environmental hazards, how to assure a steady supply of blue collar and professional workers, and how to prevent exploitation of foreign workers subjected to indentured servitude in underground economies.