PROGRAM AGENDA

Sunday, May 3

7:00 p.m. – 9:00 p.m.  Welcome Reception at Ritz-Carlton Berlin

9:00 p.m. – 11:00 p.m. Optional Tour: Berlin Pub Crawl (optional ticketed event)

Monday, May 4

7:30 a.m. – 8:00 a.m.  Registration

8:00 a.m. – 8:15 a.m. Welcome by Committee Co-Chairs
Katherine Blostein, Outten & Golden LLP, New York, NY
David W. Garland, Epstein Becker & Green P.C., New York, NY
Clare Murray, CM Murray, London, United Kingdom
Jennifer “JJ” Rosenbaum, Global Labor Justice, Washington, DC

8:15 a.m. – 8:45 a.m. Keynote Message:
The Honorable Richard Grenell, U.S. Ambassador to Germany (invited)

8:45 a.m. – 9:45 a.m. The Eurozone:
Rise of the Right and Nationalism in Western Europe and Its Effects on the Workplace
The tide of nationalism continues to rise in Europe and has important implications not only politically, but also economically and legally. This panel will explore each of these aspects and what developments we can expect in 2020 and beyond.

9:45 a.m. – 10:45 a.m. The Many Pitfalls of Fixed-Term and Part-Time Employment in Germany and Elsewhere in Europe
Both fixed-term and part-time employment is strictly regulated in Germany and Europe. This panel will explore recent case law by the Federal Labor Court that raises questions and issues for employers and employees alike. As part of their discussions, the panel will address the German government’s 2018 coalition agreement, which provides for changes in fixed-term employment.

10:45 a.m. – 11:00 a.m. Refreshment Break

11:00 a.m. – 12:15 p.m. The New EU Directive on Transparent and Predictable Working Conditions
This new EU law introduces new minimum rights, as well as new rules on the information to be provided to workers about their working conditions. This panel will examine the new rules and their impact not only in Germany but also in other Member States, including those rules will notably affect the way online platforms operate in the EU.

2:00 p.m. – 4:00 p.m. Berlin Walking Tour, Part 1 (optional ticketed event)

7:00 p.m. – 9:00 p.m. Cocktail Reception at CMS Hasche Sigle

9:00 p.m. – 11:00 p.m. Dine-Around
Tuesday, May 5

8:00 a.m. – 9:00 a.m.  Reshaping European and National Works Councils in Multi-National Workplaces
In the US there is nothing quite like a Works Council (or equivalent) commonly found in Europe and elsewhere. Yet Works Councils (or equivalent forms of workplace representations) play a huge role when a US entity announces a global restructuring, a digital transformation, or changes to pay and benefits – the list goes on. This panel of international specialists will explore, from various perspectives, the implications of these different US-European realities and share real-life tips on how to successfully reshape Works Council relations in key European jurisdictions.

9:00 a.m. – 10:00 a.m.  Migrants and Refugees in the Workplace
While workplaces are increasingly diverse in the low, middle, and high skill arena, anti-immigrant and refugee positions are also growing as a component of political campaigns that appeal both to the economic decline experienced by many middle- and working-class families. These dynamics present challenges for employers of both high and low skilled migrants, those with global supply chains, and employers as civic and community actors. Panelists will examine the evolving legal frameworks at the intersection of immigration and employment and their significance for employers, employees and labor unions worldwide.

10:00 a.m. – 10:15 a.m.  Refreshment Break

10:15 a.m. – 11:15 a.m.  Freedom of Association and the Right to Organize
This panel will discuss labor relations developments in the U.S. and around the world with a focus on freedom of association and the right to organize including new research on the origins of the right to strike under international law.

11:15 a.m. – 12:15 p.m.  Trade Agreements, Trade Barriers and Trade Wars – What Do They Mean for Workers?
We are in an era of trade wars and tariffs, as the U.S. changes its trade relationships in North America (moving from NAFTA to USMCA), China, and elsewhere in Asia (withdrawing from the TPP). At the same time, BREXIT means changing trade relationships for the Great Britain and Europe. This panel will explore the implications of these developments on workers in various regions of the world.

1:00 p.m. – 4:00 p.m.  Berlin Walking Tour, Part 2 (optional ticketed event)

7:00 p.m. – 9:00 p.m.  Cocktail Reception at Beiten Burkhardt

Wednesday, May 6

8:00 a.m. – 8:30 a.m.  Committee Business Meeting and Update from Section Leadership
Katherine Blostein, Outten & Golden LLP, New York, NY
David W. Garland, Epstein Becker & Green P.C., New York, NY
Clare Murray, CM Murray, London, United Kingdom
Jennifer “JJ” Rosenbaum, Global Labor Justice, Washington, DC
Christopher T. Hexter, Section Chair, Shuchat, Cook & Werner, St. Louis, MO
Samantha C. Grant, Section Chair-Elect, Sheppard Mullin, Los Angeles, CA
Joseph E. Tilson, Employer Council Liaison, Cozen O’Connor, Chicago, IL
Don Slesnick, Union & Employee Council Liaison, Slesnick & Casey LLP, Coral Gables, FL.

8:30 a.m. – 9:45 a.m.  Increasing Productivity while Promoting Employees’ Health and Wellness: A Worldwide Study of Company Practices, including Impact on Lawyers
Microsoft Japan made headlines last year with its “Work Life Choice Challenge 2019 Summer”—while allowing its employees to have a 4-day week and 3-day weekend, the Company saw a 40% increase in productivity for the Japan location. Microsoft’s 4-day week experiment is an extreme example of employers all over the world taking steps towards implementing programs that try to improve employee’s health and wellness. This panel will focus on how employers (including law firms) in different areas of the world are implementing these programs and what employment law concerns can arise from these company practices.
9:45 a.m. – 10:45 a.m. **Addressing Labor Rights in Global Supply Chains**
This panel will discuss diverse perspectives on recent national law approaches to governing labor rights in global supply chains from both the due diligence and transparency perspectives along with emerging approaches to national litigation and global complaints. The panel of experts will address recent changes in the structure of the Bangladesh Accord on Building and Fire Safety and new research into options for arbitration and dispute resolution under similarly structured global agreements.

10:45 a.m. – 11:00 a.m. **Refreshment Break**

11:00 a.m. – 12:00 noon **Global Diversity Programs: Hot Topics, Successes and Failures**
With continuing pressure from shareholders, investors and employees, successful implementation and maintenance of a diversity and inclusion program remains one of the top concerns for employers and HR professionals around the globe. This panel will focus on the latest issues around implementation of such programs, including real world examples of successes and failures, tips on training programs and discussion of many regional and cultural differences that need to be considered when implementing these programs for global employers.

12:00 noon – 1:00 p.m. **The Global Impact of #MeToo**
Nearly three years after the birth of the #MeToo movement, harassment issues continue to be a focus of legislators and enforcement agencies. From new training requirements to equal pay laws and regulations, the #MeToo’s impact has been widespread. This panel will explore the latest developments in this area in the United States and elsewhere.

1:00 p.m. – 2:00 p.m. Gala Dinner at Bärensaal

**Thursday, May 7**

8:00 a.m. – 9:15 a.m. **Cross-Border Investigations and Privilege Issues**
With executives and other workers more internationally mobile than ever before, employers find themselves frequently with the challenge of investigating wrongdoing across multiple jurisdictions. This can present numerous issues including who to appoint as investigator, from which jurisdiction to manage the process, what, if anything, will be subject to attorney client privilege, which laws apply to the process and data privacy issues. This panel will examine a number of the key issues for employers, employees and unions who represent them, and strategies to navigate them. The impact of regulatory or criminal proceedings in multiple jurisdictions on privilege and process will also be explored.

9:15 a.m. – 10:30 a.m. **Developments in International Transactions and Executive Contracts and Compensation**
Increased activity in the world of global mergers and acquisitions is always coupled with various employment law concerns. This wide-reaching panel will consider the latest developments concerning international transactions—discussing employee transfers, participation rights of employee representatives, and many other issues. The panel will also focus on executive employee concerns, including discussing the latest developments in employment agreement issues around the globe such as non-compete enforcement in global transactions, terms around voluntary and involuntary exits (including contract language updates stemming from #MeToo movement issues).

10:30 a.m. – 10:45 a.m. **Refreshment Break**

10:45 a.m. – 11:45 a.m. **Contractor Compliance and Misclassification: Pitfalls and Potential Risks when Using Freelancers and Agencies**
How employers deal with contractors remains an important issue for multinationals and US based companies doing business in Europe. This panel will address global developments in this area, including for include gig/platform economy workers, crowd working, classification, and
the impact of digitalization of the workplace. This panel will explore recent legislative
developments in the US, particularly in California and New York, and what they mean for
multinational employers doing business in the US.

11:45 a.m. – 1:00 p.m. Ethics Issues for International Labor and Employment Lawyers
The way in which labor and employment lawyers conduct themselves is under intense scrutiny
to ensure that they are clearly acting not only in the interests of their clients, but in the interests
of justice and the wider public interest. This panel will debate the common ethical issues at the
heart of the role of international labor and employment specialists, and best practices to address
those issues. It will look at ethical issues such as (amongst others) pursuing speculative claims
and questionable defences, oppressive negotiation and litigation techniques; seeking
unenforceable settlement terms; dealing with vulnerable or unrepresented opponents; and
addressing the impact of different cultural approaches to doing business on the ethical
responsibilities of labor and employment lawyers working in different jurisdictions.