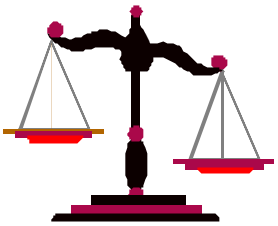
CENTER FOR INTERNATIONAL LEGAL STUDIES



# GLOBALIZATION OF HUMAN RESOURCES IN TIMES OF ECONOMIC UNCERTAINTY AND POLITICAL TURMOIL

**20 – 26 January 2002, Kitzbühel, Austria**

**In cooperation with Franklin Pierce Law Center and the**
**American Bar Association Section of International Law and Practice**

# SCHEDULE

## SUNDAY, 20 JANUARY

Individual Arrival during the day

**6.00 p.m**. Welcome Reception, Hotel Zur Tenne, Traders Bar

**7.00 p.m.** Opening Dinner, Hotel Zur Tenne, Tenne Unten

**Greeting:** Dennis Campbell, Director, Center for International Legal Studies, Salzburg, Austria.

**Introduction: Co-Chairmen:**
Donald C. Dowling, Jr., Hewitt Associates LLC, Lincolnshire, Illinois, United States and
Robert J. Mignin, Seyfarth, Shaw, Chicago, Illinois, United States

**Keynote Speaker:**
Andrew J. Samet, *Deputy Undersecretary of Labor for Internal Affairs and US Representative to ILO (1993-2001)* Sandler, Travis & Rosenberg, Washington, D.C., United States.
**Do Global Labor Standards Matter?**

## MONDAY, 21 JANUARY (MORNING)

Room: Tenne Oben (7.15 – 9.30 a.m.)

**GLOBALIZATION OF HUMAN RESOURCES IN TIMES OF POLITICAL AND ECONOMIC UNCERTAINTY: WHAT MULTINATIONALS ARE DOING TO MANAGE AND INTEGRATE DIVERSE GLOBAL WORKFORCE**
*A Panel Discussion Among International Labor/Employment Lawyers on the Trends They See in Their Multinational Clients' International Employment Laws Projects*

**Moderator:** Donald C. Dowling, Jr., Hewitt Associates LLC, Lincolnshire, Illinois, United States.

**Panelists:**

- David Greene, Edwin Coe Solicitors, London, England, United Kingdom.
- Tim Johnson, KLegal, London, England, United Kingdom.
- Els de Wind, Landwell, Amsterdam, The Netherlands.
- Erika C. Collins, Cooley Godward LLP, San Francisco, California, United States

## MONDAY, 21 JANUARY (LUNCH & LEARN)

Restaurant Hochkitzbühel (12.30 – 1.30 p.m.)

**NATIONAL PERSPECTIVES I**

**Moderator:** Patrick Birden, Birden & Gilson, Luxembourg, Luxembourg.

**Speakers:**

- Juliana Jack, Mello, Jones & Martin, Hamilton, Bermuda.
  **The Changing World of Employment in the Islands of Bermuda - is the Common Law a thing of the Past?**
- Pierre Van Haverbeke, Hoche Demolin & Brulard, Brussels, Belgium.
  **Sexual Harassment in Belgian Law**
- Robert A. Jones, The Jones Law Group, Walnut Creek, California, United States
  **Business-Related Immigration in United States High-Tech Industries**

## MONDAY, 21 JANUARY (AFTERNOON)

Room: Tenne Oben (4.00 – 6.30 p.m.)

### LABOR AND EMPLOYMENT LAWS ACROSS BORDERS: THE CONVERGENCE OF NATIONAL EMPLOYMENT LAWS WITH INTERNATIONAL STANDARDS

*A Whirlwind Tour of the Employment Laws of the World - Harmonizing National Labor and Employment Laws With International Standards - The ILO's Role in Internationally Harmonizing Labor/Employment Law - Regional Employment Law Harmonization: The EU and Caribbean Models*

**Moderator:** Walter Stella, Morrison & Foerster, San Francisco, California, United States.

**Speakers:**

- Nancy Sedmak, PRC International, Moscow, Russia.
- Adriane Dudley, Dudley Clark & Chan, St. Thomas, U.S. Virgin Islands.
- Michael John Downey, Koo & Partners, Hong Kong, China.
- Christopher Seaton, Burges Salmon Solicitors, Bristol, England, United Kingdom.

**7.00 p.m.** Departure to Dinner at Stanglwirt, Going

## TUESDAY, 22 JANUARY (MORNING)

Room: Tenne Oben (7.15 – 9.30 a.m.)

### MANAGING A DIVERSE GLOBAL WORKFORCE: DESIGNING AND IMPLEMENTING EXECUTIVE COMPENSATION PROGRAMS, EMPLOYEE BENEFITS AND PERFORMANCE MANAGEMENT STANDARDS

*Globalizing Pension/Retirement Plans - Globalizing Executive Compensation and Stock Option Plans - Global Approaches to Performance Management - Global Approaches to the "Talent Crisis" - Global Approaches to the Non-Traditional Workforce (Use of Independent Contractors, Temporary Employees, Leased Employees, Telecommuting and Outsourcing)*

**Moderator:** Burkhard Fürer, Hewitt Associates, Wiesbaden, Germany.

**Speakers:**

- Brian Buggy, Matheson Ormsby Prentice, Dublin, Ireland.
- Markus Doerig, Badertscher Doerig Poledna, Zurich, Switzerland
- George Melville Johnson, Melville Johnson PC, Atlanta, Georgia, United States.

## TUESDAY, 22 JANUARY (LUNCH & LEARN)

Restaurant Hochkitzbühel (12.30 – 1.30 p.m.)

### NATIONAL PERSPECTIVES II

**Moderator:** Hilary Belchak, Kingsley Napley, London, England, United Kingdom.

**Speakers:**

- Gilbert Licudi, Hassans, Gibraltar.
  **Employment Law in Gibraltar: An Overview for International Executives and Personnel**
- John F. Koryto, Miller, Johnson, Snell & Cummiskey, Kalamazoo, Michigan, United States.
  **Selecting and Obtaining the Right Visa for United States Business and Employment Opportunities**
- Marian Ming, Marian SK Ming & Associates, Chicago, Illinois, United States.
  **From Temporary to Permanent Residency Status in the United States: An Overview of American Working Visas and Residency Status**

## TUESDAY, 22 JANUARY (AFTERNOON)

Room: Tenne Oben (4.00 – 6.30 p.m.)

### SKILLS DEVELOPMENT WORKSHOP I: LABOR, EMPLOYMENT AND H.R. ISSUES ARISING IN A CROSS-JURISDICTIONAL MERGER OR ACQUISITION

*Due Diligence and Human Resources Investigations - Addressing Employee Benefits and Compensation - Retaining Trade Secrets - Structuring Post-Merger Integration - Consolidating and Eliminating Jobs - Integration of Diverse Workforces*

**Moderator:** Gerlind Wisskirchen, Norton Rose Vieregge, Cologne, Germany.

**Speakers:**

- Neil Irons, Hewitt Associates, Brussels, Belgium.
- Thomas Rihm, Bill, Isenegger & Ackermann, Zurich, Switzerland.
- Philippe Thomas, Lovells, Paris, France.
- Michael Magotsch, Coudert Schürmann, Frankfurt/Main, Germany.

Evening Free

## WEDNESDAY, 23 JANUARY (MORNING)

Room: Tenne Oben (7.15 – 9.30 a.m.)

### PRIVACY DILEMMA IN THE FACE OF POLITICAL AND ECONOMIC UNCERTAINTY: PROTECTING EMPLOYEE DATA AND RECORDS AND MAINTAINING CONFIDENTIALITY IN THE HIGH-TECH MULTINATIONAL WORKPLACE

*Privacy Concerns after September 11 - Impact of New Data Protection Laws - How the World's Data Protection Laws Affect Personnel Data - "Safe Harbor," Model Contracts, and Cross-Border Transfers of Employee Data in the Multinational Company - Best Practice Strategies: Harmonizing a Multinational's Approach to Employee Data Protection in the High-Tech Era of "e-HR" and HRIS/PeopleSoft - Protecting Confidential and Trade Secret Business Information Across National Borders - Enforcing Non-Compete Agreements Cross Borders*

**Moderator:** E. Johan Lubbe, Jackson Lewis Schnitzler & Krupman, White Plains, New York, United States.

**Speakers:**

- Ludo Deklerck, Thompson, Hine & Flory, Brussels, Belgium.
- Gilles Touchette, Ogilvy Renault, Montréal, Québec, Canada.
- Guy Fifield, Denton Wilde Sapte, London, England, United Kingdom.
- Achim Heuser, Rechtsanwalt, Oberhausen, Germany.

## WEDNESDAY, 23 JANUARY (LUNCH & LEARN)

Restaurant Hochkitzbühel (12.30 – 1.30 p.m.)

### NATIONAL PERSPECTIVES III

**Moderator:** Agnes Bihari, Bán, S. Szabo & Partners, Budapest, Hungary.

**Speakers:**

- George John Karayannides, Heenan Blaikie, Toronto, Ontario, Canada.
  **Human Rights: Equal Pay for Work of Equal Value, A Canadian Perspective**
- Regina Glaser, Heuking Kühn Lüer Wojtek, Düsseldorf, Germany.
  **Overview of the Most Important Obligations for Employers under German Labor Law**
- Francis Price, Reynolds, Mirth, Richards & Farmer, Edmonton, Alberta, Canada.
  **Innovative Remedies - Canada's Broadening Arbitral Jurisdiction**

## WEDNESDAY, 23 JANUARY (AFTERNOON)

Room: Tenne Oben (4.00 – 6.30 p.m.)

### SKILLS DEVELOPMENT WORKSHOP II: PROHIBITING HARASSMENT AND DISCRIMINATION IN THE GLOBAL WORKPLACE - A REVIEW OF LOCAL AND NATIONAL EMPLOYMENT STANDARDS AND DEVELOPMENT OF GLOBAL ANTI-HARASSMENT POLICIES

*Religious and Ethnic Tolerance - Convergence of Local Laws on Harassment and Discrimination – And Persisting Differences - Harassment as a Form of Discrimination versus Harassment as a Violation of Human Dignity - Do U.S.-Style Approaches Play Outside the U.S.? - "Zero Tolerance" versus Tolerance of Local Norms - Developing a Multinational Harassment/Discrimination Policy*

**Moderator:** D. Jan Duffy, Management Practice Group, Inc., San Francisco, California, United States.

**Speakers:**

- Clare Murray, Fox Williams, London, England, United Kingdom.
- Chris Engels, Claeys & Engels, Brussels, Belgium.
- Stephen Brown, McGrigor Donald, London, England, United Kingdom.
- Barb VanZanten, Clark Hill, PLLC, Detroit, Michigan, United States.
- Robert J. Mignin, Seyfarth, Shaw, Chicago, Illinois, United States.

**7.00 p.m.** Departure to Dinner at Lebenberg Palace

## THURSDAY, 24 JANUARY (MORNING)

Room: Tenne Oben (7.15 – 9.30 a.m.)

### SKILLS DEVELOPMENT WORKSHOP III: PRACTICAL LESSONS FROM THE FRONT: WHAT WORKS AND WHAT WENT WRONG

*A Panel of International Lawyers Reviews Recent Problems and Cases: How Cross-Border Labor and Employment Law Issues Affect Real-World Global Human Resource Operations*

**Moderator:** Roy L. Heenan, Heenan Blaikie, Montréal, Québec, Canada.

**Speakers:**

- Jane F. Greenman, Honeywell International, Inc., Morristown, New Jersey, United States.
- Malcolm Mason, Eversheds, London, England, United Kingdom.
- Christopher Walter, Covington & Burling, London, England, United Kingdom.
- Baba M. Zipkin, IBM Global Services, Somers, New York, United States.

## THURSDAY, 24 JANUARY (LUNCH & LEARN)

Restaurant Hochkitzbühel (12.30 – 1.30 p.m.)

**NATIONAL PERSPECTIVES IV**

**Moderator:** Inigo Sagardoy, Sagardoy Abogados, Madrid, Spain.

**Speakers:**

- Yoshikazu Sugino, Nagashima Ohno & Tsunematsu, Tokyo, Japan.
  **Recent Changes in the Employment Environment in Japan**
- Lauma Berzina, Deloitte & Touche, Riga, Latvia.
  **Influence of EU Legal Acts to Latvian Labor and Employment Law**
- Michal Hanko, Cermák Horejs Myslil, Prague, Czech Republic.
  **Labor Law in the Czech Republic - Foreign Investors Consideration**

## THURSDAY, 24 JANUARY (AFTERNOON)

Room: Tenne Oben (4.00 – 6.30 p.m.)

**SKILLS DEVELOPMENT WORKSHOP IV: RESPONDING TO POLITICAL AND ECONOMIC UNCERTAINTY: BUSINESS REORGANIZATION, CROSS-BORDER COLLECTIVE REDUNDANCIES/LAYOFFS/PLANT SHUTDOWNS/JOB RESTRUCTURINGS AND JOB ELIMINATIONS**

*Impact of Terrorism - Multi-Jurisdictional Layoffs and Collective Redundancies - Downsizings: The U.S. Approach versus the Continental Approach - Public Relations, Social Issues, and Corporate Identity - Workforce Restructuring Across Borders – Outsourcing - Use of Non-Traditional Workforce*

**Moderator:** Carl Bevernage, Loyens, Brussels, Belgium.

**Speakers:**

- Werner Walk, CMS Hasche Sigle Eschenlohr Peltzer, Stuttgart, Germany.
- Roselyn Sands, Ernst & Young, Paris, France.
- Emma Bell, MacRoberts, Glasgow, Scotland, United Kingdom.
- Salvador del Rey, Cuatrecasas, Barcelona, Spain.

Evening Free

## FRIDAY, 25 JANUARY (MORNING)

Room: Tenne Oben (7.15 – 9.30 a.m.)

### THE GLOBALIZATION OF TRADE UNIONS AND ORGANIZED LABOR IN THE NEW WORLD ECONOMY: A REVIEW OF MULTINATIONALS' APPROACHES TO GLOBAL COLLECTIVE REPRESENTATION

*Trade Unions and Works Councils in the Global Economy - The European Works Council and EU-Level Collective Bargaining: A Model for Global Collective Representation Bodies? - Multinational Employers' Cross-Border Approaches to Collective Bargaining and Representation - Is Organized Labor Leading the Charge to Link Labor Standards to Global Free Trade? - What Pressures Can Organized Labor Exert in the Global Marketplace?*

**Moderator:** Brian S. Arbetter, Baker & McKenzie, Chicago, Illinois, United States.

**Speakers:**

- Alejandro Valls, Baker & McKenzie, Barcelona, Spain.
- Brendon Carr, Aurora Law Office, Seoul, South Korea.
- Roger Steel, Eversheds, London, England.
- Oscar de la Vega, Basham, Ringe y Correa, S.C., Mexico, D.F., Mexico.

## FRIDAY, 25 JANUARY (LUNCH & LEARN)

Restaurant Hochkitzbühel (12.30 – 1.30 p.m.)

### NATIONAL PERSPECTIVES V

**Moderator:** Jürg Martin, Martin, Weber & Partner, Winterthur, Switzerland.

**Speakers:**

- Monika Schmidt, Haarmann, Hemmelrath & Partner, Düsseldorf, Germany.
  **The Transfer of the Council Directive 97/81/EC (Part Time Work) into German Employment Law**
- Philip Skelton, Russell McVeagh, Auckland, New Zealand.
  **Recent Developments in Labor Law in New Zealand.**
- Anne Almose Videsen, Mazanti-Andersen, Korso Jensen & Partnere, Copenhagen, Denmark.
  **Recent Development in Denmark of the Protection Against Dismissal of Pregnant Workers**

## FRIDAY, 25 JANUARY (AFTERNOON)

Room: Tenne Oben (4.00 – 6.30 p.m.)

### ADVANTAGES AND PRACTICAL IMPEDIMENTS TO DEVELOPING GLOBAL "CODES OF CONDUCT" AND HUMAN RESOURCES POLICIES

*Codes of Conduct as Outgrowth of the Effort to Link Labor Standards to Global Free Trade - Drafting and Enforcing a Global Code of Conduct: Public Relations or Human Resources Policy? - Globalizing Multinationals' Human Resources Departments, Globalizing Employment Policies within Multinationals' Human Resources Operations - Globalizing Multinationals' Benefits/Compensation Program*

**Moderator:** Joan M. Cradden, Brodies Solicitors, Edinburgh Scotland.

**Speakers:**

- Marcella David, University of Iowa, College of Law, Iowa City, Iowa, United States.
- Cristina Dusmet, Sagardoy Abogados, Madrid, Spain.
- Marcel Houben, Stanbrook & Hooper, Brussels, Belgium.
- Patrick Thiébart, Caubet Chouchana Meyer, Paris, France.

**7.30 p.m.** Concluding Dinner, Hotel Zur Tenne, Tenne Unten

**Thank You:** Dennis Campbell, Director, Center for International Legal Studies, Salzburg, Austria.

**Concluding Remarks:**
Donald C. Dowling, Jr., Hewitt Associates LLC, Lincolnshire, Illinois, United States
Robert J. Mignin, Seyfarth, Shaw, Chicago, Illinois, United States

## SATURDAY, 26 JANUARY

Individual Departure