

International Labor & Employment Law Boot Camp

for U.S. Attorneys

September 27 - 28, 2010 • Flatotel • New York, NY

Featuring leading employment attorneys from:

Buenos Aires
Chicago
Copenhagen
Düsseldorf
Hamburg
London
Mexico City
Milan
Montreal
New York City
Rome
San Francisco
Washington, D.C.

As well as expert in-house counsel:

John W. Hamlin
Chief Employment Counsel
Marsh & McLennan Companies, Inc.

Sally M. Sommers
Associate General Counsel
Global Employment, Benefits, and Labor Law Group
The Western Union Company

Tahl Tyson (Invited)
Senior Corporate Counsel,
Global Employment
Expedia

Baba M. Zipkin
Division HR Counsel
IBM

Our unparalleled international faculty will provide you with expert advice and best practices for:

- Negotiating and drafting comprehensive **cross-border employment agreements**
- Conducting **reductions in force** abroad without jeopardizing corporate interests
- Managing **expat assignments**, including benefits and tax considerations
- Implementing global **corporate social responsibility initiatives** while minimizing exposure to litigation
- Drafting and enforcing **covenants not to compete and trade secret agreements** outside of the U.S.
- Acclimating **foreign companies and foreign nationals operating within the United States** to U.S. employment laws
- Overcoming the hurdles associated with **extraterritorial enforcement of U.S. discrimination and whistleblower laws**
- Managing and defending against claims arising under the **Alien Tort Statute**
- Working with and understanding **European Works Councils**
- Ensuring compliance with **international employee privacy and data protection laws**

CONFERENCE CO-CHAIRS:



Philip M. Berkowitz
Partner, Chair of the International Labor and Employment Specialty Team
Nixon Peabody LLP (New York, NY)



Donald C. Dowling, Jr.
International Employment Counsel
White & Case LLP (New York, NY)

PLUS DON'T MISS THE POST-CONFERENCE WORKSHOP:

The Employment Agreements Swap: An Unparalleled Benchmarking Opportunity
September 28, 2010 – 2:30 p.m.-5:00 p.m.

Sponsors:

Media Partners:



Register Now • 888-224-2480 • AmericanConference.com/intlemp

Come join our incredible faculty of international labor and employment law experts at the essential boot camp for U.S.-based employment attorneys.

With the ever-increasing mobility of employees working for multinational corporations, it is critical that U.S. employment attorneys have a nuanced understanding of international labor and employment law and the issues that arise when employees are sent abroad. Simple misunderstandings arising from cultural, legal, and linguistic differences can have very costly implications. Reductions in force as well as individual employee terminations conducted outside of the U.S. that are not handled with the utmost care and sensitivity can result in increased exposure to litigation both here and abroad. The extraterritorial application of U.S. employment laws can lead to complicated working arrangements in foreign jurisdictions. Corporate and outside counsel for U.S.-based multinational corporations must understand the implications that international labor and employment laws have for expat assignments, cross-border employment agreements, corporate policies and procedures, and employee privacy rights.

American Conference Institute's **International Labor & Employment Law Boot Camp for U.S. Attorneys** will bring together an outstanding international speaker faculty of labor and employment law experts who will provide you with the targeted guidance and best practices that you need to:

- Determine which terms should be in **cross-border employment agreements**
- Develop appropriate **benefits packages** for expats
- Make use of **garden leave provisions** to reduce the impact on the company of a competitor hiring terminated employees
- Implement **whistleblower hotlines** without violating **EU privacy rules**
- Institute **global codes of conduct** to promote corporate social responsibility
- Reintegrate **expats** back into the U.S. workforce
- Assess the **treaty defenses** that foreign companies operating in the U.S. can raise to counter labor and employment claims
- Reduce misinterpretations and confusion resulting from **cultural differences and language barriers**
- Determine what is and what is not protected by **cross-border attorney-client privilege rules**

PLUS, add value to your attendance by also registering for the Post-Conference Workshop:
The Employment Agreements Swap: An Unparalleled Benchmarking Opportunity
September 28, 2010 – 2:30 p.m.-5:00 p.m.

You will not want to miss this opportunity to hear from the leaders in international employment law while benchmarking your practices and procedures against those of your colleagues. Register now by calling **1-888-224-2480** or by faxing your registration form to **1-877-927-1563**. You can also register online at www.AmericanConference.com/intlemp.

WHO YOU WILL MEET:

In-House Employment Counsel

Outside Counsel practicing in the areas of:

- **International Employment Law**
- **Labor and Employment Law**
- **Employment Discrimination**
- **International Law**

Global Sponsorship Opportunities

ACI, along with our sister organization based in London, C5 Conferences, works closely with sponsors in order to create the perfect business development solution catered exclusively to the needs of any practice group, business line or corporation. With over 350 conferences in the United States, Europe, the Commonwealth of Independent States (CIS) and China, ACI/C5 Conferences provide a diverse portfolio of first-class events tailored to the senior level executive spanning multiple industries and geographies.

For more information about this program or our global portfolio of events, please contact:

Wendy Tyler

Head of Sales

American Conference Institute

Tel: 212-352-3220 x242 | Fax: 212-220-4281

w.tyler@AmericanConference.com

Continuing Legal Education Credits



Accreditation will be sought in those jurisdictions requested by the registrants which have continuing education requirements. This course is identified as nontransitional for the purposes of CLE accreditation.

ACI certifies that the activity has been approved for CLE credit by the New York State Continuing Legal Education Board in the amount of XX.X hours. An additional X.X credit hours will apply to workshop participation.

ACI certifies that this activity has been approved for CLE credit by the State Bar of California in the amount of XX.X hours. An additional X.X credit hours will apply to workshop participation.

You are required to bring your state bar number to complete the appropriate state forms during the conference. CLE credits are processed in 4-8 weeks after a conference is held.

ACI has a dedicated team which processes requests for state approval. Please note that event accreditation varies by state and ACI will make every effort to process your request.

Questions about CLE credits for your state? Visit our online CLE Help Center at www.americanconference.com/CLE

7:00 Registration and Continental Breakfast

8:00 Co-Chairs' Opening Remarks

**Philip M. Berkowitz**

Partner
Chair of the International Labor and Employment Specialty Team
Nixon Peabody LLP (New York, NY)

**Donald C. Dowling, Jr.**

International Employment Counsel
White & Case LLP (New York, NY)

8:15 Negotiating and Drafting Secure and Comprehensive Cross-Border Employment Agreements

Baba M. Zipkin

Division HR Counsel
IBM (Bethesda, MD)

**Erika C. Collins**

Partner
Chair of the International Employment Practice
Paul, Hastings, Janofsky & Walker LLP (New York, NY)

**Wendi S. Lazar**

Partner
Co-Head of the Executives & Professionals Practice Group
Outten & Golden LLP (New York, NY)

**Vittorio Pomarici**

Partner
Bonelli Erere Pappalardo (Milan, Italy)

- Determining whether to use country-specific agreements or a global agreement
 - Implementing a global agreement approach
- Drafting pitfalls – what to avoid and why
- Reducing misinterpretations and confusion resulting from cultural differences and language barriers
- Best practices for negotiating cross-border employment agreements
 - Determining who should negotiate these agreements
 - What terms should and should not be in the agreements?
- The use of restrictive covenants
 - Drafting covenants not to compete
 - Enforcing covenants not to compete outside of the U.S.
 - Garden leave clauses
 - Securing information across borders
 - Enforceability of trade secret agreements outside of the U.S.
- Addressing choice of law questions as they pertain to employment agreements
- Resolving tax issues that arise in cross-border employment arrangements
- Developing appropriate benefits packages for expats
 - Types of benefits expats should receive
 - Country-specific variations for the EU, Asia, and Latin America
- Determining who is going to pay for benefits
- Addressing specific rights of an employee granted by the country in which the employee is working
 - TUPE rights
- Drafting strategies for clauses relating to termination of the agreement
- Issues that arise when terminating an agreement early
- Reintegrating employees back into the U.S. workforce

9:45 Morning Coffee Break

10:00 Implementing Global Policies and Enacting Corporate Social Responsibility Initiatives Without Increasing the Risks of Employment Litigation

Oscar de la Vega

Partner
Basham, Ringe y Correa, S.C. (Mexico City, Mexico)

**Peter Susser**

Shareholder
Chair of the International Employment and Labor Law Practice Group
Littler Mendelson P.C. (Washington, DC)

**Peter Talibart**

Head of the Employment Practice
Norton Rose LLP (London, United Kingdom)

- Implementing policies and procedures to reduce the risk of claims arising under the Alien Tort Statute
 - Managing and defending against such claims when they do arise
 - Determining if and when to settle such claims
- Enforceability of judgments (often very large judgments) obtained in foreign courts against U.S. multinationals
- Best practices for instituting global codes of conduct to promote corporate social responsibility
 - Increased risks of exposure to labor and employment litigation that can arise from global codes of conduct
 - Minimizing these risks
 - Are codes of conduct legally enforceable?
- Determining whether to have country-specific or global policies and procedures
 - How to handle inconsistencies amongst laws of different countries
- Assessing the costs and benefits of granting employees contractual rights that go beyond the labor and employment laws of the country in which they are working

11:30 International Labor Laws, Organizations, and Directives and Their Impact on U.S.-Based Multinational Corporations

**Anders Etgen Reitz**

Partner
Head of the Labour and Employment Practice in Denmark
Magnusson (Copenhagen, Denmark)

**Roy L. Heenan**

Chairman and Founding Partner
Heenan Blaikie LLP (Montreal, Quebec)

**Corrado Scivoletto**

Partner
Studio Legale Associato Simonetti Persico Scivoletto (Rome, Italy)

**Kenneth J. Turnbull**

Partner, Chair of the International Labor and Employment Task Force
Morgan, Lewis & Bockius LLP (New York, NY)

- Working with and understanding European Works Councils
 - How EWCs compare/contrast with U.S. labor unions
- Assessing the reach of collective agreements
 - Determining when and to what extent a collective agreement applies outside of the U.S.
 - Country-specific variations
- Territoriality of certifications
- Extent to which International Labor Organization (ILO) directives are binding on U.S. multinationals
- Impact of ILO directives on U.S. labor laws
- NAFTA labor and employment principles
 - Assessing the impact on U.S. multinationals of NAFTA labor side agreements that are attached to trade agreements

1:00 Networking Luncheon for Speakers and Delegates 

2:15 **Overcoming the Obstacles and Conflicts that Arise Due to the Extraterritoriality of U.S. Employment Laws**

John W. Hamlin

Chief Employment Counsel
Marsh & McLennan Companies, Inc. (New York, NY)



Dr. Thomas Griebel

Partner
Head of Employment and Pensions
Taylor Wessing LLP (Hamburg, Germany)



Charles S. Mishkind

Principal
Miller, Canfield, Paddock and Stone, P.L.C. (Grand Rapids, MI)

- Determining which law applies when there is a conflict of law
- Impact of the EU Treaty of Rome
- Complying with Title VII, ADEA, and ADA protections for U.S. expats without violating local laws
- Challenges of implementing Sarbanes Oxley whistleblower provisions abroad
- Difficulties of complying with TARP limitations on executive compensation for overseas employees
- Determining whether to apply U.S. employment law protections to non-U.S. employees in other countries

3:30 **Afternoon Refreshment Break**

3:45 **Impact of U.S. Employment Laws as Applied to Foreign Companies and Foreign Nationals Operating Within the United States**



Gerald L. Maatman, Jr.

Partner
Seyfarth Shaw LLP (Chicago, IL)



William J. Milani

Member
Head of the International Employment Law Group
Epstein Becker & Green, P.C. (New York, NY)



Gary R. Siniscalco

Partner
Orrick, Herrington & Sutcliffe LLP (San Francisco, CA)

- Assessing the treaty defenses that foreign companies operating in the U.S. can raise to counter labor and employment claims
 - Other defenses that are available to foreign companies
- Implementing policies and procedures to ensure a smooth transition of foreign nationals into the U.S. workforce
- Risk management and training considerations for foreign nationals working in the U.S.
- Working with foreign companies doing business in the United States to ensure hiring, promotion, and termination practices that are in accordance with U.S. law
 - Making foreign companies aware of specific aspects of U.S. employment law that may be unclear to them, such as the confidentiality protections provided by HIPAA and ADA
- Minimizing exposure to claims from U.S. employees working for foreign companies within the United States that they are being discriminated against in relation to their foreign national counterparts
- Minimizing exposure to claims by foreign nationals working for U.S. companies that they are being discriminated against in relation to their U.S. counterparts
- Overcoming immigration and visa hurdles when bringing foreign nationals into the U.S.
- Avoiding jury stereotypes of and biases against a foreign client's corporate culture when facing a trial

5:00 **Conference Adjourns**

Day Two

Tuesday, September 28, 2010

7:30 **Continental Breakfast**

8:00 **Co-Chairs' Remarks**

8:05 **Protecting Corporate Interests, Reducing Costs, and Minimizing Exposure to Lawsuits When Conducting Reductions in Force and Individual Employee Terminations Abroad**

Tabl Tyson (Invited)

Senior Corporate Counsel
Global Employment Expedia (Bellevue, WA)



Joseph Z. Fleming

Shareholder
Greenberg Traurig, LLP (Miami, FL)



Louise Patry

Attorney
Davies Ward Phillips & Vineberg LLP (Montreal, Quebec)



Vincenzo Sinisi

Member
Sinisi Ceschini Mancini & Partners (Rome, Italy)

- Terminating an employee with cause as compared to terminating an employee without cause
 - Specific issues that arise when terminating without cause
 - U.S. “at-will employment” as compared with employment practices in the EU, Asia, and Latin America
- Using garden leave provisions to minimize the impact of a competitor hiring terminated employees
- Determining whether to bring expats home before terminating their employment or whether to terminate their employment while they remain abroad
 - What if an employee refuses to return home?
- Reductions in force
 - Special considerations for mass layoffs
- Best practices for conducting a multi-jurisdictional workforce reduction
 - Handling situations in which termination packages offered to employees in one jurisdiction vary from termination packages offered in another jurisdiction
- Severance pay and benefits considerations that arise when terminating employees

9:35 **Preventing, Managing, and Defending Against Employment Discrimination Claims Arising Outside of the United States**

Sally M. Sommers

Associate General Counsel
Global Employment, Benefits, and Labor Law Group
The Western Union Company (Englewood, CO)



Joseph Z. Fleming

Shareholder
Greenberg Traurig, LLP (Miami, FL)



Ignacio Funes de Rioja

Partner
Funes de Rioja & Asociados (Buenos Aires, Argentina)



Alan M. Koral

Shareholder
Chair of the Labor and Employment Law Practice
Vedder Price P.C. (New York, NY)

- Determining which law applies when discriminatory behavior is alleged:
 - against a U.S. expat
 - by a U.S. expat

- against a foreign national working in the U.S.
- by a foreign national working in the U.S.
- Reconciling U.S. discrimination laws with foreign mores and cultures
- Best practices when faced with policies or procedures that would violate U.S. employment laws if they occurred in the United States
 - Pitfalls to avoid
- Comparison of discrimination and wrongful discharge types of actions that exist in other countries
- Special considerations relating to sexual harassment claims overseas
 - Assessing the state of sexual harassment laws in the EU, Asia, and Latin America
- Implementing policies and procedures designed to reduce claims of sexual harassment
 - Global approach versus country-specific approach

11:05 **Morning Coffee Break**

11:15 **Ensuring Compliance with International Employee Privacy and Data Protection Laws**



Donald C. Dowling, Jr.
International Employment Counsel
White & Case LLP (New York, NY)



Robert P. Lewis
Partner
Baker & McKenzie LLP (New York, NY)



Dr. Thomas Müller-Bonanni
Partner
Freshfields Bruckhaus Deringer LLP (Düsseldorf, Germany)

- Complying with EU privacy directives
- Ensuring the integrity of employee rights to privacy when engaging in cross-border transformation of information
- Implementation of whistleblower hotlines and potential conflicts with EU privacy rules
- Email privacy
 - Assessing employers' rights to search employees' emails
 - Expats
 - Jurisdictional variations
- Conflicts between U.S. discovery rules and privacy rules overseas, especially in the EU
 - How U.S. courts approach cross-border conflicts involving discovery and privacy
 - Complying with EU data processing requirements
 - Overcoming EU cross-border data transfer hurdles
 - Safe Harbor Framework
 - Model Contracts
 - Binding Corporate Rules
- Monitoring third-party administrators of benefits and payroll to ensure compliance with privacy rules
- Impact of social networking in the EU, Asia, and Latin America
 - Employee rights
 - Employer rights

12:25 **Cross-Border Attorney-Client Privilege: Determining What Is and What Is Not Protected**



Philip M. Berkowitz
Partner
Chair of the International Labor and Employment Specialty Team
Nixon Peabody LLP (New York, NY)



Jordan W. Cowman
Partner
Akin Gump Strauss Hauer & Feld LLP (Dallas, TX)

- Comparison of U.S. attorney-client privilege with attorney-client privilege in the EU, Asia, and Latin America
- Best practices when advising clients overseas
- Considerations when retaining local counsel
- Assessing whether attorney-client privilege is granted to communications between in-house and outside counsel
- Anticipating varying expectations regarding attorney-client privilege as it relates to documents
- Implementing strategies to preserve attorney-client privilege globally

1:30 **Conference Ends**

Post-Conference Workshop

Tuesday, September 28, 2010 | 2:30 p.m.-5:00 p.m.

The Employment Agreements Swap: An Unparalleled Benchmarking Opportunity



Erika C. Collins
Partner, Chair of the International Employment Practice
Paul, Hastings, Janofsky & Walker LLP (New York, NY)



Louise Patry
Attorney
Davies Ward Phillips & Vineberg LLP (Montreal, Quebec)



Peter Susser
Shareholder
Chair of the International Employment and Labor Law Practice Group
Littler Mendelson P.C. (Washington, DC)

In this unique and interactive workshop, you will have the opportunity to submit actual employment agreements for analysis and discussion. Led by experts in international employment law, participants will discuss problems that they have encountered and practical solutions to overcome them, as well as pose questions and hypotheticals for group discussion. You will also receive copies of all documents submitted, allowing you to benchmark your agreements against those used by counsel for other multinational corporations.

You will not want to miss this unique opportunity to have your actual agreements reviewed and commented on by other employment law professionals.



American Conference Institute:

The leading networking and information resource for counsel and senior executives.

Each year more than 21,000 in-house counsel, attorneys in private practice and other senior executives participate in ACI events – and the numbers keep growing.

Guaranteed Value Based on Comprehensive Research

ACI's highly trained team of attorney-producers are dedicated, full-time, to developing the content and scope of our conferences based on comprehensive research with you and others facing similar challenges. We speak your language, ensuring that our programs provide strategic, cutting edge guidance on practical issues.

Unparalleled Learning and Networking

ACI understands that gaining perspectives from – and building relationships with – your fellow delegates during the breaks can be just as valuable as the structured conference sessions. ACI strives to make both the formal and informal aspects of your conference as productive as possible.

American Conference Institute's

International Labor & Employment Law Boot Camp for U.S. Attorneys

September 27 - 28, 2010 • Flatotel • New York, NY

REGISTRATION FORM

PRIORITY SERVICE CODE

ATTENTION MAILROOM: If undeliverable to addressee, please forward to:
Labor & Employment Counsel; General Counsel



CONFERENCE CODE: 702L11-NYC

YES! Please register the following delegate for **International Labor & Employment Law Boot Camp for U.S. Attorneys**

CONTACT DETAILS

NAME	POSITION	
APPROVING MANAGER	POSITION	
ORGANIZATION		
ADDRESS		
CITY	STATE	ZIP CODE
TELEPHONE	FAX	
EMAIL	TYPE OF BUSINESS	

I would like to receive CLE accreditation for the following states: _____ . See CLE details inside.

FEE PER DELEGATE	Register & Pay by July 16, 2010	Register & Pay by Sep. 8, 2010	Register after Sep. 8, 2010
<input type="checkbox"/> Conference Only	\$1895	\$1995	\$2195
<input type="checkbox"/> Conference & Workshop	\$2495	\$2595	\$2795
<input type="checkbox"/> I would like to add ___ copies of the conference documentation to my order – \$299 each			
<input type="checkbox"/> I cannot attend but would like information regarding conference publications			
<input type="checkbox"/> Please send me information about related conferences			

PAYMENT

Please charge my VISA MasterCard AMEX Please invoice me
NUMBER _____ EXP. DATE _____

SIGNATURE _____

(for credit card authorization and opt-in marketing)

I have enclosed my check for \$ _____ made payable to
American Conference Institute (T.I.N.—98-0116207)

ACH Payment (\$USD)

Please quote the name of the attendee(s) and the event code 702L11 as a reference.

For US registrants:

Bank Name: HSBC USA
Address: 800 6th Avenue, New York, NY 10001
Account Name: American Conference Institute
UPIC Routing and Transit Number: 021-05205-3
UPIC Account Number: 74952405

Non-US residents please contact Customer Service for Wire Payment Information

Featuring leading employment attorneys from:

Buenos Aires • Chicago • Copenhagen • Düsseldorf • Hamburg • London • Mexico City • Milan • Montreal • New York City • Rome • San Francisco • Washington, D.C.

As well as expert in-house counsel from:

Expedia • IBM • Marsh & McLennan • Western Union

Plus, don't miss the Post-Conference Workshop:

The Employment Agreements Swap:
An Unparalleled Benchmarking Opportunity
September 28, 2010 • 2:30 p.m.-5:00 p.m.

Registration Fee

The fee includes the conference, all program materials, continental breakfasts, lunches, refreshments and complimentary membership of the ACI Alumni program.

Payment Policy

Payment must be received in full by the conference date. All discounts will be applied to the Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organization.

Cancellation and Refund Policy

You must notify us by email at least 48 hrs in advance if you wish to send a substitute participant. Delegates may not "share" a pass between multiple attendees without prior authorization. If you are unable to find a substitute, please notify **American Conference Institute (ACI)** in writing up to 10 days prior to the conference date and a credit voucher valid for 1 year will be issued to you for the full amount paid, redeemable against any other ACI conference. If you prefer, you may request a refund of fees paid less a 25% service charge. No credits or refunds will be given for cancellations received after 10 days prior to the conference date. **ACI reserves the right to cancel any conference it deems necessary or remove/restrict access to the ACI Alumni program and will not be responsible for airfare, hotel or other costs incurred by registrants. No liability is assumed by ACI for changes in program date, content, speakers, venue or arising from the use or unavailability of the ACI Alumni program.**

Hotel Information

American Conference Institute is pleased to offer our delegates a limited number of hotel rooms at a preferential rate. Please contact the hotel directly and mention the "ACI—Law Boot Camp" conference to receive this rate:

Venue: Flatotel
Address: 135 West 52nd Street, New York, NY 10019
Reservations: 800-352-8683

Incorrect Mailing Information

If you would like us to change any of your details please fax the label on this brochure to our Database Administrator at 1-877-927-1563, or email data@AmericanConference.com.

5 Easy Ways to Register

MAIL **American Conference Institute**
41 West 25th Street
New York, NY 10010

PHONE 888-224-2480

FAX 877-927-1563

ONLINE
AmericanConference.com/intlemp

EMAIL
CustomerService
@AmericanConference.com

CONFERENCE PUBLICATIONS

To reserve your copy or to receive a catalog of **ACI** titles go to www.aciresources.com or call 1-888-224-2480.

SPECIAL DISCOUNT

We offer special pricing for groups and government employees. Please email or call for details.
Promotional Discounts May Not Be Combined. **ACI** offers financial scholarships for government employees, judges, law students, non-profit entities and others. For more information, please email or call customer care.