

**American Bar Association Section of Labor & Employment Law
International Labor and Employment Law Committee
Midyear Meeting**

**Milan, Italy
May 6-10, 2018**

PROGRAM AGENDA

Sunday, May 6

- 8:00 a.m. – 4:30 p.m. **A Day at Lake Como (*optional ticketed event*)**
- 7:00 – 9:00 p.m. **Welcome Reception at Four Seasons Hotel Milano (*Teatro and Patio*)**

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Monday, May 7

- 7:30 – 8:00 a.m. **Registration (*Ballroom Foyer*)**
- 8:00 – 8:05 a.m. **Welcome by Committee Co-Chairs (*Ballroom*)**
Mike Delikat, *Orrick Herrington & Sutcliffe LLP, New York, New York*
Owen Herrnstadt, *International Association of Machinists & Aerospace Workers, Upper Marlboro, MD*
Katherine Blostein, *Outten & Golden LLP, New York, New York*
- 8:05 – 8:20 a.m. **Welcome Message from Mr. John R. Crosby, U.S. Consul for Political and Economic Affairs, U.S. Consulate General, Milan**
- 8:20 – 9:00 a.m. **Keynote Address by Alan Friedman: Political Change and the Workplace**
- 9:00 – 10:15 a.m. **The State of Labor and Employment Law in Italy Since the Jobs Act 2013: Has the Far-Reaching Reform Kick-Started the Economy and Attracted Foreign Direct Investment as Intended?**
The 2015 Jobs Act, following other important reforms introduced from the mid-90s onward, was intended to give greater flexibility to the labor market, and foster employment, productivity and competitiveness with an ultimate goal of increasing foreign investments. The panel will discuss how these goals have been achieved, how the country is dealing with the transformation of the labor market, and the current perspectives in the context of a (potential) growing but still challenging Italian economy.
- Moderator:** Annalisa Reale, *Chiomenti, Milan, Italy*
- Speakers:** Cristiano Cominotto, *Studio Legale Cominotto, Milan, Italy*
Pietro Ichino, *Milan University, Milan, Italy*
Antonio Loffredo, *University of Siena, Florence, Italy*
Piergiorganni Mandruzzato, *Ichino-Brugnattelli e Associati, Milan, Italy*
- 10:15 – 10:30 a.m. **Refreshment Break (*Ballroom Foyer*)**

10:30 a.m. – 12:00 p.m. Global Developments in Labor and Employment Law in 2017 and What's on the Horizon?

The last year has seen developments in the labor and employment law arena around the world deeply intertwined with the political environment in each jurisdiction. Among the most noteworthy, the U.S. has been dealing with post-Trump election changes, the UK had unexpected election results, the UK and Ireland have been coping with BREXIT-related challenges, and France has been implementing major labor law reforms. This panel will present a comparative analysis of issues several jurisdictions share in common, including collective labor actions, labor market-related legislation, data privacy and the women's movement.

Moderator: Marley Weiss, *University of Maryland School of Law, Baltimore, MD*

Speakers: Paul Callaghan, *Taylor Wessing, London, United Kingdom*
Melanie Crowley, *Mason Hayes & Curran, Dublin, Ireland*
Owen Herrnstadt, *International Association of Machinists & Aerospace Workers, Upper Marlboro, MD*
Roselyn Sands, *EY Société d'Avocats, Paris, France*

12:00 – 12:30 p.m. Fireside Chat re: Artificial Intelligence and the Workplace

The present wave of automation, driven by artificial intelligence (AI) – the development of computer systems able to perform tasks normally requiring human intelligence – is creating a gap between current legislation and new laws necessary for the workplace of tomorrow. The coordinator of the IBA report, *Artificial Intelligence and Robotics and their Impact on the Workplace*, will share the results of this new and thought-provoking report.

Facilitator: Rick Bales, *Ohio Northern University College of Law, Ada, OK*

Speaker: Gerlind Wisskirchen, *CMS Hasche Sigle, Cologne, Germany*

2:00 – 5:00 p.m. Milan Orientation Walking Tour (optional ticketed event)

7:00 – 9:00 p.m. Cocktail Reception at Sant Ambroeus, Corso G. Matteotti no. 7

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Tuesday, May 8

8:00 – 9:15 a.m. Whistleblower Developments in the US and EU: New Statutes, the Cross-Border Whistleblower Phenomenon and Challenges of Cross-Border Investigations (Ballroom)

Whistleblowing has become a true cross-border phenomenon with new countries like Italy adopting new laws to protect whistleblowers. At the same time, bounty claims and litigation by whistleblowers had accelerated in the USA, with many of those seeking bounties under the SEC Dodd-Frank whistleblower program actually coming from outside the USA. This panel will discuss the challenges company's face investigating and responding to whistleblower claims, the practical aspects of representing whistleblowers across borders and how these claims are playing out in the courts and various administrative tribunals.

Moderator: Robert Stulberg, *Broach & Stulberg LLP, New York, NY*

Speakers: Luca Capone, *Freshfields Bruckhaus Deringer LLP, Milan, Italy*
Clive Howard, *Slater & Gordon, London, United Kingdom*
Mary Inman, *Constantine Cannon, London, United Kingdom*
Emily Kaufer, *Air Canada, Montréal, Canada*

9:15 – 10:30 a.m. #Metoo, #QuellaVoltaChe, #YoTambien, #BalanceTonPorc: Examining Global Policies and Regulations in the Wake of the Sexual Harassment Scandal

There has been an overwhelming response around the world to the wave of recent sexual harassments scandals in the U.S. and abroad. The panel will include a comparative discussion of current laws in each represented jurisdiction as well as address the challenges of

investigations and HR intervention in sexual harassment cases. Panelists also will focus on the latest developments in their jurisdiction including involvement of the government or agencies and development of corporate responsibility policies and procedures for international companies.

Moderator: Wendi S. Lazar, *Outten & Golden LLP, New York, NY*

Speakers: Hon. Victoria Lipnic, *U.S. Equal Employment Opportunity Commission, Washington, DC*
Mercedes Balado-Bevilacqua, *MBB Abogados, Buenos Aires, Argentina*
Thomas Carpenter, *Actors' Equity Association, New York, NY*
Deborah David, *Jeantet Associés, Paris, France*
David Garland, *Epstein Becker Green, New York, NY*

10:30 – 10:45 a.m. Refreshment Break (Ballroom Foyer)

10:45 a.m. – 12:00 p.m. The Immigration Debate: The Political Debate over Immigration and How It Is Impacting the Global Workplace

Anti-immigrant and refugee positions are increasingly a component of political campaigns that are ultimately shifting national governments to the right. These national political campaigns 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. This panel of immigration and labor and 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.

Moderator: Jennifer “JJ” Rosenbaum, *Global Labor Justice, Washington, DC*

Speakers: Colleen Cleary, *CC Solicitors, Dublin, Ireland*
Jonathan Grode, *Green and Spiegel, Philadelphia, PA*
Aaron Halegua, *Aaron Halegua, PLLC, New York, NY*
Jeffrey Heller, *BP America, Austin, TX*
Sharon Reilly, *UnioLex – Stucchi & Partners – Avvocati, Milan, Italy*

2:00 – 4:30 p.m. Art Tour (optional ticketed event)

7:00 – 9:00 p.m. Cocktail Reception and Guided Tour at Museo Bagatti Valsecchi, Via Gesù, 5

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Wednesday, May 9

8:00 – 8:30 a.m. Committee Business Meeting and Update from Section Leadership (Ballroom)
Mike Delikat, *Employer Co-Chair, Orrick Herrington & Sutcliffe LLP, New York, New York*
Owen Herrnstadt, *Union & Employee Co-Chair, LAMAW, Upper Marlboro, MD*
Katherine Blostein, *Employee Co-Chair, Outten & Golden LLP, New York, New York*
Don Slesnick, *Section Chair, Slesnick & Casey LLP, Coral Gables, Florida*
Joseph E. Tilson, *Section Chair-Elect, Cozen O'Connor, Chicago, IL*
Gail Golman Holtzman, *Employer Council Liaison, Jackson Lewis PC, Tampa, Florida*
Wayne N. Outten, *Employee Council Liaison, Outten & Golden, LLP, New York, New York*

8:30 – 9:45 a.m. New Legislation and Litigation of Gig Economy Issues Around the Globe
“App-driven” businesses continue to challenge the traditional labor and employment standards across the globe. This panel will discuss the status of these challenges in various countries, focusing on changes in regulations that define what it means to be an employee, worker, independent contractor or service provider as well as providing details of ongoing litigations in the “gig economy” space in each respective jurisdiction. The panelists also will discuss any relevant governmental involvement in their jurisdictions with respect to this topic and how this involvement may shape the future of what it means to be a “gig economy” worker.

Moderator: Danny Kaufert, *Borden Ladner Gervais, Montréal, Canada*

Speakers: Chris Benson, *Leigh Day, London, United Kingdom*
Atul Gupta, *Trilegal, Bangalore, India*
Niall Pelly, *Matheson, Dublin, Ireland*
Rodrigo Sola Torino, *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

9:45 – 11:00 a.m.

Equal Pay: Update on Gender Pay Legislation and Active Litigation Around the Globe: What's Next?

With the date for Mandatory Pay Gap Disclosures in the U.K. having just passed with companies doing their best to explain their numbers, pay disclosure requirements in Germany and the flood of new state legislation in the U.S. and new class action suits being brought alleging unequal pay, pay equity has become a truly global issue. This expert panel will take you through the latest developments.

Moderator: Gary R. Siniscalco, *Orrick, Herrington & Sutcliffe LLP, San Francisco, CA*

Speakers: Sarah Chilton, *CM Murray LLP, London, United Kingdom*
Kelly M. Dermody, *Lieff Cabraser Heimann & Bernstein, San Francisco, CA*
Samantha C. Grant, *Sheppard Mullin, Los Angeles, CA*
Andre Zimmerman, *Orrick, Herrington & Sutcliffe LLP, Düsseldorf, Germany*

11:00 – 11:15 a.m.

Refreshment Break (Ballroom Foyer)

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11:15 a.m. – 12:15 p.m.

The Arbitration Dichotomy: Advances Outside the US while Challenges to Its Use in the US Continue

Major advances in the use of arbitration to resolve employment disputes have occurred in the UK and Europe in recent years, while arbitration of employment disputes based on pre-dispute agreements has been a controversial and hotly contested matter in the U.S. for decades. Panelists from UK will discuss major developments in employment arbitration outside the U.S., including expectations for the future, while panelists from the U.S. will address the status of employment arbitration in the U.S. and their expectations for its future use.

Moderator: Wayne N. Outten, *Outten & Golden LLP, New York, NY*

Speakers: Peter De Maria, *Doyle Clayton, London, United Kingdom*
David S. Fortney, *Fortney & Scott, LLC, Washington, DC*
Paul Goulding, *Blackstone Chambers, London, United Kingdom*
Caroline Stroud, *Freshfields Bruckhaus Deringer LLP, London, United Kingdom*

5:15 – 6:15 p.m.

Lawyers International Network for Employees and Executives (LINEE) Reception (optional event)

7:30 – 10:30 p.m.

**Gala Dinner at Palazzo Serbelloni
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Thursday, May 10

8:00 – 9:15 a.m.

Industry Deep Dives: Aviation (*Ballroom*)

No industry is more globally interconnected than the airline industry. A cross-border expert panel of union and management representatives will address the host of important global labor and employment issues that have been triggered by the proliferation of low cost airlines (including recent developments at Ryan Air) operating internationally and by the significant expansion of the Middle East airlines.

Moderator: Stephen B. Moldof, *Cohen, Weiss and Simon LLP, New York, NY*

Speakers: Evan Cullen, *Irish Air Line Pilots' Association, Dublin, Ireland*
Rick Dominguez, *Air Line Pilots Association, Washington, DC*
Roland Gerlach, *GERLACH Rechtsanwälte, Vienna, Austria*
Jim Phillips, *Vereinigung Cockpit e.V., Frankfurt, Germany*
Laurent Timsit, *Air France KLM Group, Paris, France*

9:15 – 10:30 a.m.

Industry Deep Dives: Fashion/Entertainment

This panel will present the perspective of models on sexual abuse and assault in their profession (and what is being done about it), the voluntary monitoring of supply chains' labor and safety practices, emerging governmental regulation of supply chain oversight, and employment challenges present within the Italian fashion industry.

Moderator: Gerald T. Hathaway, *Drinker Biddle, New York, NY*

Speakers: Mirko Giuri, *Prada, Milan, Italy*
Benjamin Hensler, *Workers Rights Consortium, San Francisco, CA*
Federico Torzo, *Macchi di Cellere Gangemi, Milan, Italy*

10:30 – 10:45 a.m.

Refreshment Break (*Ballroom Foyer*)

10:45 a.m. – 12:00 p.m. **2017-2018 Global Hot Topic Roundtable**

Panelists will discuss the GDPR and its impact on HR data focusing on the latest developments and practice points ahead of its imminent implementation in May of 2018. There also will be a discussion of the status of labor chapters in trade agreements given the latest political developments around the world. Finally, issues of employee privacy in the global workplace will be covered, including a comparative analysis of developments in different jurisdictions as well as policy practice points for global employers.

Moderator: Ian Schaefer, *Epstein Becker Green, New York, NY*

Speakers: Lynne Bernabei, *Bernabei & Kabat, PLLC, Washington, DC*
Celeste Drake, *American Federation of Labor and Congress of Industrial Organizations, Washington, DC*
Kolvin Stone, *Orrick, Herrington & Sutcliffe LLP, London, United Kingdom*

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