

A conference co-presented by the IBA Employment and Industrial Relations Committee and the IBA Diversity and Equality Law Committee



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IBA Annual Employment and Diversity Law Conference

3–5 April 2019, The Westin Paris – Vendôme, Paris, France

The 2019 conference theme is 'Employment law in difficult times.' The conference will cover a wide range of current and emerging international employment and diversity law issues, from both a regional and global perspective, as well as providing excellent networking opportunities with employment lawyers from around the world.

Topics will include:

- Communications in crisis management
- Vanishing benefits: incentive compensation following dismissal
- Grace under pressure: dealing with difficult questions under cross-examination in employment litigation
- Responsibilities and liabilities of directors and senior executives for corporate offences in cross-border structures
- Implementing ethics and compliance regulations in multinationals
- The role of unions, works councils and employer associations in a globalised world
- Artificial intelligence bias and data transparency in the workplace
- Worker classification: challenges of outdated legislation
- Sexual orientation and gender transition primer: practical guidance on proactive and appropriate handling of transition-related issues
- Preventing and managing harassment claims in the #MeToo Era: the responsibilities of senior managers and HR professionals operating a gender-balanced workforce.

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HOURS AVAILABLE***

Programme

Conference Co-Chairs

Philip Berkowitz *Littler Mendelson, New York; Co-Chair, IBA Diversity and Equality Law Committee*

Marianne Granhøj *Kromann Reumert, Copenhagen; Co-Chair, IBA Employment and Industrial Relations Law Committee*

Valeria Morosini *Toffoletto De Luca Tamajo e Soci, Milan; Co-Chair, IBA Diversity and Equality Law Committee*

Pete Talibart *Seyfarth Shaw, London; Co-Chair, IBA Employment and Industrial Relations Law Committee*

Wednesday 3 April

1830 Welcome drinks reception

Join us for a welcome reception at The Westin Paris – Vendôme during which a ‘speed networking’ session will be available for delegates who wish to take part.

Thursday 4 April

0730 – 1700 Registration

0830 – 0845 Welcome remarks from the Conference Co-Chairs

0845 – 0930 Keynote address

Franck Morel *Advisor, Prime Minister Cabinet, Paris*

0930 – 1100

Communications in crisis management

Often employment lawyers are confronted with urgent and complex situations that carry significant legal and reputational risks for their clients, with little time to formulate a mitigation strategy. In this session, both employment lawyers and communication and public relations specialists with extensive crisis management experience will discuss multidisciplinary approaches to a public relations disaster, and the interaction of the communications advisers with the lawyers.

Co-Moderators

Caroline Andre-Hesse *AyacheSalama, Paris; Conference Quality Officer, IBA Employment and Industrial Relations Law Committee*

Karine Audouze *UGGC, Paris; Committee Liaison Officer, IBA Diversity and Equality Law Committee*

Valeria Morosini *Toffoletto De Luca Tamajo e Soci, Milan; Co-Chair, IBA Diversity and Equality Law Committee*

Pete Talibart *Seyfarth Shaw, London; Co-Chair, IBA Employment and Industrial Relations Law Committee*

Speakers

Geraldine Amiel *Bloomberg News, Paris*

Eric Giuily *CLAI, Paris*

Guillaume Jubin *WEMEAN, Paris*

Terence McCrann *McCann FitzGerald, Dublin*

Agnieszka Pytlas *Magnusson, Warsaw*

1100 – 1130 Coffee/tea break

Headline social event sponsors



1130 – 1245 Breakout session one

Vanishing benefits: incentive compensation following dismissal

Many employers provide incentive compensation benefits to employees as a means of retention or motivation at work. Often, these pecuniary advantages, such as bonuses, stock options and long term incentives, are contained in written plans or programmes that stipulate the forfeiture or loss of these advantages if employment terminates.

- Are such clauses enforceable?
- To what extent can employers withdraw benefits already granted on the basis that employment has ended?
- Are certain forms of compensation treated differently than others?
- Can these rights be regulated by contract and if so, what are the limits?
- Are there legislative restrictions in certain industries on how these benefits are to be dealt with?

Co-Moderators

Patrick L Benaroch *Stikeman Elliott, Montreal, Quebec; Vice Chair, IBA Employment and Industrial Relations Law Committee*
Vikram Shroff *Nishith Desai Associates, Mumbai; Treasurer, IBA Employment and Industrial Relations Law Committee*

Speakers

Inês Castro *F Castelo Branco e Associados RL, Lisbon*
Emanuela Nespoli *Toffoletto De Luca Tamajo e Soci, Milan*
Pierre Roquecave *Capgemini, Paris*
Todd Solomon *McDermott Will & Emery, Chicago, Illinois; Council Member, IBA Global Employment Institute*
Alexander Vandenberg *Lydian, Brussels*
André Wolff *Accenture, Paris*

1130 – 1245 Breakout session two

Grace under pressure: dealing with difficult questions under cross-examination in employment litigation

Our panel of British Queen's Counsel (senior barristers) will run an interactive, practical and fun analysis of both strategies and mistakes made by witnesses in the presentation of evidence. These are important skills for any civil or common law lawyer who must prepare a client to withstand questioning of their evidence in any court, tribunal, interview or investigation. The session will use volunteers, an actress and communications expert, and AV materials.

Co-Moderators

Mikael Pelan *Lusis Avocats, Paris; Newsletter Editor, IBA Diversity and Equality Law Committee*
Pete Talibart *Seyfarth Shaw, London; Co-Chair, IBA Employment and Industrial Relations Law Committee*

Speakers

Paul Epstein QC *Assurety Ltd, London*
Sonia Saville *Assurety Ltd, London*
Ed Williams QC *Assurety Ltd, London*

1245 – 1400 Lunch

1400 – 1515 Breakout session three

Responsibilities and liabilities of directors and senior executives for corporate offences in cross-border structures

This panel will explore the differences of employment, corporate and criminal responsibilities and liabilities of directors and senior executives for corporate offenses, explaining that we may face very different results arising from the same facts. The panel will examine some behaviours that are considered corporate offences, giving examples of ways directors and senior executives could be held liable or responsible for them, showing the different aspects to distinguish the same fact from the employment, corporate and criminal aspects.

This panel will also discuss the extension of this responsibility in a cross-border structure, including the possibility that directors and senior executives be held liable in more than one country.

Co-Moderators

Selvamalar Alagaratnam *Skrine, Kuala Lumpur; Senior Vice Chair, IBA Employment and Industrial Relations Law Committee*
Luis Mendes *Pinheiro Neto, São Paulo; Secretary, IBA Employment and Industrial Relations Law Committee*

Speakers

Mercedes Balado Bevilacqua *MBB Balado Bevilacqua Abogados, Buenos Aires*
Orly Gerbi *Herzog Fox & Neeman, Tel Aviv*
Faisal Mahmood Ghani *Faisal Mahmood Ghani & Co, Karachi*
Henriette Stakemann *Plesner, Copenhagen*
Gregory C Tollefson *Micron Technology Inc, Boise, Idaho*



Associate conference sponsor



Welcome reception (3rd April) sponsor



1400 – 1515 Breakout session four

Implementing ethics and compliance regulations in multinationals

In an increasingly ethical legal, CSR and consumer regime, multinationals must somehow ensure workforce behaviours meet the desired standards. This panel of experienced employment and in-house lawyers will examine the difficulties of imposing ethical standards into global employment documentation, and the challenges it presents for international groups and employment lawyers.

Co-Moderators

Eva Knipschild *Kennedy Van der Laan, Amsterdam; Membership Officer; IBA Diversity and Equality Law Committee*

Olivier Kress *Flichy Grange Avocats, Paris; Corporate Counsel Forum Liaison Officer; IBA Employment and Industrial Relations Law Committee*

Speakers

Chloe Alligier *Société Générale, Paris*

Irina Anyukhina *ALRUD, Moscow*

Evy de Roover *UPS Europe, Brussels*

Tim Gilbert *Travers Smith, London*

Ineke Jeuster *G-Star RAW, Amsterdam*

James Washington *Nike, Amsterdam*

1515 – 1545 Coffee/tea break

1545 – 1715

The role of unions, works councils and employer associations in a globalised world

This panel will provide the current framework in Europe followed by a trustful and open discussion on the different topics trying to show the different approach and experience of employer and employee representatives within multinational companies. This panel will also discuss how non-legal aspects such as economic targets, negotiation strategy and a trustful relationship influence the structure and outcome of an employee participation on the different European levels.

Co-Moderators

Bjoern Gaul *CMS Hasche Sigle Partnerschaft von Rechtsanwälten und Steuerberatern mbB, Cologne; Communications Officer; IBA Employment and Industrial Relations Law Committee*

Szymon Kubiak *Wardynski & Partners, Warsaw; IBA Council Member, Polish Bar of Legal Advisers*

Speakers

Miroslava Hajkova *European Commission, Brussels*

Johan Järvklo *Volkswagen AG, Wolfsburg, Germany*

Lorenzo Repetti *European Trade Union Confederation (ETUC), Brussels*

Delphine Rudelli *Union des Industries et Métiers de la Métallurgie (UIMM), Paris*

Nicolas Simon *Van Olmen & Wynant, Brussels*

1900 Conference reception and gala dinner cruise

Le Paquebot, Escale Debilly Trocadero, Port Debilly

Join your fellow delegates on a cruise along the Seine aboard an exceptional yacht: Le Paquebot.

Dress code: Paris Chic, dress to impress!

Ticket price: €150

Only one place per registered delegate is permitted.

Transport will be provided. Buses will depart from The Westin Paris – Vendôme at 1830.

Le Paquebot will depart at 2000 from Port Debilly.

Reception and dinner (4th April) sponsors



Closing reception (5th April) sponsors



0830 – 1500 Registration

0900 – 1030

Artificial intelligence bias and data transparency in the workplace

The integration of Artificial Intelligence technology into the workplace is inevitable, but can and should machine intelligence be used to determine consequences for human workers? This innovative panel will examine the difficult issues of bias, data transparency and the use of data analytics for hiring, firing and promotion.

Co-Moderators

Juan Bonilla *Cuatrecasas, Madrid; Senior Vice Chair, IBA Employment and Industrial Relations Law Committee*
Aoife Bradley *LK Shields, Dublin; Membership Officer, IBA Employment and Industrial Relations Law Committee*
Ueli Sommer *Walder Wyss, Zurich; Corporate Counsel Forum Liaison Officer, IBA Diversity and Equality Law Committee*
Iván Suárez Tellechea *Suárez de Vivero, Barcelona*

Speakers

Alvaro Aguilar *Aguilar Castillo Love, San José*
Joydeep Hor *People + Culture Strategies, Sydney, New South Wales; Secretary, IBA Diversity and Equality Law Committee*
Björn Otto *CMS Hasche Sigle, Cologne*
Ajay Solanki *Nishith Desai Associates, Mumbai*

1030 – 1100 Coffee/tea break

1100 – 1215 Breakout session five

Worker classification: challenges of outdated legislation

When is an employee really an independent consultant and vice versa? This panel will discuss the fluidity of traditional worker classification concepts and address the challenges of outdated legislation in a modern workplace.

Co-Moderators

Ronnie Neville *Mason Hayes & Curran, Dublin; Senior Vice Chair, IBA Diversity and Equality Law Committee*
Veronica Raffo *Ferrere, Montevideo; Website Officer, IBA Employment and Industrial Relations Law Committee*

Speakers

Alexandre de Almeida Cardoso *Tozzini Freire, São Paulo*
Cyrille Debar *IPSEN, Paris*
Masahiro Matsuoka *Nagashima Ohno & Tsunematsu, Tokyo*
Ivan Strbac *ŠunjkaLaw, Novi Sad, Serbia*
Phillippe Thomas *Dechert, Paris*

1100 – 1215 Breakout session six

Sexual orientation and gender transition primer: practical guidance on proactive and appropriate handling of transition-related issues

This panel will discuss the most common challenges and questions that arise during a gender transition and will provide practical guidance on proactive and appropriate handling of transition-related issues.

Co-Moderators

Hironobu Tsukamoto *Nagashima Ohno & Tsunematsu, New York; Co-Chair, Disability Rights Working Group; IBA Diversity and Equality Law Committee*
Isa Soter *Verano, Rio de Janeiro; Secretary, IBA Diversity and Equality Law Committee*

Speakers

Andrea Gangemi *Portolano Cavallo, Rome*
Regina Glaser *Heuking Kühn Lüer Wojtek, Düsseldorf; Council Member, IBA Global Employment Institute*
Vilma Kutomi *Mattos Filho, São Paulo*
Pål Kvernaas *Haavind, Oslo; Conference Quality Officer, IBA Diversity and Equality Law Committee*
Aude Pinguenet *Nokia, Paris*

1215 – 1330 Lunch

1330 – 1500 Plenary session

Preventing and managing harassment claims in the #MeToo Era: the responsibilities of senior managers and HR professionals operating a gender-balanced workforce

The #MeToo movement and the succession of sexual harassment claims against high-powered executives have created new challenges for multinational businesses. Recent allegations have upended many prominent companies, impacting organisational reputation, and posing increased liability risks.

- How do employers take account of different cultures and legal systems?
- How have companies responded thus far to these challenges, and what does the future hold?

This programme will consider these issues from the perspective of internal and external counsel, as well as government, in a lively discussion format, while examining all sides of the topic.



Refreshment break sponsor

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Conference luncheon sponsor

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Friday continued

Co-Moderators

Philip Berkowitz *Littler Mendelson, New York; Co-Chair,
IBA Diversity and Equality Law Committee*

Inge de Laat *Rutgers & Posch, Amsterdam; Co-Chair,
Disability Rights Working Group, IBA Diversity and Equality Law
Committee*

Rebecca Ford *Clyde & Co, Dubai*

Marianne Granhøj *Kromann Reumert, Copenhagen; Co-Chair,
IBA Employment and Industrial Relations Law Committee*

Speakers

Frances Anderson *Victorian Government Solicitor's Office,
Melbourne, Victoria*

Erika Collins *Proskauer, New York*

Richard Frank *Alexion Pharma, Zürich*

Lucy Lu *King & Wood Mallesons, Beijing*

Nancy Mangenot *Servier, Paris*

Roselyn Sands *EY Société d'avocats, Paris*

Catriona Watt *Fox & Partners, London; Member, IBA Young
Lawyers' Committee Advisory Board*

1830 – 2130 Closing reception

*Concorde Room, Automobile Club France
6 Place de la Concorde, 75008 Paris, France*

Join us for drinks and supper at this closing networking reception where you will be able to enjoy a spectacular panoramic view of La Place de la Concorde.

All registered delegates are welcome to attend. Please indicate on the registration form if you plan to attend.

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

Continuing Professional Development/Continuing Legal Education

*The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

For conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the conference. Subject to CPD/CLE requirements, this can be used by conference delegates to obtain the relevant number of hours' accreditation.

A CPD/CLE Certificate of Attendance is available to conference delegates on request. Please ask at the IBA conference registration desk for information on how to obtain the certificate.

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Exhibitors



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Our expertise in international migration law allows us to also handle cases of French personnel posted abroad.

KARL WAHEED AVOCATS SARL

34 rue Henri Chevreau - 75020 Paris - Château de Prades - 30140 Thoiras

T. : +33 (0)1 43 66 94 27 • Fax : 01 43 66 94 28 -
cabinet@karlwaheed.fr • www.karlwaheed.fr