

# Employment Law Challenges For Multi-National Companies In 2016-17

Key Employment Policies,  
Corporate Social Responsibility,  
And Recruiting

# Introduction

Richard Scharlat is a partner in Dentons' 425-member global Employment and Labor practice, and a member of its Steering Committee. Mr. Scharlat has 20 years' experience in employment litigation defending management in many industries and in complex commercial litigation and class actions. Mr. Scharlat manages global employment projects for multinational companies all over the world, including key employment policies, contract issues, and data privacy concerns. Mr. Scharlat is a seasoned trial lawyer, having tried bench and jury cases in federal and state courts in numerous jurisdictions in the United States, as well as arbitrations before FINRA and American Arbitration Association panels. He also regularly handles matters before the New York Division of Human Rights and the New Jersey Department of Labor.

Mr. Scharlat has substantial experience in advising and counseling companies and executives on employment and labor issues, and in dealing with equal employment, diversity and discrimination counseling. He has a particularly deep background with employment issues in the health care field and with skilled nursing facilities.

Mr. Scharlat also has significant experience defending management in trade secret litigation, employee poaching/raiding cases, employment contract negotiations, executive compensation, restrictive covenant disputes and unfair competition matters.

# KEY EMPLOYMENT POLICIES ("KEPs") FOR MULTI-NATIONAL COMPANIES

- Core Values And Policies Applicable To All Employees At All Locations Of The Multi-National Company ("MNC")
- Benefits Include Unified Corporate Culture And Consistent Applicability And Enforcement Of Policies Company-Wide
- Assemble "Best In Class" Team To Work Together To Synthesize Policies
- Identify MNC's "Non-Negotiable" Values And Priorities

# KEY EMPLOYMENT POLICIES ("KEPs") FOR MULTI-NATIONAL COMPANIES

- Introductory Message
- Required Promulgation Of New Policies - **China**
- EXAMPLES OF CORE VALUES AND PRIORITIES
  - Inclusive Work Environment
  - Progressive Discipline
  - Civil And Productive Employee Relationships
  - Careful Treatment Of Confidential Information
  - Addressing Drug And Substance Abuse
  - Providing Time Off

# KEY EMPLOYMENT POLICIES ("KEPs") FOR MULTI-NATIONAL COMPANIES

- INCLUSIVE WORK ENVIRONMENT
  - Equal Employment
  - Diversity
  - Fair Treatment And Respect
  - Standards Of Work-Related Behavior
  - Employees Resources
  - Open-Door Policy
- PROGRESSIVE DISCIPLINE
  - Standards Of Work-Related Behavior
  - Reporting
  - Dispute Resolution

# KEY EMPLOYMENT POLICIES ("KEPs") FOR MULTI-NATIONAL COMPANIES

- CAREFUL TREATMENT OF CONFIDENTIAL INFORMATION
  - Restrictive Covenants
  - Data Privacy
- ADDRESSING DRUG AND SUBSTANCE ABUSE
  - EAP's
  - Counseling
  - Disclosure Of Convictions And Arrests
- PROVIDING VACATION AND LEAVE
  - Vacation
  - Leave
  - Attendance

# KEY EMPLOYMENT POLICIES ("KEPs") FOR MULTI-NATIONAL COMPANIES

- EXAMPLES OF VARIATIONS OF POLICIES WORLDWIDE
  - "At-Will" Employment And Requirement Of Employment Contracts
    - USA
    - FRANCE
    - GERMANY
    - UNITED KINGDOM
  - Drug And Substance Abuse
    - FRANCE
    - BRAZIL
    - SWITZERLAND
    - CANADA - QUEBEC
    - CANADA - ONTARIO
  - Harassment
    - INDIA
    - HONG KONG
    - CANADA - ONTARIO

# CORPORATE SOCIAL RESPONSIBILITY

- MNCs Are Challenged By Social, Environmental, And Ethical Issues Around the Globe
  - Social Media Enables Different Interest Groups To Confront MNC's Effectively And Inexpensively
  - Need Strategies To Deal With Non-Governmental Organizations ("NGOs") And Other Activists Proactively
  - Diminishing Government Resources Leave More To Private And Voluntary Efforts
  - Employees Want to Work For Companies That "Behave Better"

# CORPORATE SOCIAL RESPONSIBILITY

- Benefits Include:
  - Clients And Vendors Want To Partner To Make The Workplace Healthier And More Productive
  - Save Money With Energy And Other Efficiencies
  - Social Good Will - Branding
  - Happier, More Fulfilled Employees
  - Less Regulatory Oversight
  - Safer Products And Less Risk Of Liability

# CORPORATE SOCIAL RESPONSIBILITY

- Ethical Labor Practices
  - Migration
  - Social Dislocation
  - Impact on rules for temporary workers
  - Minimum wage

# CORPORATE SOCIAL RESPONSIBILITY

- Non-Traditional Labor Concerns
  - Volunteering/ Pro Bono Work
  - Philanthropy
  - Environmental
    - Water
    - Energy
    - Carbon Footprint
    - Sustainability

# GLOBAL RECRUITING CHALLENGES FOR MNCs

- The China Challenge
  - MNCs Not Universally Viewed As Best Option As Compared To Chinese Employers Who Compete For Talent
  - Chinese Companies Put Employees In The Center Of The Action, Not In "Satellites"
  - Streamline HR Functions To Attract Top Talent
  - Partner With Vendors - Like Kiosite - To Leverage Technology To Find The Best Recruits More Efficiently

# GLOBAL RECRUITING CHALLENGES FOR MNCs

- Global Structure Must Function At Local Level
  - Single Recruitment Tool And Software
    - Pre-screen CVs
    - Interviews
    - New Hire Onboarding

# GLOBAL RECRUITING CHALLENGES FOR MNCs

- Global Structure Must Function At Local Level
  - Data Must Be Shared Effectively Throughout The MNC
    - Standardize Fields
    - Advertisements And Applications

# GLOBAL RECRUITING CHALLENGES FOR MNCs

- Global Structure Must Function At Local Level
  - Flexibility for Local Nuance Must be Maintained
    - Language
    - Geography
    - Culture

# GLOBAL RECRUITING CHALLENGES FOR MNCs

- Keys to Success
  - Unified Global Processes, With Local Adjustments
  - Prioritize Finding New Talent Sources
  - Establish And Maintain Clear Lines Of Authority And Communication
  - Incorporate Best Technologies
  - Stress Teamwork
  - Emphasis On Global Brand
  - Value Input From All Locations
  - Implement Systems To Evaluate And Improve

# Thank you



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