



Managing a Global Workforce: From Hiring Foreign Nationals to Employee Mobility Challenges in the COVID Era

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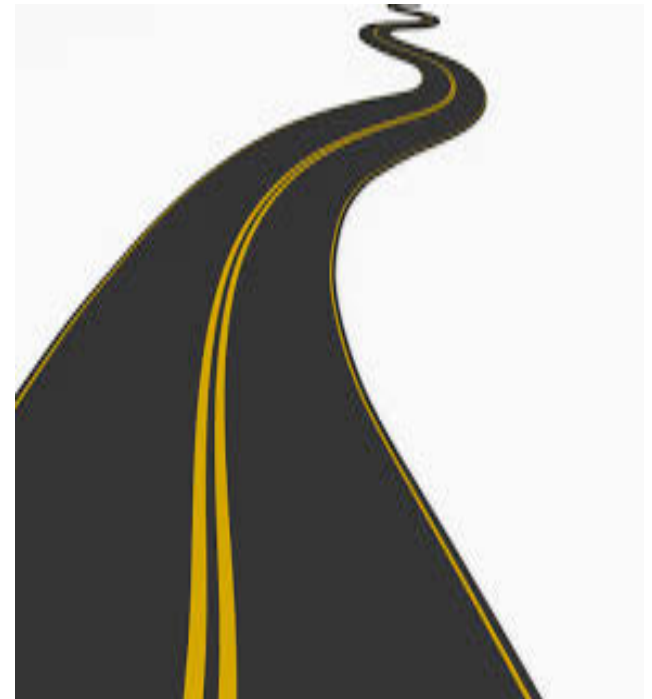
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Global Workforce

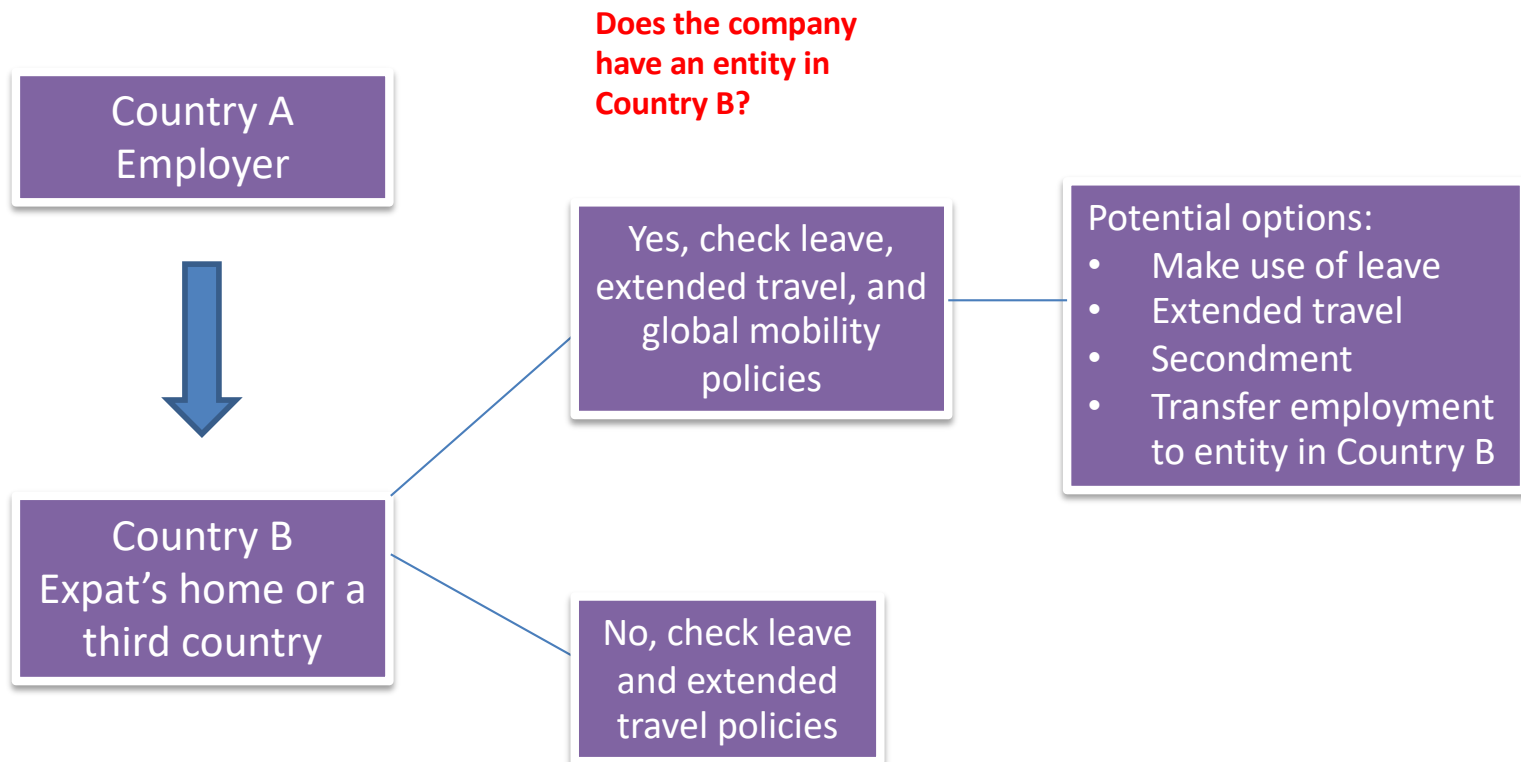


Roadmap

- Remote Workforce and Home Office Considerations
- Cross Border Restructuring in a COVID Era
- Health & Safety of Employees and International Travel
- National Security/Trade Compliance
- Emerging Trends



Remote Workforce and Home Office Considerations



Remote Workforce and Home Office Considerations

- Legal Considerations
 - Health and Safety-Fear to Return to Work
 - Tax
 - Data privacy and security – national security overlay (export controls, Section 889)
 - Confidentiality
 - Benefits
 - Immigration issues—is a work permit needed?
 - Third party client restrictions
 - Insurance
 - Wage/Hour/Employment laws



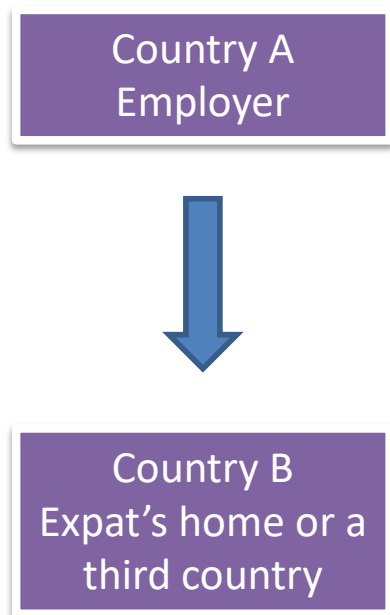
Cross Border Restructuring in a Covid Era

- Shifts in the supply chain resulting in plant closures or labor reductions
 - Furloughs and reductions in force-how to plan in light of potential incentives received
 - Terminations-when cross border and travel restrictions apply
- Outsourcing- often there are limits to outsourcing internationally regarding percentage of workforce and type of positions



Cross Border Restructuring in a Covid Era

Individual Termination with Cross-Border Concerns



- Main questions to ask:
 - Is the employee working in country B?
 - Does the company have an entity or assets in country B?
- Country B's employment laws may also apply
 - Company should take formal steps to terminate under Country A requirements
 - Accommodate Country B requirements if possible
 - Severance payments
 - Mutual agreement with waiver and release likely necessary

Cross Border Restructuring in a Covid Era

Global Workforce Restructuring

Prepare

- Prepare restructuring communications and plans
- Draft necessary documents including VLO and ILO packages and mutual agreements
 - Customize local approaches – no one-size fits all
 - COVID restrictions

Communicate

- Consult with union, works council, government authority
- Communicate with employees on reasons for restructuring and process

Terminate

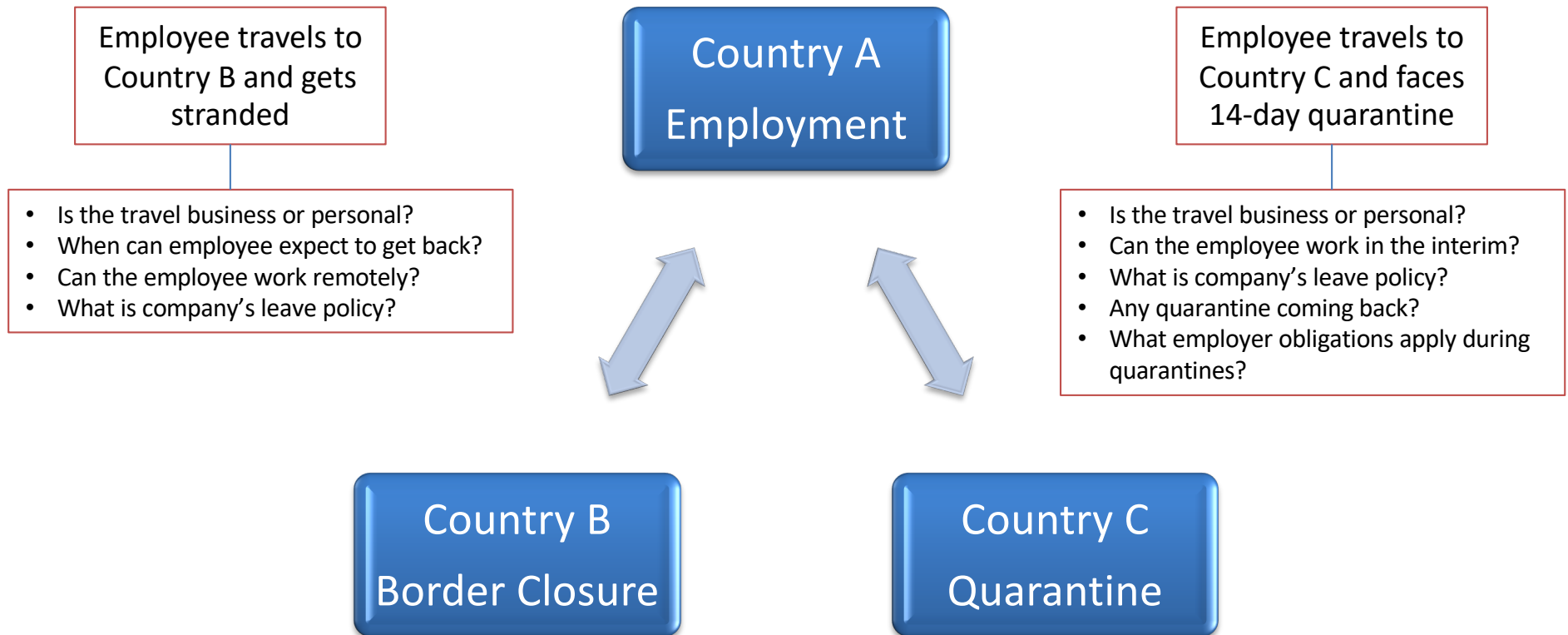
- Be ready to negotiate – unilateral termination not available in most countries
- Make final payments on last day or shortly thereafter

Health & Safety of Employees and International Travel

- Globally travel restrictions are still very much in place
 - Business visa/work permit application restrictions in place with exceptions
 - Travel bubbles/corridors
- Safety of employees number one priority for employers - is it safe to travel again? Can you force employees to travel again?
- Educate employees on symptoms and new health and safety policies and travel restrictions and quarantines.

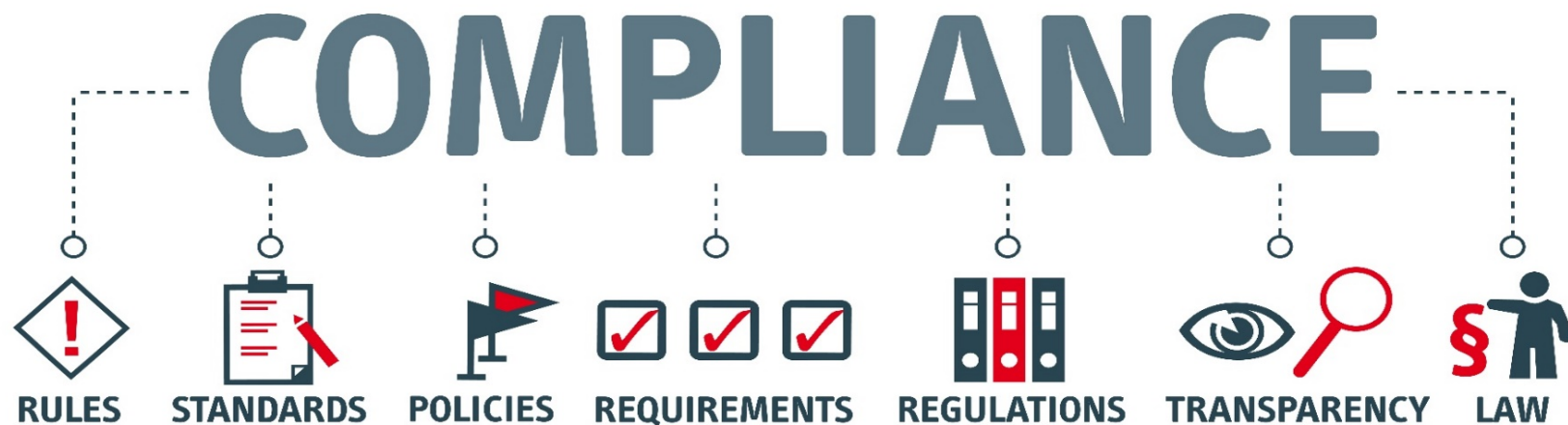


Health & Safety of Employees and International Travel



National Security/Trade Compliance

- Company A has decided to offshore certain HR functions
- Company A business team suggests company needs to implement policy of hiring U.S. citizens only because of sensitive DoD contracts



National Security/Trade Compliance

- Variety of regulatory requirements can come into play related to global workforce
 - Export controls (can be implicated whether or not company is doing work for DoD/IC)
 - Data security
 - Technology transfers/authorizations
 - Classified contracting
 - Other government contracts requirements
 - Contractual restrictions on foreign nationals performing work
 - Location of data/employees performing work
 - Section 889 considerations (by using overseas resources, raises risk that company is “using” equipment, system, or service that uses “covered telecommunications equipment or services”)

National Security/Trade Compliance

Other Considerations

- New Trump Administration Executive Order – August 3, 2020
- Balance with antidiscrimination considerations
 - Blanket rule that will not offshore resources or will only use US citizens/US persons raises risk
 - Practical pointers
 - Evaluate particular role/function for applicable requirements
 - if restricting performance by non-US citizen/person or employee located overseas, document statutory/regulatory basis

Emerging Trends

- Global Diversity and Inclusion; Black Lives Matter; Pay Equity
 - Gender discrimination primary focus globally
 - Recent updated legislation on gender and sexual harassment
 - Global training with local customization
 - Definitions vary widely and very culturally driven
 - Enforcement may not be effective
- Some countries have general equal work/equal pay legislation
- Age discrimination and mandatory retirement age
- EO on diversity training



Emerging Trends

- Remote Workplace Investigations
- Modern Slavery and Human Rights
- Digital Workforce:
 - Future of work to be defined by more automation and technology, to complete tasks remotely but using digital communication and collaboration tools
 - Creation of digital learning opportunities
 - Acceleration of shifts to digital environment, including talent recruitment, compliance operations, customer and supplier management; use of data analytics and AI to help with real-time decision-making



Questions?



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