

Addressing Multinational Labor and Employment Law Issues Through an International Alliance

By John L. Sander &

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Meet the Authors



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Transcript

Welcome to Jackson Lewis's podcast, We get work™. Focused solely on workplace issues, it is our job to help employers develop proactive strategies, strong policies, and business-oriented solutions to cultivate an engaged, stable, and inclusive workforce. Our podcast identifies issues that influence and impact the workplace and its continuing evolution and helps answer the question on every employer's mind. How will my business be impacted?

All multinational employers face the daily daunting challenge of monitoring and addressing global labor, employment law, and immigration challenges. On today's episode of We get work™, we discuss how a global alliance can help multinational companies stay informed about cross-border labor and employment legal issues. Today's hosts are John Sander and Jeroen Douwes. John is co-leader of the International Employment Practice Group at Jackson Lewis and chairman of L&E Global. He focuses on cross-border labor and employment matters for the firm's multinational clients. Jeroen is L&E Global's executive director and is responsible for developing, implementing, and managing the strategic and operational goals of the L&E Global Alliance. Jackson Lewis is a founding member of L&E Global, a global alliance of premier employer's council firms that provides customized, business-focused advice on employment law matters.

L&E Global member firms have more than 1,750 legal professionals advising clients on global and local matters across six continents. John and Jeroen, the question on everyone's mind today is, how do in-house legal and human resources functions conveniently access responsive legal assistance in far-flung locations without

sacrificing quality or cost effectiveness? And how does that impact my organization?

Well, thanks very much, Alitia. Let me take the first shot at this since I'm a former in-house counsel. You know, this topic of cross-border labor and employment law is a very tricky one to handle in-house because, let's face it, the local laws in 100 countries are not usually in top of memory for most in-house counsel. Yet when these issues arise, they come fast and they hit very hard.

So it's that global reduction in force, which someone has already told the CEO is going to be accomplished in a ridiculously short time period, or it's that big compliance issue, or it's the major executive termination. And at headquarters, the reaction to in-house counsel is very often, well, don't you have a stable of top counsel in Chile and Romania and Norway and the Philippines? You know, why aren't they answering your phone calls in five minutes?

So it's very difficult as an in-house person to kind of keep current and keep a really good team in this area because you know, you're going to need a lot of local counsel. So back in my day, I tried really everything, started with the default, the path of least resistance, which was to use a global law firm. And I found that that worked very well in some countries, but in other countries, the employment law expertise was really secondary. The office had been set up to do banking or international arbitration or a whole lot of other things, but not to do labor and employment. So I found the degree of expertise quite uneven, but the cost was quite even and very high because it was built into a global firm's cost structure.

I also tried to build my own network of foreign counsel. And that worked well to a degree, but I found it very, very time consuming to create the network and to maintain it. Because if you don't call someone for two years, you can't expect them to respond immediately to you when you have an emergency. So that was a partial solution, but you know, again, a bit of a challenge. So I always thought it would be great if you had an alliance of a team that had been vetted by people who understood the in-house experience, who were responsive, who had accountability. I never found that in the alliances that existed in those days. So that's been something that I've been thinking a lot about as, as Jeroen and I have been constructing L&E Global. Jeroen, what do you hear from clients about what they're looking for in cross border solutions? Thanks, John. Well, the first question that often comes up is your Alliance anything more than a Rolodex. I'm always a little bit surprised.

But apparently there are lots of organizations out there that are actually exactly that. So we're L&E Global, we're an integrated alliance. We're not integrated financially or systems wise, but we are integrated when it comes to culture and people.

And also our growth strategy, it's very much client driven. We're not growing for the sake of growing. We want to grow where the clients need us. And we've got a very careful selection process when it comes to new member firms. As an alliance, another distinctive factor is our quality committee. We've got a team of lawyers, partners who are dedicated to safeguarding the quality within the Alliance. It's not a complaints box if already there were such things as complaints, but it's really a way where we follow our client's journey, where we make sure that the client's expectations are met and where we deliver as an alliance internationally what the client needs. We also have a client feedback initiative. We call it our client listening program, which gives us very

valuable feedback. And I think only by asking clients how they experience the journey with the Alliance, we can improve and make those adjustments.

There's always a manager within the Alliance, so there's a dedicated point of contact, whether it's an ongoing relationship or whether it's a project. And so the quality is safeguarded and that's often a lawyer in the client's home country and obviously supported by the L&E Global staff. Another question that comes up is how do I achieve cost control? And John already mentioned earlier that his experience as in-house counsel also often relates to costs of the services. And I can tell you all our firms, they offer alternative fee arrangements. We're used to quoting on a project basis, on a fixed fee basis. And yeah, what we want to make sure is that there are no surprises to our clients. And also the billing process, we often have a way of working with our clients. We obviously follow the way that the client prefers to interact with us but we either have a centralized structure or a decentralized structure.

In the centralized structure, there's a point of contact, but there's also the possibility of receiving a single invoice. And the client prefers, we can obviously also invoice the entities and the respective L&E global countries.

Is there anything more than a Rolodex? I recently was involved in a client pitch and part of the presentation to the client. The client insisted on me being there because he really wanted to really know whether we were more than a Rolodex. So I explained the way we work, the way we grow, the way we interact, and that convinced the client to do business with L&E Global. The thing clients want more than a Rolodex, a one-stop shop and a one-stop shop of the best employment lawyers worldwide. Told you about the careful selection process and we really are able to select the best employment lawyers worldwide, the integrated alliance, and we also have regular points of contact. We've got monthly regional meetings, for example, where our lawyers from the different jurisdictions meet. Yeah, I would just add to that, that a lot of my colleagues, even at Jackson Lewis, I think are surprised how much contact there is among the countries.

You know, people will ask me, you know, do I really know our employment lawyers in India? And the answer is, yeah, absolutely. I've been to their houses. I've met their families. They've been to my house. You know, we meet quite often. We not only work on many matters, but we just get on the phone to talk at various times. And that's true of really most of our countries. We don't have to look this up when you ask us for an attorney in Brazil or China or anywhere else. We don't have to look this up anywhere. These are people that we're dealing with every day or at least every week. And maybe that leads us to talking about selection of firms, which I think is a major client concern. How do we pick these firms? And you and I are a little different probably from a lot of other outside counsel in that I have an in-house background and you of course have a business background.

So we, you know, we're not necessarily using firms that are our pals at an international bar conference. We have a bit of a different perspective on how to choose firms. What are the qualities that you look for when we're in this process? Yeah, when we talk about selection of firms, I already mentioned that earlier as an answer to the question whether we're more than a Rolodex. When we select firms, as I mentioned, we're client driven. We grow where clients need us and we don't grow for

the sake of growing.

And what we look for is quality, quality of service, quality of legal service, responsiveness, client friendliness. English proficiency is very important, especially when it comes to cross-border work. The willingness to actually collaborate and not only on client matters, but also collaborate within the Alliance. We invest a lot of time and money in thought leadership, in webinars to reach out to clients. So those are activities where we require our members to participate in.

Besides the quality and the quality of the legal advice, I think that's a no-brainer. We also want to make sure that we like each other and that often sounds a bit soft, but I really believe that is where we are different from our competition. And this is really our backbone. So we like each other and we want to make sure that we like each other. We also want to make sure that we look after other people's clients better than our own. And that's what we're standing for. We want to work with a firm. We want to test them. It actually sometimes takes years to find the right firm and to get a firm to join L&E Global.

So when we start working with them, often we start with a survey on a certain topic. For example, a client requires an overview of data protection laws in 30 countries. And that's typical type of work where we start working with a new little firm and we get to know each other, the relationship grows and that goes for both ways for us, but also for the potential new joiner. They also need to feel comfortable with L&E Global and then we take the next step and welcome a new firm among the L&E Global Alliance. Yeah, let me add a couple of points maybe from the kind of former in-house council perspective, which is, you know, we need our firms to be practical and be able to assess risk.

So I know this is kind of a US centric way of expressing it, but often the cliché is that counsel in many countries can tell you what's in the book, but can't really tell you what do we do with that? How do we work with that? You know, what is the risk if we do it a slightly different way? And we look, you know, very hard for lawyers who can do that. Also, they must respond. They must respond. Response means hours. It doesn't mean days. No, they don't have to get up at three in the morning to respond, but because we are in different time zones, but they have to respond and respond quickly. They have to understand clients.

And I would say the last thing is they have to be a little bit humble. You know, if my US client has a basic question, you as a, as a lawyer outside the US find that a boring question, we don't need you as part of L&E Global. We handle all of our clients' needs small and large. And just as we are, just as we expect in Jackson Lewis, the US attorneys to have that perspective, we expect that of all of our attorneys in all countries. Jeroen, I wanted to ask you, you know, a lot of times, of course, clients will come to L&E Global through their home country firm. So for example, you get a lot of Jackson Lewis clients who'll come and use L&E Global, but there are other clients as well that may not have an affiliation with or a relationship with one of our member firms.

And they may just come to the website or whatever and pick one of our countries and pick out a firm. And it reminds me of an experience I had when I was in-house with a different alliance where I actually went to a particular country that was on the

website, received a great presentation by one of their senior lawyers about their capabilities. And then I found when I got there that I was assigned to a very junior lawyer who clearly had very little else to do, spoke almost no English and didn't respond. And I felt because it was an alliance, it wasn't a single firm. Where was the accountability? Where did I go with that kind of problem? How do we deal with that at L&E Global? How do we ensure, first of all, that it doesn't happen, but if it did, for some strange reason, that we would be able to address it? Yeah, thanks, John.

What I like about working with you, your high level of expectations, even internally with our member firms, and that's what you bring to the table as a former in-house counsel, and you really use that experience and put yourself in the shoes of our clients, of the in-house counsel, of the HR directors, and even make our own lives not easy, but I think rightfully so.

And I mentioned earlier our quality committee, so we're really committed to delivering the highest level of service. And we also have a way of working with clients of, so to say, the account management principles.

Ideally, we have a single point of contact, which is normally the lawyer in the jurisdiction. And that's the lawyer who takes ownership of the relationship and really looks after the day-to-day operations. I mentioned earlier the pitch that I participated in. We started working with the client and we had some basic principles before we started working, which was the lead partner who had regular calls with the client and if there was nothing to discuss, there was nothing to discuss, but it's good to have a moment in the calendar. There was always also a monthly call with representatives from the different jurisdictions just to make sure that the expectations were met, that the expectations were communicated to the client, and that the ongoing work was properly dealt with. So by that way of working, we safeguard the fact or we prevent the client from getting lost in our organization.

If you would go and there's a great opportunity to reach out to the clients, to our listeners, you can of course reach out to an individual member firm. The contact details are on our website, but always mention that you're going through L&E Global and better even go through either John or myself. We sort of know each other now through the podcast, but it's always best to go through either of us. We'll make sure that your client journey will be as smooth as possible.

So, Jeroen, why don't we sum it up and maybe you can identify what you think the main aspects of our Alliance that are really important tool and solution for multinational counsel. And I'll add a few thoughts and then we'll close.

Thanks, John. I'll never forget, you and I went to India and we had some client meetings and one of the clients acknowledged the existence of L&E Global. They understood our DNA. They understood the strength of our Alliance and they were so relieved because they acknowledged that it's so difficult to find the right counsel abroad and have to test them. And through L&E Global, they could have a much easier collaboration abroad. So I'll never forget that moment which was also an experience for me.

But some final thoughts, L&E Global, it's a reliable partner abroad, the best employment lawyers that we are able to work with, our quality assurance through the

quality committee, and the fact that we're a truly integrated alliance.

One thing maybe before I wrap up is the L&E Compare. The buzzword is technology, and I'm very happy to share L&E Compare tool with the listeners. And during COVID, it became apparent how challenging an international in-house legal HR role is, or an in-house counsel role. And it was already impossible to keep track of local measurements that were taken during COVID, let alone developments in other jurisdictions under your responsibility. And this was true during COVID, but it's also ever so true in day-to-day life. So we developed the online L&E Compare tool for and together with our clients.

And you can select your countries that you're interested in and then the topics of interest and the tool generates a comprehensive overview. It's on our website. We'll put it in the podcast notes. And our clients love it. So a little gift from us to you.

John, any other final thoughts? Yeah, I'll just add to it. I think what is unique about our Alliance is that it's a continually vetted team and it's vetted by people who either have announced experience or business experience. My nightmare every day is that I have a colleague at Jackson Lewis who has a client who needs help in a foreign country and that the counsel we recommend to them or that we work with doesn't meet their expectations. That's my constant nightmare and we work very hard to make sure that never ever happens. And we do it in a way that's from the perspective of a client.

I think the collaborative skills of every firm that we add to this Alliance is not only a team player with us, but also a team player with the client because many clients probably most work through a home country firm which manages the work, but some don't. Some want to just deal directly with the foreign counsel. And we work very hard to make sure that they are the right kind of people that we can with great confidence recommend to one of our clients.

And finally, that combination of quality. We pick our firms specifically for their expertise in labor and employment law. It's not an add-on function for it. It's not employment law by accident. It's employment law by design for all of these firms. And yet, most of our countries are at a cost which is considerably lower than, for example, a global firm.

That's what we work hard to maintain. And that's to me what the great advantage of our Alliance is.

So with that, Jeroen, thank you very much for participating in our Jackson Lewis podcast. I thank the listeners for hearing us out. And if you have any questions, our contact information will be very easy to find. Either Jeroen or I would be delighted to talk to you. And finally, as always, stay tuned for future Jackson Lewis podcasts.

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