

# LISBON 2008

9-10 May

**EELA** |  
European Employment  
Lawyers Association

11<sup>th</sup> Annual Conference

**PROGRAMME**

# WELCOME

Dear Participant,

It is my pleasure to welcome you to Lisbon and to the 11th Annual EELA Conference.

In light of the on-going debate across the European Union regarding the so-called Flexicurity model, it was the natural choice as the central theme of this year's Conference. Additionally, other European employment matters of great significance, such as international transfers of business, the balance of powers in discrimination cases, data privacy / workplace monitoring, collective redundancies, international HR management issues, international variable remuneration schemes and EWC / employee representation, will also be addressed.

We are certain that the debate of the issues covered in this year's programme will result in the consolidation and increase of knowledge in matters which are key to an Employment Lawyer, irrespective of the jurisdiction in which he or she acts.

In order to ensure that these objectives are met, each theme will be debated in a long-session format. Accordingly, the length of the Conference has been extended, a further innovation from the past.

You are invited to actively participate in the sessions since the success of the Conference will depend greatly on your contribution.

Enjoy the Conference !

César Sá Esteves  
Conference Committee Chairman

## A CITY TO KEEP IN YOUR HEART LISBON

Lisbon is known as the white city, thanks to its unique luminosity.

Its light, its atmosphere and warm climate, in particular during the Spring, constitute the perfect combination for visitors to discover Lisbon.

Lisbon's architecture and monuments reflect the greatness of Portugal's history. As the capital of the Portuguese Empire, Lisbon reached the peak of its prosperity during the Age of the Discoveries, a period which is marked in each of the seven hills of the city.

The logo of this year's Conference is the "Padrão dos Descobrimentos". This monument commemorates the five hundredth anniversary of the death of Henry the Navigator, who masterminded the Discoveries' voyages.

Lisbon is an extremely lively city and deserves to be explored and savoured.

Enjoy Lisbon !

# PROGRAMME

## FRIDAY, 9 MAY

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Hours:	Event:	Place:	Speakers:	Session Leader:
08:30-09:30	Registration	Ritz Four Seasons		
09:30-09:40	Opening Session	Ballroom	<b>Mr Costas Kyriakides</b> EELA Chairman <b>Mr César Sá Esteves</b> Conference Committee Chairman	
09:40-11:30	Plenary Session · Employment Law Trends in Europe / Flexicurity	Ballroom	<b>Mr Vladimir Spidla</b> EU Commissioner for Employment, Social Affairs and Equal Opportunities <b>Mr José Vieira da Silva</b> Portuguese Minister for Labour and Social Solidarity <b>Mr Roberto Suarez</b> Vice-President of BusinessEurope Social Affairs Committee <b>Mr João Proença</b> Secretary-General of the General Workers Union ("União Geral de Trabalhadores" - UGT)	
11:30-12:00	Coffee Break	Ballroom Lower Foyer		
12:00-12:45	EU Developments	Ballroom	<b>Mr Armindo Silva</b> Acting Director for Social Dialogue, Social Rights, Working Conditions and Adaptation to Change DG Employment, Social Affairs and Equal Opportunities	



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Hours:	Event:	Place:	Speakers:	Session Leader:
12:45-13:00	EELA AWARD	Ritz Four Seasons Ballroom	EELA Award Committee	
13:00-14:30	Lunch	Fernando Pessoa Room		
14:30-15:45	<p>Session 1 · Flexicurity – Future Model for Employment Law in Europe</p> <p>The session will focus on Flexicurity which the European Union attempts to put on the agenda in all Member States as Flexicurity – at least by some – is seen as the answer to the EU’s dilemma of how to maintain and improve competitiveness whilst preserving the European social model. Common principles on Flexicurity were agreed by EU Employment and Social Affairs Ministers on 5 December 2007 and include four components: effective labour market policies, flexible and reliable contractual arrangements, comprehensive lifelong learning strategies, and modern and adequate social protection systems</p> <p>The aim of the session is to explore what flexicurity means, is there a common concept of flexicurity which is shared by all member states, and further to find out whether there is something new to be learned for all EU countries, for companies and for HR professionals?</p>	Marquês de Pombal Room	<p><b>Mrs Maria Helena André</b> Deputy General Secretary, European Trade Union Confederation (ETUC) Belgium</p> <p><b>Ms Renate Hornung-Draus</b> Chair, BUSINESSEUROPE’s Employment Working Group, Germany</p> <p><b>Dr. Paul Coleman</b> Vice President, Government Affairs –International, Biogen Idec Belgium</p> <p><b>Ms Roselyn Sands</b> Attorney-at-Law (US and France) Partner, Ernst &amp; Young Société d’Avocats</p>	<b>Mrs. Mariann Norrbom</b> Norrbom Vinding, Denmark
14:30-15:45	<p>Session 2 · Acquired Rights Directive – International Transfer of Business</p> <p>In this session attention will be given to recent developments in this field. Further, a discussion will be held on which “rights and obligations” transfer according to the Directive. Would there be “rights” of employees which do not transfer? Following up on the session on transfer of undertaking in Venice we will elaborate on cross-border transfers: does the Directive apply or are cross-border transfers being dealt with otherwise?</p>	Ballroom	<p><b>Mr. Nicholas Squire</b> Freshfields, United Kingdom</p> <p><b>Prof. Júlio Vieira Gomes</b> Universidade Católica Portuguesa, Portugal</p> <p><b>Prof. Salvador del Rey</b> Cuatrecasas, Spain</p> <p><b>Mrs. Vicky Bouzouki</b> Coca-Cola Hellenic Bottling Company, Greece</p>	<b>Mrs. Els de Wind</b> Van Doorne, The Netherlands



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## FRIDAY, 9 MAY

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Hours:	Event:	Place:	Speakers:	Session Leader:
		Ritz Four Seasons		
14:30-15:45	<p>Session 3 · Balance of Powers in Discrimination Cases; Burden of Proof and Financial Impact.</p> <p>An examination of the Burden of Proof Directive 97/820/EC as implemented in the national legislations, the impact of the implementation of the Burden of Proof on the development of discrimination law, cost of litigation and level of damages.</p> <p>The session aims at increasing the level of awareness in discrimination cases, thereby discussing strategies for preventing, managing and defending discrimination claims.</p>	Vasco da Gama Room	<p><b>Mrs. Paula Embro Hogéus</b> Delphi Law firm, Sweden</p> <p><b>Ms Petra A. Charbon</b> Stibbe Law firm, The Netherlands</p> <p><b>Ms Maria da Glória Leitão</b> Gonçalves Pereira, Castelo Branco &amp; Associados, Portugal</p>	<p><b>Mr Anders Elmer</b> Elmzell Law Firm, Sweden</p> <p><b>Janet Gaymer CBE QC</b> United Kingdom</p>
14:30-15:45	Session 4 · Data Privacy / Work Place Monitoring / International Policies	Tejo Room	<p><b>Mr Franco Toffoletto</b> Toffoletto e Soci, Italy</p> <p><b>Ms Catherine Jakimowicz</b> Simmons &amp; Simmons, The Netherlands</p> <p><b>Ms Tish Clyde</b> GE Healthcare, United Kingdom</p>	<p><b>Mr Mark Mansell</b> Allen &amp; Overy, United Kingdom</p>
15:45-16:15	Coffee break			
16:15-17:30	Session 1 (cont.) · Flexicurity – Future Model for Employment Law in Europe	Marquês de Pombal Room		
16:15-17:30	Session 2 (cont.) · Acquired Rights Directive – International Transfer of Business	Ballroom		
16:15-17:30	Session 3 (cont.) · Balance of Powers in Discrimination Cases; Burden of Proof and Financial Impact.	Vasco da Gama Room		
16:15-17:30	Session 4 (cont.) · Data Privacy / Work Place Monitoring / International Policies	Tejo Room		



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## FRIDAY, 9 MAY

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Hours:	Event:	Place:	Speakers:	Session Leader:
17:30-17:45	Young Lawyers and New Members	Ballroom		<a href="#">Mr Guy Castegnaro</a> Castegnaro, Cabinet d'avocats, Luxembourg <a href="#">Mr Martin Diller</a> Gleisslutz, Germany
19:00	Bus Departure	Ritz Four Seasons & Tiara/ Le Meridien		
19:00-20:00	City Tour			
20:00-23:00	Gala Dinner	Convento do Beato		
23:00	Bus Departure / Return to Hotel			
23:00-00:30	Disco	Convento do Beato		
00:30	Bus Departure / Return to Hotel			



# PROGRAMME

## SATURDAY, 10 MAY

Hours:	Event:	Place:	Speakers:	Session Leader:
09:30-10:45	<p>Session 5 · Collective Redundancies – Cross Border Issues</p> <p>Analysis of current cross border issues related to restructuring projects in Europe. General overview of restructuring legislation across Europe. Practical advice for a successful cross border restructuring project. Hot current and new topics: Corporate social responsibility; Media and communications' role; Social Plans.</p> <p>The session aims at providing a general and practical overview of the current situation of restructuring in Europe.</p>	Ritz Four Seasons Ballroom	<p><b>Mr Rubén Agote</b> Cuatrecasas, Spain</p> <p><b>Mr Pascal Lagoutte</b> Capstan, France</p> <p><b>Mr Markus Bohnau</b> Kliemt Vollstädt, Germany</p> <p><b>Mr. Javier Gonzalez</b> ENEL, Spain</p>	<b>Mr Iñigo Sagardoy</b> Sagardoy Abogados, Spain
09:30-10:45	Session 6 · International HR management issues. (International standard contracts, managing cultural differences, definition and implementation of global remuneration plans, etc.)	Marquês de Pombal Room	<p><b>Ms Lucrèce Reybroeck</b> DHL, Belgium</p> <p><b>Mr Wim Bossens</b> Johnson's &amp; Johnson's, Belgium</p> <p><b>Ms Susanna Tiihonen</b> Nokia Siemens Networks, Finland</p>	<b>Mr Chris Engels</b> Claeys & Engels, Belgium
09:30-10:45	Session 7 · Variable remuneration schemes / Multi-jurisdictional implementation / International secondment of employees / International mobility / Major Issues	Tiara / Le Meridien Óbidos Room	<p><b>Mrs Laure Tournefier</b> Boston Scientific, Spain</p> <p><b>Mr Aldo Bottini</b> Toffoletto e Soci, Italy</p> <p><b>Mrs Susana Afonso Costa</b> Simmons &amp; Simmons Rebelo de Sousa, Portugal</p> <p><b>Mrs Chryssiis Poulakou</b> Kyriakides Georgopoulos &amp; Daniolos Issaias, Greece</p>	<b>Mr Costas Kyriakides</b> Kyriakides Georgopoulos & Daniolos Issaias, Greece



# PROGRAMME

# SATURDAY, 10 MAY

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Hours:	Event:	Place:	Speakers:	Session Leader:
09:30-10:45	<p>Session 8 · EWC's / Employees' Representation / Difficulties in establishing and running a EWC / Effectiveness of their activities / Role of the EWC in matters of corporate social responsibility.</p> <p>The session aims at focusing on the difficulties of running a EWC as well as on the role the EWC could play in matters of corporate social responsibility. The session will also deal with the question of whether or not it is necessary to amend the Council Directive 94/45/EC of 22 September 1994 on EWC (consultation of the European social partners launched mid February 2008 by the EU Commission). Consequences of the establishment of a SE Works Council to an existing European Works Council.</p>	Ritz Four Seasons Vasco da Gama Room	<p><b>Mrs Peggy Schell</b> RBC Dexia, Luxembourg</p> <p><b>Mr Jean-Claude Javillier</b> Professeur Emérite à l'Université de Paris-II, France</p> <p><b>Ms Evelyne Pichot</b> DG Employment, Social Affairs and Equal Opportunities, EMPL F2, European Commission</p> <p><b>Mr Michael Schmidt</b> Shearman &amp; Sterling, Germany</p> <p><b>Ms Catarina Nunes de Oliveira Carvalho</b> Universidade Católica Portuguesa, Portugal</p>	<b>Mr Guy Castegnaro</b> Castegnaro, Cabinet d'avocats, Luxembourg
10:45-11:15	Coffee break			
11:15-12:30	Session 5 (cont.) · Collective Redundancies – Cross Border Issues	Ballroom		
11:15-12:30	Session 6 (cont.) · International HR management issues. (International standard contracts, managing cultural differences, definition and implementation of global remuneration plans, etc).	Marquês de Pombal Room		
11:15-12:30	Session 7 (cont.) · Variable remuneration schemes / Multi-jurisdictional implementation/ International secondment of employees / International mobility / Major Issues	Tiara / Le Meridien Óbidos Room		





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## SATURDAY, 10 MAY

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Hours:	Event:	Place:	Speakers:	Session Leader:
11:15-12:30	Session 8 · EWC's / Employees' Representation / Difficulties in establishing and running a EWC / Effectiveness of their activities / Role of the EWC in matters of corporate social responsibility.	Ritz Four Seasons Vasco da Gama Room		
12:30-13:00	Annual General Meeting	Ballroom		
13:00	Close of Conference	Ballroom		
13:00-14:00	Lunch	Fernando Pessoa Room		



# ACCOMPANYING GUESTS PROGRAMME

## FRIDAY, 9 MAY

### Half-day Tour to Sintra, Cabo da Roca, Cascais and Estoril

10:00 – 15:00 Departure to Sintra, a small delightful town in the forest covered Mountain of Sintra, immortalized as "Glorious Eden" by the famous poet Lord Byron.

Sintra is located approximately 30 kilometers northwest of Lisbon. There will be a visit to the Royal Palace of Sintra, the fabulous royal residence of many Portuguese Kings, with wings and halls dating from the 13/14th Centuries.

Sintra is excellent for shopping souvenirs and handicraft.

The tour will then continue on to "Cabo da Roca", the Western-most point of continental Europe, where a stop will be made by the cliffs over the Atlantic Ocean.

Following the coastline the tour will then pass by "Guincho" Beach and "Boca do Inferno" an ocean-carved spectacle in rock.

Arriving at the old fishermen village of Cascais that in the 1940's was chosen as residence by exiled European Royalty, a stop will be made by the lovely bay of Cascais.

We will then return to the Hotel passing by Estoril.

Lunch included