
THE EMPLOYMENT LAW REVIEW

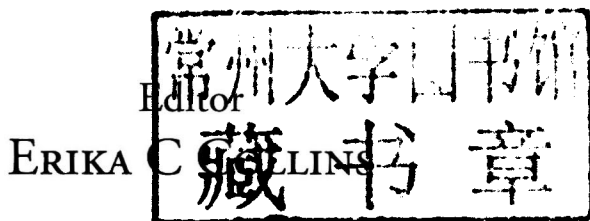
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EDITOR'S PREFACE

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While these efforts are, of course, aimed at benefiting workers by addressing unemployment, a number of them also are by-products of another trend: the implementation of austerity measures in response to debt crises in Europe and elsewhere. Fewer unemployed citizens means lower entitlement spending for governments. Other

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This fourth edition once again includes several general-interest chapters – one addressing employment issues in cross-border mergers and acquisitions, one addressing social media in the workplace, and another addressing global diversity initiatives. This edition also boasts the addition of five new countries, bringing the number of covered jurisdictions to 52.

I wish once again to thank our publisher, particularly Lydia Gerges, Adam Myers and Gideon Robertson; all of our contributors; and my associate, Michelle Gyves, for their tireless efforts to bring this edition to fruition.

Erika C Collins

Paul Hastings LLP

New York

February 2013

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Erika C Collins
Paul Hastings LLP
New York
February 2013

Chapter 1

GLOBAL DIVERSITY AND INTERNATIONAL EMPLOYMENT

Erika C Collins¹

Over the past 30 years, many countries have passed some form of regulation to promote diversity in the workplace. Although diversity management is a common imperative for multinational corporations, the evolution of legal and regulatory developments reveals a landscape filled with varied and multidimensional approaches. In the past several years, different regions of the world have experienced unique successes and challenges in achieving workplace diversity. While the United States has embraced diversity initiatives as a whole, the European Union has pioneered efforts to achieve gender parity in corporate management, and countries in Asia have set progressive quotas to increase the representation of disabled employees. This chapter addresses some of these recent initiatives to promote corporate diversity in the multinational workplace as well as the particular challenges that corporations with a global presence may encounter in the administration of both internal and legally mandated diversity initiatives. These challenges include barriers to the collection and retention of employee diversity statistics imposed by international privacy regulation, the difficulties in adapting an integrated diversity initiative to regional demands, and the ever-present gaps between legislation and enforcement.

In a world populated by an increasing number of multinational corporations, diversity management has not only become an issue of strategic importance, but also a driver of economic and competitive success. Not only does an increasingly diverse workforce mean better access to resources and customers, greater legitimacy in heterogeneous societies, and opportunities for learning and innovation, but corporations also perceive added value in distinguishing themselves from their homogenous competitors. In addition to being driven by business incentives, diversity initiatives sometimes are

1 Erika C Collins is a partner at Paul Hastings LLP. Special thanks to Michelle Gyves and Sara Tomezsko for their contributions to this chapter. Michelle is an associate and Sara was a 2012 summer associate in Paul Hastings' New York office.