



ANNUAL CONFERENCE

Challenges in the Reimagined World of Work **4 - 5 March, 2021**

Thursday, 4 March 2021

10:00 am EST/

4:00 pm CET Welcome by Baba Zipkin (*Millrace Consulting*) - Chair of XBHR; Ulrich Bormann (*Evonik Industries AG*), Gerlind Wisskirchen (*CMS Germany*) - Co-Chairs. Brief individual introductions.

- BZ: opens meeting and introduces Management Committee; reminder re: confidentiality and non-attribution of company names
- UB: welcomes everyone, provides technical advice (netiquette – all not talking will mute themselves, if there are reception issues we may turn cameras off if necessary)
- GW: hoping to see one another; in terms of program we've kept some of the same issues as raised last year, and added discussions of what has happened since then; generally outlined sessions for next two days

10:15 am EST/

4:15 CET **Considerations and Outcomes of the New World**

of Work

- Parentheses or permanent: will employees ever return to the workplace? If not, how will employers manage “working from everywhere”?
- What are employee expectations and needs going forward: considerations for millennials and long-term workers (networking and career progression, company culture, longer term learning, contingency vs. permanent workers)? Are these in conflict?
- How will employers cope with remote work patterns under government regulations?
- Will matrixed organizations manage and lead teams differently? If so, what will the impact be on employees and business?
- Will cross-border work still be needed? If so, how will global mobility programs change (permanent transfers vs. short term business travelers)? Will immigration regulations drive or respond to altered business policies?

Discussion leader: Gunda Niehaus, Procter & Gamble

GN: this is more about change in the workplace than COVID, recognizing COVID has accelerated the things we do today and the things to come; how are people looking at the technology and desires that have already been there.

- this change could be a recognition that people are not just employees; they need flex with regard to child care, need accommodation, aging population and need to take care of parents and other close relatives; it’s an increasingly important factor to bear in mind
- we believe we are at the stage where employers have to get into the mode of moving away from being in ‘crisis management’ to ‘designing the future of the workplace’

Comments from Members:

- clients are looking years down the road, the hybrid model is becoming more prevalent; agree there’s been an acceleration

- our company is carefully reviewing the is situation, including monthly surveys where our employees give feedback re: how they feel about working from home; we have high approval rating of WFH; vast majority come back saying they believe they are efficient WFH, are looking forward to coming back on 1-3 day/week basis (current discussion is 2 days per week); dividing employees into categories (ones who should be working 100% at the office, about 80% who will be in a hybrid model, and lastly the ones who do not need to be in an office and the question is how much flex we want to offer - would we allow them to work from anywhere?); little appetite to allow people to work from *anywhere* (tax, legal, safety risks, social factors (pay scale vs. local cost of living))
- the alternating model seems to be the new model; PwC study indicates 2-3 days per week in the office is the new model; re: choice between home office and remote work is also a legal question; in Germany, it's easier to have people work from anywhere but home because home work is highly regulated vs. working remotely from places other than home; have contemplated questions with our own team, do we agree on days we see one another for the social need
- we have a reshuffled deck, we cut the world up in a way we haven't before; essential workers, what can be remote or not, the demographic or social condition of an employee (in normal office work people are generally dressed the same, we're not aware of their home environment - those things aren't relevant - but they are now given the impact on the ability to WFH); now have to consider the needs of different generations (older workers and technology - is the stereotype bearing out?) and the need of the young to learn and be integrated into a company and its values, the need to socialize; all of this apart from the industry in which the company operates, we know there have been some next losers (travel, hospitality) vs. those thriving (tech, food delivery, etc.); we need to accept the challenge of thinking about everything differently; I've seen tech companies that have already moved past C to full remote work (without any reference

to C), getting employees to make commitments to work remotely for specified periods, realigning, rethinking the way they work, they've done a deep analysis of each position, employee surveys; the other extreme model is a company involved in fueling planes, boats, cars, etc., has lost more than 25% of their revenues, investing heavily in what they want to do differently going forward and doing significant restructuring; the challenge is how we seize the moment?

- one of the best memories is our meeting in Istanbul, a great gathering not only because of this group but being together in Istanbul, having the social experience, exchanging social ideas, but also working as professionals, working remotely; a huge responsibility for HR community to nail down the key elements of the good balance, working professionals working together, about community, about social skills, giving changes to everyone, having work at home being the best of two worlds; see 2 dangerous drivers HR should try to push back: digitalization, a blessing and a curse, having tools like this (Teams) allowed us to keep operating, but the risk is we'll never have a meeting in Istanbul, but will be great challenge for HR because these tools are now the norm, so will be huge challenge to keep the right balance; the other driver is cost, in our own organization we realized we had 70% occupation rates in our offices (so 30% empty pre-COVID), post COVID they will likely be at 50% so you'll end up with shrinking offices; so 2 drivers, digitization and cost; I think we need an approach from HR where we take good advantage of working remotely (not necessarily at home); there are issues with training juniors, isolated people are more isolated than before and the people who already work together continue to do so, creating stratification; apart from that, have huge potential social security and tax issues coming down the road
- there have been companies globalized, with offices in different jurisdictions, has accelerated regulation around remote work; now regulations have been enacted and companies are realizing their employees aren't just employees but people with different responsibilities, and some regulation have established the right to interrupt the work day for things like picking up your children,

with the ability for an employee to claim they have been constructively dismissed if the employer refuses to permit them to do so; global companies will have to be aware of the protective regulations that have been established in some countries around these issues; we have also picked up the 'right to disconnect', with the employer not being able to send emails outside your workday (unless the employer is in another time zone), but the employee doesn't have to connect until their next work day; some jurisdictions also allowing employees the right to demand to return to the workplace

- remote vs. homeworking, from our perspective in Denmark homeworking is defined as work being done at home more than 1 day per week, the rules trigger (regardless of whether there is an agreement); we are doing a hybrid structure; work will be similar so I think we'll end up going to the office for reasons other than work
- confidentiality, security issues when WFH, had a matter when the individual was WFH, child went onto the employee's computer and downloaded something; decision was made to terminate; will proportionality change in these circumstances (in this case, employee had child in hospital with COVID), is there an expectation that companies will go softer on confidentiality
- reflecting on a few themes: I think there are organizations where the split in preference (from both employer and employee perspective), there are challenges when you get into matrix working; fine to say we're going to have intact teams in the office, but if they are working on a matrix basis with other teams, how do you manage who wants to be in the office with whom?; there used to be distinct biases about whether people can be productive while WFH, for some managers there's a default of just wanting to see people; as employers are trying to look at what actually encourages productivity, instead of looking at specific roles they will need to look at specific types of activity, where do we need collaboration, creativity and if we need those people in the office what does the physical workplace set up look like and do we need to invest in reconfiguring offices, failing

which in the short term we'll need stop gap solutions to allow individuals to thrive and be at their most productive/collaborative; value proposition - right now it feels like we're just trying to manage through and employers will need to think about what they want their value proposition be, will everyone be going after the same field or can employers create a key niche to attract talent

- we have run surveys, divided responses between employees and managers (perceived very similarly); will try to implement hybrid (as an option, not an obligation); challenge we met is leadership, requires different kind of leadership to lead remote teams; key success factor in order for us to retain talent is to offer this possibility as it's desired by candidates
- our discussion is focused on Europe rather than the US where employers drive the strategies, not having the same legal protections in Europe (right to take break to pick up children, right to disconnect); fundamental question about what is the role of work in people's lives, it's been a community in the past, you develop relationships, you leave your home to vary your surroundings; you develop an allegiance to the company and your peers that motivates people differently; will we change the world of work from big, open plan spaces to people wanting to be more distant; balance of employer/employee rights, role of work and balance of employers being able to cut real estate costs will probably cause a backlash with employees wanting to get out of the house
- how what's coming will divide up the workplace differently than what we've seen before; distinction between how we, as seasoned professionals and our ability to cope with remote work, the types of work that's done and types of people who are doing the work will be a real driver in the future; more vs. less experienced, old vs. young, access to technology - things companies will really need to focus onto make companies work effectively and make employees want to work, not feeling like they are less important; the earlier point about the changing cycles about how we work, in the past we've had cycles about

what's more important to the company, collegiality? working together and sharing ideas? financial considerations (and savings with WFH)? we need to start thinking differently about it, maybe changing the physical way people work won't destroy the real estate market because real estate may change in its use, functionality and companies need to keep those things in mind

- there is fear about the impact on the culture of an organization, losing the organic learning that comes with spending time together, hallway discussions after the end of the work day, the closeness and common stories that happen when people grab lunch or drinks after work; if we're going to consider our employees as humans and not just workers, when discussing things like mandating all employees working from home, we need to think about the fact that there will be employees for whom being able to leave home is a much needed escape (domestic violence situations, for instance)
- there is and will be a paradigm shift; the pandemic has jolted us into this new era and we'll be feeling the effects for 18-24 months, directing how and when people can meet in person; given the time period we've been in this phase, it's become more acceptable to have people not only work remotely but meet remotely, Teams meetings have become the norm, allowing us to meet clients we'd not otherwise be able to see; employers with employees in sales functions are questioning whether it's really necessary to travel to see employees in person; I don't think we'll be in a phase where employees never gather together, and will require rethinking physical workplaces; issue of WFH re: remote work, if we are going to simply say 'work remotely wherever you want' we may be sticking our heads in the sand as employees will later say 'wherever I've been working I've been WFH'
- if we have a global talent pool, means they will probably tap into unused resources, esp geographically, but will mean decrease in salaries and some sort of level playing field in terms of terms and conditions, already seeing with things like coders, with lower salary markets setting the benchmark; second point is

empowerment, employees will be empowered to work more on their own and not everyone is fit for that, some people are more comfortable with instruction; thirdly, how we've looked at remuneration and working time, if we say we can work any time, it becomes less measurable and remuneration has previously been based on working time and is that remuneration system useful any longer and this may be an irreversible trend

- what's happened due to COVID needs to reflect on where we are right now as a generation, and if from an HR perspective we want to stick to the old fashioned style of going to the office we'll need strong arguments to convince both employees and toward the business (the business will put pressure on re: why a meeting needs to be face to face); is a relationship to generational issues; I think remote working will be the new norm, we need the face to face interaction; need to rethink compensation and performance tools that need to be data-based
- there needs to be a focus on mental health and harassment, even if not together in the workplace, many European companies won't touch it because it's considered too personal, while some American companies have made it an important issue; harassment is not something we're focusing on; studies are showing we feel more free in what we say when we're working remotely, things said on the phone or on a Teams meeting can have devastating effect and it's more difficult to address because we're not in the office together the next day; need new skills, especially managers who don't know how to manage remotely (they need more help than employees need to learn how to work remotely); talent, we've talked about global talent but we didn't know what it was until now, where they are located doesn't mean anything any longer as long as the person is awake for the call so why pay people New York, London or Paris salaries?
- there are a number of references to 'balance', an important term in the discussion; in all the discussions that people don't want to go completely in one direction or another, hybrid work being one issue of balance, when do we meet face-to-face vs. virtually; we heard that in the sales force in Asia, when China was emerging

from the first phase, they said the sales force needs to go back out, but customers were happy to continue to meet virtually; there is also a big challenge for the HR function, very quickly we've seen the advantages of changing how we work, it's a quick step to 'what is in it in the sense of cost cutting?'; challenge for HR function to make the case that there is more than money at issue; have seen requests for productivity numbers for cost cutting for office space and travel costs, which is fine but HR needs its foot in the door to say there are other topics, employer value proposition, the motivation of the employees, work / life balance, etc.

AP: slight change of direction: start to drill down, what does success look like for employers and employees as we move forward? for employers, some discussion of bottom line costs, but also top line - in this new world how do you work with a sales force? how do you measure productivity? how do we identify when people need support, training, changing development needs? how do we facilitate/replace the learning by osmosis in the new, more dispersed workforce? how do we onboard people, expose them in the company culture, immerse them in the experience we want them to have to have a successful, productive career? there will be choices and trade off, particularly when cash is not plentiful.

11:31 EST: XBHR Annual Meeting:

BZ: We had a meeting in June where we presented accounts, considered changes to the XBHR Constitution and elected Management Committee members, so in anticipation of having another meeting this year we'll give everyone notice of those items and address them in that meeting.

Apart from that, a few points for discussion:

- Allen and Stephen have put together a presentation about where we are as an organization and where we want to go, which the MC will review and then it will be discussed with the members
- The shorter, virtual meetings that we had were very successful -

we want to do more of those this year

- we encourage everyone to communicate with MC members about what is important to you
- Where and when will next annual meeting be? not yet known, will depend on whether we can do an in-person annual meeting; discussion of whether we want to continue to hold the annual meetings in March or move to a warmer time of year
- XBHR membership: the number of people who've joined this call speaks to the value we place in this group and the personal aspect of the meeting to us; we all need to think about bringing new members in, with a balance between law firm and in-house and consultants, and make an effort to recruit people who will contribute to the discussions and learning
- when we first created XBHR we talked about creating learning out of these discussions; one question to consider is whether we want to create new learning and share that, including beyond the organization

Discussion from Members:

- AP: I think the organization is at a bit of a crossroads; there are new choices here, we have the ability to provide a positive proposition to our membership through different offerings; used to entirely be around the annual meeting, then did some webinars, but our comfort about having a robust discussion virtually hasn't been high; think members we may attract in the future would expect us to offer more; may be how we make information continually available or evolving the actual offerings themselves; we can do what we've always done, but don't need to be limited to that and we can embrace opportunities; I think we need think about what the offerings will be before going out to recruit new members
- BZ: agree, the change in circumstances has driven consideration of new value propositions; the in-person meeting is still the key

value and would want to build on that rather than replace it

- RS: this organization is dear to my heart and we need to preserve its integrity; I don't think we should ever sacrifice quality for quantity; we need to be sustainable, but I cringe when I hear about expanding membership; we need to make sure the quality is top quality (balance of types of members), but also generational diversity; we're losing perspective with too few younger members; also hesitate on question of whether we modernize (social media) for communication, but we have tech overload
- BZ: I know there's always concerns about growth, but can be managed by selecting the right people
- John Platz: This may be an opportunity, while understanding we don't want too much dilution, to bring younger people on board for mentoring purposes and use this organization as a vehicle for mentoring
- BZ: we've discussed having younger people to attend annual conference or contribute to virtual meeting; think it's a great point
- MB: understand we need to keep the quality high, but we may have positive contributions that are missing from jurisdictions that aren't represented and we need to look at what a candidate may contribute to the organization and what we can contribute to a member; would like to get back to in person meetings, but would like to include one virtual meeting each year; I think we need to look for people from new regions to invite to join
- BZ: the points are well taken re: regional diversity; goes to how we can take advantage of changed circumstances to change the organization; in the past we wanted to invite people to join who would remain members, and the location of the meetings would impact on people's ability to attend in subsequent years; fact that we've moved to some virtual meetings may help that

- EK: I think if we're to thrive (even be viable) we need to be more than the Annual Meeting (think of all of the discussions we've had re: the cost pressures not to have a business meeting, imagine having to justify flying to a different continent); we need to add virtual meetings and consider overhauling website
- FS: advocate for in-person meeting, but could also, 2-3x, having a Teams meeting where someone is taking ownership to bring one innovative or provocative question to the floor and invite people from outside the membership to join as an expert (for example, 'does an organization still need a layer of managers at all?'); may create opportunity to reach out to new regions
- Michael Burd: may want to think about why we may want to widen the group geographically and age-wise; we all value this organization and value the debate, but we're hearing the same voices and we'd all be enriched by hearing other voices
- Bartlomiej Raczkowski: ideas re: social media and making website more robust, we all know that is money and if we want to do this we'll have to impose a fee; presence on social media is work, either some of us would have to allocate time to it or pay someone; making the organization more organized will mean a fee
- BZ: for me the focus of your point is time; we are in a fairly good financial position, most of us would be willing to allocate some money to the tech, but it's the time contribution that we also need; we need people who are willing to say yes to doing it, and actually do it, and we know how busy people are; one challenge has been the Annual Meeting being our key component and that's what people focused on, if we expand our focus we might have more success in getting people to devote time to contributions because we won't be so focused on the Annual Meeting

BREAK AT NOON EST - RETURN IN 15 MINS

12:15 pm EST/

6:15 pm CET

The New Challenges of Employee Organizing

- Has organizing changed as a result of the altered workplace (unions, works councils, employee representative bodies, special interest groups, individuals)?
- What is driving organizing now: social issues (climate change, diversity, gender equality, political activity) vs. wages and benefits? How should employers respond (company mission, internal/external corporate strategies, messaging/communication)?
- Is there a legal framework for dealing with the changing organizing landscape? What are applicable theories (freedom of association, privacy, right to organize)?

Discussion leader: Mercedes Balado Bevilaqua, MBB Abogados

MB: opening comments:

- Organizing has changed as a result of the altered workplace, and also due to the fact that society is constantly changing in its values, priorities and interests. As a result, today we see that workers are not just interested on wages matters but also on a variety of topics which go beyond the particular conditions of work, without the need to have a union to represent them in order to prove their strength.
- Therefore, employees take action as a consequence of those changes and join together, without depending on trade unions, such as:
 - o JAPAN - Request to prohibit the use of high heels in the workplace:
 - A Japanese actress and writer presented a complaint before the Ministry of Health in order to request that the Government prohibits companies to require woman employees to wear high heels in the workplace.
 - The campaign collected many signatures on the internet (using the hashtag #KuToo).
 - The Japanese Ministry of Health said they were reviewing the #KuToo petition, but declined to comment further.
 - o UNITED KINGDOM - Request to prohibit the use of high heels in the workplace and discrimination:

- There was a similar demonstration in the UK: a female employee launched a similar petition in 2016 after she was sent home from work for refusing to wear high heels.
- Therefore, an investigation by the UK Parliament detected discrimination in dress codes in the workplace.
- Despite this, the British Government rejected a bill of law that prohibited companies from requiring women to wear high heels.
- o UNITED STATES OF AMERICA - Claims for health and security conditions- Amazon- Whole Foods:
 - Some employees of Amazon complained in Staten Island (New York) for the lack of preventive measures taken by the Company in order to protect their health and not get infected by COVID-19.
 - Claims for health and security conditions also occurred in France, Italy and Spain.
 - There was also a protest by Whole Foods (the company is owned by Amazon). Employees claimed for better working conditions, and for an additional payment for working in dangerous conditions as well as a sick leave that protects those employees who need to comply with quarantine or self-isolation
 - This demonstration was promoted by Whole Workers, which is a movement that gathers all employees of that Company because in the USA there are no trade unions with the presence they have in Argentina, for example).
- Employer's responses to the previously mentioned claims vary according to the subject. Here are some examples:
 - o Regarding the Japanese claim to attend the workplace without high heels, Japan Airlines has been the first Company to take action: they have modified its dress code and it is no longer mandatory, for female employees, to wear skirts or high heels. As a result, employees are able to choose between skirts or pants, and they might, as well, wear any footwear that they consider comfortable.
 - o Amazon's response to the employees requesting the creation of unions was to hire powerful law firms specialized in

defeating employees' attempts to organize themselves, trying to take advantage of every loophole in the union law to delay the process.

- What is driving organizing now: social issues (climate change, diversity, gender equality, political activity) vs. wages and benefits? How should employers respond (company mission, internal/external corporate strategies, messaging/communication)?

- Employees tend to organize themselves in order to claim for both social issues and increase of wages.
- Nowadays, due to the COVID-19 outbreak, most complaints involve re-installment of dismissed employees (most of them due to the economic crisis), increase of wages, and better health and hygiene conditions.
 - o As an example, in Argentina, according to decree 39/2021, it is currently prohibited to dismiss employees without cause, and to dismiss or suspend employees due to lack or reduction of workload or force majeure reasons until the end of April, 2021.
 - o Additionally, it is still applicable the employer's obligation to pay double severance compensation in case of dismissals without fair cause until the end of December, 2021.
 - o On the contrary, in other countries, such as China, no measures had been taken regarding the prohibition to dismiss, but the Chinese Government stated that salaries must be paid to those employees that are unable to work due to Isolation/quarantine or sickness.
 - o In Ireland, Singapore and South Korea, paid sick leave has been granted to independent contractors.
 - o In the UK, people who have been diagnosed with COVID-19, or who are in self-isolation, will receive government subsidies/allowances from day one instead of day four.
 - o Companies' main target is to maintain job positions, as far as possible, and to increase production and sales in order to face the global economic crisis. However, in some cases this is not possible because of the lockdown some countries are facing,

and this complicates the possibility of maintaining or increasing production.

- However, issues related to COVID-19 are not the only aspects that employees' claim about. Employees are also concerned about other topics, such as:

- o DIVERSITY

- The twenty-first century workplace features much greater diversity than was common even a couple of generations ago. Individuals who might once have faced employment challenges because of religious beliefs, ability differences, or sexual orientation now regularly join their peers in interview pools and on the job.
- This aspect is due to the fact that the society, employees and employers are constantly taking measures in order to change perspectives and be more inclusive.
- In USA, certain companies including Adidas AG, The Boeing Co., and Alphabet Inc.'s Google promised to increase their hiring of people of color and promote better inclusion, in the wake of escalated racial tensions that followed the death of George Floyd in Minneapolis during 2020, and this promise was complied with.
- Diversity is not always an instant success: it can sometimes introduce workplace tensions and lead to significant challenges for a business to address.
 - In 2017 in USA, for example, a senior software engineer's memo criticizing Google's diversity initiatives was leaked, creating significant protests on social media and adverse publicity in national news outlets.
 - The memo asserted "biological causes" and "men's higher drive for status" to account for women's unequal representation in Google's technology departments and leadership.
 - Google's response was quick. The engineer was fired, and statements were released emphasizing the company's commitment to diversity.
 - Although Google was applauded for its quick response, however, some argued that an employee should be

free to express personal opinions without punishment (despite the fact that there is no right of free speech while at work in the private sector).

- Contribute to diversity within workplace VS. privacy and discrimination claims → It is clearly that tracking diversity and inclusion efforts on a global basis is often a challenging task for in-house legal, human resources, and diversity and inclusion teams in each company. In this sense, while employers may be interested in collecting employees' diversity information, such pro-diversity effort may be related to potential litigation involving data privacy violations and discrimination claims.
- In this sense, for example, Microsoft employees have been using an internal message board to criticize the company's pro-diversity efforts, referring to the hiring of women and minorities as "discriminatory" against white and Asian men, according to a report from Quartz. But Microsoft's lack of official response to internal anti-diversity messages speaks to the challenges the company faces in actually following through with its efforts)

o CLIMATE CHANGE

- Amazon employees claim for climate change's actions:
 - Amazon employees joined calls for the company to do more to tackle climate change. The group has called on Amazon to achieve zero emissions by 2030, limit its work with fossil fuel companies, and stop funding for politicians and lobbyists who deny the existence of climate change.
 - In May, 2020, thousands of Amazon employees used the company's annual shareholders meeting to call on chief executive Jeff Bezos to formulate a broad climate change initiative for the business. That proposal was rejected by shareholders. But the following September, Mr Bezos announced plans for the company to be completely powered by renewable energy by 2030 and have net zero carbon emissions by 2040.
- European companies take measures to face climate change:

- Over 920 companies have made over 1,470+ commitments to bold climate action as part of the “We Mean Business coalition’s Take Action” campaign. More than 420 of these companies are headquartered in Europe, demonstrating the leadership role Europe is taking in the low-carbon transition. Below, some particular actions:
 - Business supports net-zero emissions by 2050: The hundreds of businesses represented by the We Mean Business coalition Take Action campaign called on the EU to commit to net-zero GHG emissions by 2050 at the latest;
- o GENDER EQUALITY
 - Despite advances in recognition of women’s rights, gender equality within the workplace is still an important aspect that companies and governments may take into account and promote.
 - According to a research published by Global Times (based on “PricewaterhouseCoopers (PwC) Women in Work Index”), the coronavirus pandemic reversed women's workplace gains in many of the world's wealthiest countries as the burden of childcare rose and female-dominated sectors shed jobs.
 - The report, which looked at 33 countries in the Organisation for Economic Co-operation and Development club of rich nations, said progress toward gender equality at work would not begin to recover until 2022.
 - In this sense, worldwide, there are many demonstrations organized by women, with the aim of promote gender equality within the workplace.
 - The push to integrate gender diversity in investment criteria has increased over the years: at least 15 new publicly traded gender lens equity funds have been launched since 2015.
- In order to take into consideration employees’ claims and try to solve them, companies are constantly taking measures and trying to adapt their working methods and environments to comply with employees’ requests.

- However, there are certain problems and challenges that companies may face when trying to comply with employees' claims, such as:
 - o Risks of violating data privacy requirements;
 - o Potential discrimination claims;
 - o The impact of different cultures, histories and sensitivities that affect workplaces and the employment relationship;
 - o Freedom of expression;
 - o Company's policies, among others;

- **Is there a legal framework for dealing with the changing organizing landscape? What are applicable theories (freedom of association, privacy, right to organize)?**
 - There is not a legal framework for dealing with the changing organizing landscape.
 - However, there are certain principles applicable in each jurisdiction.
 - For example, in Argentina, the freedom of association is an applicable principle:
 - o In this sense, the International Labour Organization ("ILO") pressures Latin America, especially in countries like Argentina, Chile and Brazil, to respect the freedom of association considering the strength of the main unions, which want to centralize the power.
 - o This is in line with Section 14 bis of the Argentine Constitution ("CN"), which determines the existence of free and democratic trade union organizations recognized by means of their registration with a special register. Such Section also grants to unions the right to negotiate and execute Collective Bargaining Agreements (CBAs), file conciliation or arbitration procedures, the possibility to go on a strike, and guarantees union representatives employment stability for the exercise of their role.
 - o Not only the freedom of association is regulated and guaranteed by the CN but also by International Treaties, such as the Convention No. 87 of the ILO (ratified by Argentina) and local regulations such as the National Employment Law No 20,744 ("NEL") and the Union Activity Law No. 23,551.

- Moreover, the ILO has issued certain Conventions that are applicable in some countries, such as:
 - Freedom of Association and Protection of the Rights to Organize Convention (C87);
 - Forced Labour Convention (C29);
 - Protection of Wages Convention (C95);
 - Right to Organize and Negotiate Collective Bargaining Convention (C98);
 - Equal Compensation Convention (C100);
 - Abolition of Forced Labour Convention (C105);
 - Discrimination (Employment and Occupation) Convention (C111);
 - Collective Bargaining Agreement (c154);
 - Among others.

Discussion from Members:

- We hear about women being disadvantaged by having to WFH and take care of children, but hoping it could be an advantage for women, the 'old boys club' sitting around laughing at the office, staying late meaning you're a better worker, WFH could be an advantage to women as it highlights women's professionalism and ability
- re: do unions still have a reason to exist, a lot of angles, do unions really do their job, who do they represent, is there any diversity, what is the impact of technology; can we now just have direct dialogue between employees and employers?
- I think we need to look at it from a company-specific perspective, in some places (Europe), unions are ingrained in all aspects of work, whereas in the US and Canada much less so and there's significantly decreased unionization rates; not likely to change on the public sector side; you are starting to see more true independent contractors, a challenge to the issue of the duty of loyalty employees have to employers and the duty of good faith the employer has to employees; new work models will negatively impact union's attempts to organize

- a strange trend in Italy, a law system governing employment relations are trying to give more power to the unions in the sense they tend to set the legal framework, then leave at the company level the unions to negotiate with the employer how the principle will be implemented in the organization; since the number of employees registered with the union are dropping and the unions are losing powers, it ends up being advantageous to employers because they've been able to negotiate at the local level what they could not achieve at the national level (more flexibility, greater ability to implement certain measures)
- COVID has created a new situation where the strength of workers, getting together without the need of a union in a traditional way because of the government interventions that have taken place due to COVID
- In Mexico, it's mandatory to have the agreement of the union to have things like working from home; the union leaders are not representing the interests of employees so employers are dealing with employees directly
- in some jurisdictions workers are banding together on the basis of social causes, not just terms and conditions of employment; may have started as gathering together to deal with issues like safety raised by COVID, but moved beyond that to trying to affect social change (i.e., environmental)
- in many jurisdictions the influence of trade unions is declining, but they are finding other ways to make themselves relevant to the modern workforce, such as in the UK, making themselves relevant to litigation, gathering employees together over a single issue (the gig economy being an example); they are making tie-ups globally (example of American traveling to France to be present for action against a certain employer)
- In Latin America we're seeing increased diversity in the union leadership because they know they are losing relevance and power

- in terms of the union's role, we have 2 types of unions, red and yellow; yellow (they only do litigation and are essentially insurance against unjust dismissal) are on an increase in terms of membership and the opposite for the red (the older unions that are negotiating collective agreements); becomes an issue because with fewer collective agreements you need more laws to fill in the gaps that would normally be covered by collective agreements; re: diversity, the unions have played a not very flattering role when it comes to #metoo and sexual harassment as they've negotiated non-disclosure agreements with companies, contributing to the circumstances that gave rise to those movements, which makes it difficult for them to be a champion of any kind of diversity
- would be interested to understand from those negotiating collective agreements how you bring diversity into play without compromising any meritocracy you can hold onto; hotel workers in Toronto, a few years ago they ended up with a group of minorities, the leadership of the group was a woman who was accused of racial discrimination and the group accusing her took control of that local, making race a significant focus of that union
- in terms of France, from WWII to Sarkozy, there were 5 legally recognized unions legally entitled to represent recognized workers; now about 10 years later they are no longer deemed as representatives, so there is now some competition; as well, the natural reaction we used to have to doing a collective dismissal (with works councils, social plans, traditional process) isn't the only way to do things now, there are now alternatives in order to readjust the workforce, the one key factor in these new ways is that you have to collectively bargain, there's a huge push to engage unions to have an easier way to reorganize the workforce, making dealing with unions more attractive to non-European companies that might otherwise have strongly resisted dealing with unions
- how are unions changing their approach in light of other changes to the workplace; they are in survival mode, looking at ways to get through the severe decline in countries where income is not

guaranteed through industry-wide collective bargaining agreements; unions are very innovative in embracing technology in terms of organizing, they are trying to counter the new economy, trying to make the case as to the benefits of unionization; during COVID while furloughs are becoming permanent job loss, unions are trying to use that as a tool for organization; they are very entrenched in the traditional value proposition, and many organizers are set in their ways; in terms of the cross-border cooperation, that's definitely increasing; we see South African unions align with folks in the US or Europe; members arriving at shareholder meetings; they are exercising leverage in those settings and invariable corporations don't want to handle the theatre the unions create so it gets results

- increase in union-driven shareholder activism; the fragmentation of work has resulted in a focus on legislative change and court challenges - challenging the status of gig economy workers, knowing if they aren't found to be 'employees' that can be unionized, they are losing thousands and thousands of potential members
- the only place we're really seeing any real moves toward diversity, notwithstanding lots of nice words, are ones where the vast majority of the membership are women (rather than traditional manufacturing or construction unions, where it's just various shades of old white men)
 - o health care
 - o hospitality
- in Italy not seeing same developments, they have been very quiet these last months because of the well-developed social welfare system which has protected employees; now they are trying to confront dropping of membership by finding affiliates in areas where there are non-standard employees (freelancers, single entrepreneurs); example of warehouse drivers who were entrepreneurs who were not employees of the company but still went on strike against the working conditions; major unions are competing now

- unions have had problems of leadership (natural, ethical and formal leadership) for years, a problem of representation, the role as the go-between a collectively of union members vis-à-vis employers is very difficult; on the other hand they have an opportunity to the cross border side; one of the biggest problems in the old economy is national economy is focused on national interests; I think we'll see real digitalization in the next 5 years, boundaries will disappear in a lot of services and that may be another trigger, a platform for unions to team up across borders whether for litigation or shareholder activism
- don't see a big trend in German unions, and the approach they are taking is quite conservative, addressing topics like digitalization and COVID related topics; they are claiming a lot of things, altogether, for example taking the more digitalized world and the mobile working situation, they feel their access to their union members does not work any longer; because people are working from home they are claiming they need digital access to employees; codetermination of companies with a supervisory board made up half and half by supervisory and employee representatives and where there's a tie in decision-making the vote of the chairman decides and unions are claiming we need a different approach to the codetermination legislation, including potential for mediation; re internationalization, 10 or 15 years ago we had union people in our company claiming they wanted to set up international organizations even absent a legal framework, but that discussion has come to a complete halt
- until recently one Canadian jurisdiction had legislation that said that if an employer received a certification application, within 2 days had to provide employee home contact and personal email, we were already moving to electronic certification votes
- unions in Germany are resisting change, including virtual negotiations (which are only permitted right now because of legislative change) and any kind of virtual elections
- other jurisdictions are embracing virtual negotiations, unions are looking for rollovers whereas some employers are taking

advantage of the circumstances to make real changes in collective agreements

Adjourned at

1:30 pm EST/
7:30 pm CET

Friday, 5 March 2021

9:00 am EST/
3:00 pm CET

Informal (Virtual) Networking Breakfast - coffee and food individually

9:30 am EST/
3:30 pm CET

Digitization and the Changing Work Environment: The Impact on the Employer/Employee Relationship

- HR Management: who is in control - AI or HR as decision maker?
- Monitoring of Employees: what has changed (background checks, oversight of the remote workplace, political activity/affiliation)? Do existing legal and HR structures adequately define boundaries? Are companies addressing or avoiding difficult scenarios?
- How are data privacy and information security issues dealt with when workers are in remote environments? Is the existing technology sufficient to protect confidentiality of company information and meet regulatory requirements?

Discussion leader: Michael Burd, Lewis Silkin

- This session, at its core, is really about two things: the impact of technology on the employer/employee relationship; and, the way in which digital technology development has increased the impact of data/big data and how that has spilled over into

privacy and human rights issues.

- Michael recalled years ago when he got a new Blackberry: what did he think of it? His conclusion: it was both the best and the worst thing that ever happened. The best? He didn't have to log on to his laptop or pc to see if emails came or to send responses. The worst? The availability of instant communication, and the creation of an expectation of immediate response and 24/7 work.
- digitization provides amazing benefits: it's useful in making better decisions, saving time, and increasing productivity, but is intrusive ("big brother") and has brought to the fore ethical and privacy rights issues. It can lead to things going dramatically wrong if not controlled in the right way. There is a paradox to talk about in the session: Never in the history of mankind has more information been available to more people. And yet major decisions are being made by individuals, nations and societies clearly on the basis of disinformation, misinformation and willful ignorance of accurate information.
- first question: the growing prevalence of AI – has it supplanted HR in decision-making? Briefly – there is a McKinsey report about how working practices are changing as a result of COVID: in a survey of 800 senior execs, two-thirds said they were stepping up investments in AI. McKinsey categorized sectors, based up whether humans worked in close proximity to one another (this seems to be a new way of categorizing businesses). The survey found that the highest correlation of more investment and use of AI and automation was where large numbers of people are working in close proximity. McKinsey's position is that the greatest level of acceleration and adoption of AI and automation will be in those industries with this work structure, such as hospitality, travel, etc.

[See: <https://www.mckinsey.com/featured-insights/future-of-work/the-future-of-work-after-covid-19> . Section headed: "Jobs with the highest physical proximity are likely to be most disrupted"]

Discussion from Members:

- what was the rationale for the above conclusion by McKinsey: that people were talking more because they were physically closer?
 - o No; rather that due to COVID social distancing requirements, physical proximity wasn't possible so there had to be other solutions for getting work done - and automation was one way to achieve that.
- did this have to do with remote operations and increased data use?
 - o the study wasn't about use of data, but the use of automation: when three people are each working one meter away from the each other, if a robot was substituted for the middle one you then have two people two meters away from each other.
- using information from McKinsey: how is the workplace changing?
 - o more workers are being replaced by automated processes
 - o robots don't get COVID. So is this a push toward no human work?
- going back to the agenda: is AI taking over for HR? For instance, Amazon was using an algorithm to help in recruitment - but they found a built-in discriminator preference (against women), and so scrapped the program. (MB) I personally don't come across situations of employers using AI in recruitment. Do others?
 - o familiar with a company that does first interviews by video then rates candidates; this is a company that is growing rapidly.
 - o the CEO of a company called HireVue? Said automation is helping firms look beyond the same recruiting networks on which they have long relied. His firm analyzes candidates' speech and facial expressions in video interviews to reduce reliance on resumes
 - o Google had similar products but had privacy issues. There is probably more than one company out there with similar

experiences.

- o IBM is using two AI tools (well known since they are customer solutions) to help managers on performance bonuses, and to match vacancies with candidates.
- o IBM began investigating how AI could be used some time ago, and had to resolve privacy issues as well as issues surrounding how the use of AI impacted HR processes and managers' roles.
- o the companies using AI are ones needing to scale up quickly. For example: in the hospitality sector one company had been using popup events, which historically happened in assessment centers and was very costly. There is less use of AI in the high-end recruitment sector. One worrying feature in the use of AI: the assessment of someone's performance using AI is based on untested science. Some objectivity is needed when the scientific community hasn't agreed on whether human expressions are innate or taught (ex: tribal communities without exposure to modern world). Use of AI now is subjective when determining what should be relevant in assessing someone's performance
- o he works with Outmatch (a Texas company), which has video interviewing and assessment tools (bias free if possible), and uses AI in reference checks, which are candidate driven: the candidate invites 3-5 references, each are asked a number of questions and responses are obtained within 24 hours. Each reference is kept confidential, and there is a trustworthiness screen to determine that the reference is good and isn't from the candidate. The entire process is almost automated and works quite well.
- o the use of AI in this way is problematic. The discriminatory aspects of recruiting haven't been solved - subjectivity continues. Any algorithm is only as good as the programmer: as of today there are very few women programmers, with a huge population of people coming from the same place (male/tech background). How is bias being accounted for in the way an algorithm is set up? The fear is that AI recruitment is not helping with female and

racial equality.

- looking at the question of monitoring employees: what's changed in the legal/HR communities to deal with monitoring problems? It's sometimes said that employees have little expectation of privacy when on company grounds, but he thinks it varies (culturally, company to company). As AI develops what is done by monitoring has increased. In some cases the feeling by business that they should monitor has increased. Regarding hiring: all kinds of issues exist regarding requiring information about criminal records, vs. laws saying applicants don't have to reveal convictions. For example: a global company wanting to do serious checks on applicants is faced by very different regimes globally; the company is trying to find other ways to get at the information.
- HR has a responsibility to control the business obsession with getting as much information about employees as possible, when the sought-after information is often not relevant to the job. Business needs to understand what is necessary vs. what is just "we need to know everything we can about this person".
- because of new tech that allows employers to monitor employees, and because they have the tech they want to use it, we're seeing things like employers firing people for taking breaks they otherwise wouldn't have known about; because of the amount of data they have the employers are having success, which feeds into the employer's desire for the data
- do employers feel there should be a limit? think of things like keystroke monitoring - is there a line?
- it will get even more egregious in the context of WFH, where some employers will require monitoring if employees are going to WFH and, for instance, take the employees won't be paid if they are not actively working for X minutes
- it brings into play the tension between productivity, privacy and trust

- key stroke software is an extreme example of the tech being used to monitor, including things like Sales Force, which also effectively has tracking mechanisms and what does that lead to – does it make physical supervision obsolete; we know there is active monitoring in things like warehouses, not only cameras, but wearables tracking what everyone is doing during every minute of the working time
- we are captive to tech now and will be forever; as long as we have our own paradigm of compensating people by the hour, everyone paying those hours will want to control those hours; we know 90% of people are doing the right thing and we don't need surveillance with them but the 10% are the problem and they are the ones who create those issues which result in the surveillance
- could become more Orwellian – monitoring what people eat to monitor their health
- 'health programs' – what information goes to insurer? fit bits, smoking cessation programs; don't know how we put the brakes on it when employers are seeing what they perceive as positive results; not just about discipline, but also about productivity
- some employers are asking employees who are WFH to install a camera to monitor what they are doing at all times to ensure they are being productive; this may create risk of a bullying or harassment claim; has been some caselaw that found an employer could not have a camera focused on them at all times
- the issue of monitoring food also opens up claim of discrimination based on religion
- health and safety concerns may also be used as a reason to implement monitoring for the purpose of ensuring the (home) workplace is safe
- health and safety concerns certainly come into play, with an obligation to periodically check in to see if the home workplace is

safe but I can't imagine it will trigger the type of monitoring we're discussing as (in Germany) it would trigger codetermination rights of employee representatives where, if there is the chance employee performance is being monitored, the works councils will refuse to agree

- re: data privacy and data security issues when people are working remotely; is existing tech sufficient? EU information commission has issued guidance saying employers should update their policies on how employees keep data safe; considerations of staff working from home who are subject to insider information and how to ensure that information is treated with the same care as it would be in an office setting
- all the use of tech may increase disadvantage to certain people based on financial commissions, family size; their ability to make changes to meet employer's H&S requirements, or meet their employer's tech requirements where the employer is not providing the tech, may exacerbate the disadvantage
- some employers are dealing with security issues simply in employment contracts and if the employee breaches the trust they are terminated
- when you take a tech co. the know-how is at the heart of everything and where that is stolen (and we're dealing with cyber attacks every day), there is a significant risk that all the activities and money that goes into preventing a large loss of know-how, might be useless if we don't see what happens when people are handling that information from their home office; every day new topics will come up triggering new issues for IT
- we're all aware of the amount of misinformation out there that is having an impact on people; do employers have a role in countering that? is there a place for employers to set misinformation straight and not allow their employees to be influenced by disinformation?
- reminds one of when we were debating social media policies, do

employers want to express a view about how employees use social media vs. taking a balanced approach and advising employees of best practicing; is a good idea to educate employees about how to critically think about what they read on the internet; I think an employer has an obligation to take proactive steps, particularly where there is a desire to increase diversity in the workplace

- what do we do when the expression of opinion is not only private, but doesn't have anything to do with the company's interests; one thing that may influence that is the push by employee's for socially beneficial initiatives on the company's part, but will likely be restricted by privacy regulation; if you have someone on their personal social media account who is disseminating misinformation I don't see how you restrict that without a serious justification
- we are in a world where the concept of whether or not facts exist is up for debate and I think it part of being a responsible employer includes helping people learn to think critically, without telling them what the 'facts' are

10:45 am EST/

4:45 pm CET **Break**

11:00 am EST/

5:00pm CET **Considerations and Outcomes of the New World of Work (continued)**

Discussion Leader: Uli Bormann, Evonik Industries AG

- picking up from yesterday's discussion re the new world of work
 - business performance
 - corporate culture
 - training and development

- we may need to reevaluate what success looks like; how to you measure productivity; how will the employees be exposed to the company's culture; what do employers need to do to immerse employees in the culture (the 'how'); with the evolving ways of working, how with the employer identify when people need support/training and how are development needs change; how do we replace the learning-by-osmosis in the new, remote workforce; budgets will mean priorities will need to be established
- have been hearing from employers that employees in these new working conditions where there is more flexibility, employers are trying to evaluate more in relation to responsibilities, achieving goals, showing commitment to company's interests, rather than developing specific skills; employees appreciate flexibility and this allows employees to have the right to attend to kids, disconnect, but at the same time inside the employee it creates a compromise that they have to honour the flexibility and creates greater motivation
- at the end of the day we have to go to the top of the organization; too often it becomes and HR activity and presidents needs to see themselves as the chief HR officer; it's an organizational issue; before training I'd be looking at scope of work, classification, rate of pay etc.
- hearing a lot of anxiety that the skills gap in this new world of work is already impacting productivity and HR is being asked to identify the gap, the intervention and what needs to be done to deploy it
- great area of opportunity around team leadership; there is room for a role that has accountability for the clarity of work, monitoring of work; if TL's are to be effective they have to know the people and the work they do; going to be in terms of people's practices and managing during more remote work condition demands more of people in TL roles; reimagining that role and reskilling that role is where we will see high ROI

- we've had discussions of what's driving what we're doing around data, from my experience it's related to the regulatory environment we're still part of (retention of recruiting data, etc. in the event they are audited);
- it's an important question where teams fall in the mix; have seen the debate raised again recently, when looking at how you reward people where do you draw the line in this new way of working between team-based vs. individual rewards; if we want to do more to promote the importance of the team in the organization
- re: discussion on productivity, whether we like it or not there needs to be a certain balance between those things where we see soft factors, but you quickly come across the issue of the other side - what about hard facts re: can we save on office space, travel costs, etc. and productivity; it's difficult to address in the sense that COVID accelerated a lot of things, including WFH with people realizing productivity was there, but that said still difficult to measure and doesn't seem to be the question any more
- productivity is connected to many other things - health, sense of belonging, leadership questions, training - those are preconditions to holding up productivity
- do we think employees' expectations have changed about the employer's responsibility in terms of employee health and well being?
- the data seems to support that, seen in surveys; needs to be some support when we're going to implement the new work; some employers have had experience rolling out new training programs, support for line managers in relation to mental health; was interesting where you had high uptake of the training to equip people to start to have conversations, a clear correlation between that and people providing feedback about how supported they felt, but we know we're not making all the

progress we'd like to make because of people's reluctance to have those conversations

- other observations around performance, measurement, changing objectives;
- comment yesterday around whether managers are obsolete in a remote environment?
 - o don't think the metrics have really changed; becomes a matter of organization's goals; may be issue of organization thinking how it wants to restructure itself; not convinced team-based pay likely isn't the answer as it suppresses excellence
 - o in terms of managers being obsolete, we've offered access to outside experts about keeping people mentally fit, breaking into the organization in a really positive way; the people who find it supportive; more difficult for managers to start these discussions; much easier from outside the organization;
 - o
- more and more so, you get to realize the world is not going around as much on the basis of rules, management, supervision, oversight, discipline, as it is on the basis of those people's sense of responsibility, maturity, their sense of duty; you really have no management over those people, they are gone, and they could be sitting watching tv, but they don't they do their job because of a sense of duty;
 - o likely more apparent where there's a strong connection to the purpose of the organization; different challenges onboarding people, do they have the same connectivity, struggle to find their niche
- still think we need managers; just because we're all working from home, it actually takes more effort for managers to keep in touch with people, can't just pop into an office and grab a coffee; good managers are needed more than ever, esp when thinking about onboarding

- how do companies and large organizations operationalize mobile work; obvious large organizations can't just 'let it go' as they'd move a good part of the benefits associated with remote working; what would be the kind of framework which is needed, especially in large organizations, including global companies, to what extent does it need to be specified; when we think about just the aspect of cultural differences, there's not 'one size fits all'
- some organizations that already had WFH to an extent before COVID (i.e., up to 2 days per week) are using the same approach across the organization because they already had some experience with it; but concerned about what might government might do to interfere with the flexibility employers want to provide and employees want, that it may ultimately make employers decide it's too much trouble and they will direct employees to return to the office; another issue will be the requests from employees re: what they want employers to pay for
- another company has a highly decentralized model with independent teams, so no single WFH models across the business units (with some similarities); have provided some high level guidance in terms of minimum criteria, but in terms of the detail each market could introduce mobile work in what was appropriate to their conditions, office space, etc.; also impacted by requirements introduced by governments; biggest challenge was technology (skype vs. teams) which required a large migration; needed to equip employees with mobile devices (often beyond just a laptop) to ensure they can effectively manage the workflow; each country, market dealt with it slightly differently
- technology is the key driver for the model; all billing has gone virtual and the department has realized it works well; the challenge now is how to move forward, we don't want people to stay 100% remote so we need to decide how we are going to have the best of two worlds because even though the work can be done remotely and we have the technology to support it, it's not ideal and not how we want to operate in the future

- are companies revisiting introducing matrix structures given the WFH structure? easier to do it when people WFH as it doesn't matter where the manager is located; in some respects it's just what we're doing now without necessarily intending to introduce that structure
- one issue is employers not even necessarily knowing where the employee is actually located, the employee thinking they can work remotely and that means they can work anywhere; employers need to be clear with employees that they need to keep the employer apprised so the employer can manage risk, such as having a footprint in another country; may also create other liability re: people receiving direction from a manager in another country; urbanism is another issue; what will happen to not only office space but restaurants and the other providers that service people working in cities and if employees choose to move out of urban centres to WFH, can companies adjust salaries because of lower cost of living, lack of commuting costs, etc.; a potentially very dangerous path for employers to go down when they are still charging their own customers the same for the goods or services those employees provide

12:00 pm EST/

6:00 pm CET **Closing Remarks**

BZ:

- it's clear people still want to have an in-person meeting; would we consider moving the date for the Annual Meeting to later in the spring; would be helpful if members provide feedback to Philippa re: their preference for an in-person meeting later in the year, and then resume our historic schedule in 2022, and it would be helpful to hear suggestions on locations
- also want to emphasize that we're not looking to balloon membership, but want to keep the balance between law firms and in house lawyers/HR professionals, and consider adding academics and consultants; important to keep the balance

between legal and HR as well; encourage law firm members to identify inhouse candidates

- need to consider whether we would include a hybrid/virtual attendance option if we go back to an in-person meeting next year; pros and cons, more people will attend overall, but will people stay home and participate virtually rather than attend in person; perhaps we try that just for this first post-pandemic conference where travel restrictions will likely still be at play? this may also help HR members who will face even more budgetary/travel restrictions; a hybrid model should also increase participation which would ultimately increase commitment to the organization and increase the likelihood of future attendance in person; seems to be a preference for Teams to Zoom because of some companies' concerns with Zoom

12:15 pm EST/6:15 pm CET

**Business Meeting of XBHR Management
Committee**

- we have over £64,000 in our account and we need to talk about what to do with it
- need to set another call for the MC should address Allen and Steve's presentation, with the comments of the Management Committee Members
- the conference notes will be put online

Next meeting set for April 21, 2021 at 10 am EST