

## Five Key E&C Issues for Multinational Employers Today

### Noncompetes under attack

- Compliance with California's new AB 1076 (plus significant restrictions in Colorado, District of Columbia, Illinois, Maryland, Massachusetts, Minnesota, North Dakota, Oklahoma and more)
- The Federal Trade Commission's proposed noncompete ban, plus recent actions from federal antitrust authorities
- Increasing restrictions outside the US (e.g., noncompetes banned in Ontario, Canada and proposed duration limits in the UK)
- Intersection with and impact on incentive compensation and equity awards
- New proactive strategies to protect trade secrets and confidential business information

### Navigating new challenges in the DEI landscape

- Post-*SFFA* DEI backlash from conservative advocacy groups filing lawsuits and pushing the nation's top federal civil rights agency to investigate prominent US multinationals; reverse discrimination claims against high-profile companies; and state legislation restricting content of diversity-related training
- Increasing pay transparency legislation across US cities and states (plus, the new EU Pay Transparency Directive and legislation sweeping across Canada). Complicating compliance efforts, the terms "compensation" and "benefits" are often broadly and nebulously defined in the emerging regulations
- Remote work can unlock opportunity for people with disabilities and neurodivergent individuals (and yet remote work can also exacerbate inequities)
- More attention to religion in the workplace

### Turbulent labor relations, escalating tension in the workplace

- Increased friction post-pandemic as employers try to right size their business, adapt to rapid changes in technology and explosive growth of AI, and return employees to the office; meanwhile, employees grew accustomed to newfound freedoms and have less ties/loyalty to their jobs and employers
- The Economist calls [2024 is the biggest election year in history](#) as 76 countries (representing half the world's population) go to the polls this year, increasing charged political speech in the workplace and upping the potential for huge changes in policy, government regulation, and interest rates globally
- Resurgence of labor union activity globally (specifically in the US given high-profile unions wins across different industries and employee-friendly shift to labor laws encouraging both unionization and concerted employee actions impacting working conditions in 2023)
- Increasing labor inspections in Mexico with potential for significant fines and penalties

### Accounting for geopolitical risks

- Post-pandemic wave of new challenges with the Ukraine war, widening conflict in the Middle East, instability in China and more
- Trend of "nearshoring" (with a major spotlight on Mexico) in response to geopolitical shifts
- Prioritize identifying where all employees, contractors and suppliers are located; know your global "hot spots" to protect workforce safety and well-being, respond nimbly to economic incentives and sanctions and guard against cybersecurity threats
- In-house E&C leaders should engage in cross-disciplinary crisis management planning, strategizing workforce engagement options and maximizing ability to move skilled talent across borders
- With attitudinal shifts toward protectionism and anti-foreign-worker sentiment; prepare for tighter eligibility for work authorizations, more intense scrutiny and inspections at border crossing and increased compliance enforcement

### Generative AI in the workplace

- Emerging patchwork of legislation regulating use of AI in employment decisions (e.g., Illinois and NY City); more state-specific legislation on the horizon (e.g. in California, New York, Virginia and Vermont)
- Monitor development of the EU AI Act
- Policies and procedures needed to govern employees' use of AI at work
- Bias audits should be considered when using AI technologies in HR functions (e.g., hiring, screening and promotion)



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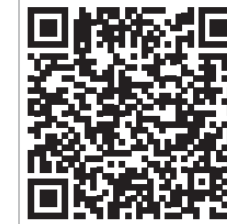
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