

By-Lined Article

MORE THOUGHTS FROM THE G-20

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September 24, 2009

The Legal Intelligencer

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We have all heard the phrase so often that it has become a bit of a cliché. Yet, like most such phrases, it is a cliché because the thought at its core makes sense and thus makes it something that merits repetition.

The phrase in question is, "Think globally and act locally."

Here in Pittsburgh for two days as the G-20 summit takes place, the sonorous speeches and compromised communiqués released to the media will be focused on the global issues of world economics. However, as practical lawyers, we know that behind the scenes there are real ramifications of a summit meeting like this one that already will have forced some good lawyers to think through some issues in a local sense and provide some good practical advice to their clients.

In addition to the practical advice that the city's and state's lawyers will have had to give to the police and National Guard about the constitutional aspects of crowd control, public safety and demonstrators, other lawyers will have had to think about such issues as the employment law aspects of a summit meeting.

For example, in a city that will experience the inherent tensions between the right of Americans to demonstrate versus the need to safeguard the lives of 20 heads of state and their delegations, the seemingly mundane task of getting to and from work in some parts of the city will be difficult and perhaps even dangerous. As an employment lawyer, how would you advise a client to deal with its employees during the summit?

To answer the question, I decided to start by speaking to someone with experience on the somewhat esoteric topic of summit meeting employment law. So I called Jon Heuvel of Penningtons in London, the city where the last G-20 meeting was held in April. Jon is the head of his firm's employment team and the chairman of the skills and employment forum at the London Chamber of Commerce & Industry. His firm issued a client alert in advance of the London G-20 meeting in which he advised that under English law, "businesses have a duty to ensure the health and safety of their staff and that they should not either directly or by implication force people to travel to work against the advice of the authorities and thereby put them

at risk." He said that in England, not observing that duty could cause an employer to be held liable in the event that an employee were to be injured. As a result, Jon said managers need to be flexible in such situations.

Interestingly, when the April summit arrived, Jon's own firm remained open, while some other large firms in the immediate vicinity closed their offices for a few days (at least one of which apparently may have done so after reading a copy of Jon's client alert).

I also spoke with my partner, [Jane Dalton](#), the former chancellor of the Philadelphia Bar Association and an employment law specialist. Jane said it is important for employers to have an emergency plan so that their employees know in advance what to do in various situations, and employers need to have a means of communicating with their employees whether the emergency plan is in effect. Echoing Jon's words, Jane also said employers have a duty to handle a situation like the G-20 in such a manner that their employees will not have to come to work unless they can do so without being recklessly endangered and that they not be asked to leave the workplace if doing so would put them at risk. Jane added that employers might also have to make special arrangements with respect to workers with disabilities.

In summary, the need to act locally often results from occasions of global thinking.

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