

Michael G. Congiu

Shareholder
Co-Chair, Business and Human Rights
Practice Group

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Focus Areas

ERISA and Benefit Plan Litigation
Business and Human Rights
International Employment Law

Overview

Michael G. Congiu has a distinct international and U.S.-based domestic practice.

Internationally, Michael is a recognized authority on international labor standards who has repeatedly been part of the U.S. employer delegation to the International Labour Conference (ILC) in Geneva, Switzerland, serving in the esteemed Committee on the Application of Standards and as the global employer spokesperson for cases assessing state compliance with certain ILO Conventions. Michael has advised the United Nations, and regularly advises multinational corporations and other business enterprises, on business and human rights and international labor issues.

He has also repeatedly testified at the United Nations Human Rights Council's Open-ended Intergovernmental Working Group (OEIGWG), that continues to explore a Legally Binding Instrument to Regulate the Activities of Transnational Corporations and Other Business Enterprises. He also has been one of a small handful of technical advisors to the United Nations Working Group on Business and Human Rights' work on developing best practices for state legislation and practice as it relates to effective legal remedy, known as the Accountability and Remedy Project.

Michael has also represented employers before the OECD National Contact Points in the United States and in other countries and regularly advises on the following:

- The United Nations Guiding Principles on Business and Human Rights

- The International Labor Organization and its Committee on Freedom of Association
- The Organization for Economic Cooperation and Development and National Contact Points
- The United Nations Global Compact
- The Canadian Ombudsman for Responsible Enterprise
- Other international labor standard-setting or regulatory organizations

Domestically, Michael has a broad transactional, advisory and litigation practice that includes a specific focus on benefits issues and multiemployer pension plans. He regularly counsels and represents employers with issues involving the interplay between collective bargaining, multiemployer pension plan obligations, and withdrawal liability touching on the following laws:

- The Employee Retirement Income Security Act (ERISA)
- The Taft-Hartley Act
- The Pension Protection Act
- The Multiemployer Pension Plan Amendments Act

Michael serves as the Minnesota coordinator and liaison for Littler's Workplace Policy Institute (WPI). Michael focuses on Minnesota state legislative and regulatory developments in employment and labor law, as well as municipal ordinances and regulation of the workplace. He assists the employer community in understanding and impacting Minnesota legislation before it becomes law.

While in law school, Michael served as a judicial extern to the Hon. Joan Gottschall of the U. S. District Court for the Northern District of Illinois and as a legal extern for Hon. Margaret Lee Herbert, supervisory administrative law judge at the Equal Employment Opportunity Commission. He served as notes and comments editor for the *Chicago-Kent Law Review* and was a member of the Moot Court Honor Society. In college, he was captain of the University of Wisconsin-Madison's men's soccer team.

Professional and Community Affiliations

- Member, American Bar Association
- Member, International Bar Association
- Member, Federal Bar Association
- Member, Illinois Bar Association

Recognition

- Recipient, CALI Award for Excellence in International Employment Law

Education

J.D., Chicago-Kent College of Law, 2006

B.A., University of Wisconsin, Madison, 2003

Bar Admissions

Minnesota

Illinois

Courts

U.S. Court of Appeals, 7th Circuit

U.S. District Court, Northern District of Illinois

U.S. District Court, Central District of Illinois

U.S. District Court, Western District of Michigan

U.S. District Court, District of Minnesota

Languages

Italian

Spanish

Publications & Press

The E.U. Advances a Watered-Down but Nonetheless Landmark Human Rights Draft Law – What This Means for Global Employers

Littler Insight

March 26, 2024

South Korea Proposes Mandatory Human Rights Due Diligence Obligations on Employers

Littler Insight

January 16, 2024

DOL Issues Annual Report on Child Labor with Emphasis on Enforcement

Littler Insight

October 5, 2023

Employers Rapidly Implement Japan’s Guidelines on Business & Human Rights

Littler Insight

September 11, 2023

Canada Passes Modern Slavery Act

Littler ASAP

May 17, 2023

PBGC Issues Proposed Rule on Withdrawal Liability Actuarial Interest Rate Assumptions

Littler Insight

October 14, 2022

Recent Human Rights Due Diligence Law Developments in the European Union, Switzerland, and Japan

Littler Insight

October 11, 2022

The Fashion Industry Meets Human Rights Due Diligence: New York's Proposed "Fashion Sustainability and Social Accountability Act"

Littler Insight

February 14, 2022

U.S. Enacts Law Barring Products Made With Forced Labor in China

Littler Insight

January 3, 2022

Europe and Canada Seek to Mandate Human Rights Due Diligence and Transparency Obligations on Companies and Their Global Partners

Littler Insight

October 28, 2021

Congress Considers New Multiemployer Pension Reform

Littler ASAP

February 16, 2021

An Employer's Guide To 'Composite' Retirement Plans

Law360

August 7, 2020

United Nations Takes Another Step in Developing a Treaty on Business and Human Rights

Littler Insight

November 5, 2019

Littler Lightbulb: Highlighting Global Human Rights Topics

Littler Insight

October 15, 2019

Germany Seeks to Mandate Human Rights Due Diligence for Companies and Their Global Partners

Littler Insight

April 25, 2019

The PBGC Proposes Simplified Methods for Calculating Withdrawal Liability

Littler ASAP

March 12, 2019

Australia Passes Law Requiring Large Companies to Report on Modern Slavery

Littler Insight

December 4, 2018

United Nations Further Deliberates a Treaty Seeking to Impose Corporate Liability for Human Rights Violations

Littler Insight

November 7, 2018

California Enacts Two Laws to Combat Human Trafficking

SHRM Online

October 9, 2018

California Enacts Two Laws Aimed At Combating Human Trafficking

Littler ASAP

October 2, 2018

Littler Global Guide - Hong Kong - Q2 2018

Littler Global Guide Quarterly

July 20, 2018

Australia: New South Wales Introduces Law Requiring Companies to Report on Modern Slavery

Littler Insight

July 13, 2018

U.S. Supreme Court Forecloses Liability of Foreign Corporations Under the Alien Tort Statute

Littler Insight

May 10, 2018

Hong Kong Considers Draft Law Requiring Companies to Report on Modern Slavery

Littler Insight

April 16, 2018

Canada Announces Two New Initiatives To Hold Companies Accountable For Human Rights Violations Abroad

Littler Insight

February 13, 2018

Proposed Act Seeks to Require Large Companies Operating in Australia to Report on Modern Slavery

Littler Insight

February 6, 2018

United Nations Continues its Development of a Treaty Imposing Liability on Companies for Human Rights Abuses

Littler Insight

November 9, 2017

European Court Clarifies Legality of Banning Islamic Headscarves in the Workplace

TLNT Talent Management and HR

April 11, 2017

European Court Clarifies Legality of Banning Islamic Headscarves in the Workplace

Littler Insight

March 20, 2017

Dutch and French Legislatures Introduce New Human Rights Due Diligence Reporting Requirements

Littler Insight

March 13, 2017

Advancing Human Rights Claims Based on Global Supply Chain Activities: Recent Developments in California and Canada

Littler Insight

February 15, 2017

Handling Human Rights Issues in Tech Supply Chains

Inside Supply Management

February 2, 2017

The U.S. Issues a National Action Plan on Responsible Business Conduct

Littler Insight

January 17, 2017

Human Rights in the Electronics and Information Communication Technology Industry

Supply Chain Management Review

January 12, 2017

Proposed French Law Would Impose New Due Diligence Obligations on Certain Employers and Their Supply Chains

Littler ASAP

December 12, 2016

Human Rights Issues in Tech Supply Chains

Today's General Counsel

December 1, 2016

4 Reasons Why International Labor Standards Are Important For All HR Leaders

TLNT

September 30, 2016

Union Petition Under US-Colombia Free Trade Agreement Highlights Labor Violations in Oil and Sugar Industries in Colombia

ACC Docket

July/August 2016

The Central States Rescue Plan Rejection and Next Steps

Littler Podcast

June 6, 2016

The Corporate Human Rights Benchmark Ranks Large Companies' Human Rights Performance

Littler Insight

April 4, 2016

Littler Names Three Co-Chairs to Business and Human Rights Practice Group

Littler Press Release

February 17, 2016

Certain Illinois Employers Now Required to Post Human Trafficking Helpline

Littler ASAP

February 8, 2016

From “Soft-Law” to “Hard-Law”? News from the Regulatory Front

CSR & Human Rights Newsletter

December 1, 2015

California Laws Are Being Used to Advance Human Rights Claims Based on Global Supply Chain Activities

Littler Insight

October 14, 2015

The Advent of Privately Developed Corporate Human Rights Reporting Frameworks

Littler Insight

September 9, 2015

House Bill Would Require Public Disclosure of Company Policies to Combat Supply Chain Trafficking

Littler Insight

August 4, 2015

HOT TOPIC: Converging Developments Spur Corporations to Focus on Human Rights

InsideCounsel

June 1, 2015

Supply Chain Management And The Alien Tort Claims Act

Law360.com

October 28, 2014

Ninth Circuit Case Portends Implications for Alien Tort Claims Act Liability Throughout Corporate Supply Chains

Littler Insight

September 22, 2014

An Estimate is Just That - The Seventh Circuit Highlights Several Important Lessons for Employers Navigating Intermittent FMLA Leave

Littler Insight

August 21, 2014

Ill. High Court Holds The Line On Employees Classification

Law360.com

April 15, 2014

Illinois high court affirms viability of construction industry classification law

Chicago Daily Law Bulletin

April 2, 2014

Illinois Supreme Court Strikes Down Prohibition on Non-Consensual Audio Recordings, Raising New Issues for Employers

Littler Insight

March 26, 2014

Illinois High Court Affirms Viability of Construction Industry Classification Law

Littler Insight

March 6, 2014

More CNIL Guidance for Multinationals Seeking to Comply with SOX & Dodd-Frank

Littler Insight

March 4, 2014

Viva [FMLA Family Care Leave in] Las Vegas

Littler Insight

January 31, 2014

Supreme Court Leaves Much Unclear In Opinion On Alien Tort Statute

Inside US-China Trade

April 24, 2013

The Final Breaths of the Alien Tort Statute

Littler Insight

April 19, 2013

The 2012 Global Employer: Highlights of Littler's Fifth Annual Global Employer Institute

Littler Report

February 21, 2013

Littler Elevates 13 Associates To Shareholder Status

Littler Press Release

January 9, 2013

A Guide to Employee Benefits Administration and Leaves of Absence

Littler Insight

November 21, 2012

The 2011 Global Employer: Highlights of Littler's Fourth Annual Global Employer Institute

Littler Report

February 15, 2012

Managing Employees During Political Unrest

Law360.com

March 30, 2011

The Seventh Circuit Clarifies the Availability of Class Claims Alleging 401(k) Improprieties

Littler Insight

March 1, 2011

Managing the Global Workforce – A Legal and Practical Guide to Dangerous International Employee Assignments

Littler Report

February 17, 2011

New York District Court Clarifies the Jurisdictional Scope of the Alien Tort Claims Act and Torture Victim Protection Act

Littler Insight

December 9, 2010

New York Federal Court Rejects Attempt to Litigate Alleged Human Rights Abuses in the U.S.

Littler Insight

December 1, 2010

The Continued Viability of the Alien Tort Claims Act and the Torture Victim Protection Act

Littler Insight

January 28, 2009

Designing a Bonus Plan That Rewards Attendance and Productivity Without Violating the FMLA

2009 Employment Law Update

2009

From Shopping Malls to Cubicles: The Contours of Restricting Political Speech in the Private Sector Workplace

2009 Employment Law Update

2009

The European Union's Second-Highest Court Highlights the Importance of Hiring Outside Counsel

Littler Insight

September 25, 2007

Corporate Liability for Human Rights Abuses Goes on Trial

Littler Insight

July 20, 2007

In the Shape-Shifter's Shadow: Strategic International Union Organizing Along Multinational Corporate Lines

2007 Employment Law Update

2007

Corporate Responsibility for Union Busting and Forced Labor Around the World: The Alien Tort Claims Act and the State Action Requirement

2007 Employment Law Update

2007

An End to Empty Distinctions: Fee Shifting, the IDEA, and Doe v. Boston Public Schools

80 CHI-KENT L. REV. 963

2005

From Rights to Remedies: The Alien Tort Claims Act, Sosa v. Alvarez-Machain, and the State Action Requirement

South Carolina Journal of International Law & Business, Vol. 2

2005

Speaking Engagements

2024 Midwest Regional Employer Conference

Minneapolis, MN

November 14, 2024

112th International Labor Conference

International Labour Organization, Geneva, Switzerland

June 3, 2024

2022 Midwest Regional Employer Conference

Minneapolis, MN

November 3, 2022

Human Rights Due Diligence and Transparency Obligations Under the German Supply Chain Act

April 26, 2022

Multiemployer Pension Plan Withdrawal: An In-Depth Examination

Strafford Webinar

March 23, 2022

What Employers Need to Know About the PBGC's Interim Final Rule About the Special Financial Assistance Program

July 19, 2021

Reduce Human Trafficking in the Supply Chain

Lorman Education Services Webinar

June 22, 2021

Input Statement

Digital Consultation to inform the upcoming report of the UN Working Group on Business and Human Rights

April 9, 2021

Multiemployer Pension Relief: How the COVID-19 Relief Bill Impacts Employers

March 16, 2021

Testimony regarding Second Revised Draft on a Legally Binding Instrument to Regulate the Activities of Transnational Corporations and Other Business Enterprises – Article 5 (Protection of victims), Article 6 (Prevention), and Article 7

United Nations Human Rights Council – 6th Session of Open-ended Intergovernmental Working Group (OEIGWG),
Geneva

October 27, 2020

With the Emergence of More Regulation Concerning the Human Rights Due Diligence Process, What Is the Impact of a Spaghetti Soup of Laws?

International Business and Human Rights Conference, Madrid, Spain

April 3, 2019

Multiemployer Pension Plan Withdrawal

Strafford

March 19, 2019

Discussion on the UN Treaty Process on Business and Human Rights

Webinar

March 7, 2019

Human Rights Disclosure Mandates: A Practical Compliance Guide Through the Maze of New Laws Around the World

Practising Law Institute

February 26, 2019

The Legal, Business and Human Rights Landscapes of the Global Workplace

Minneapolis, MN

September 26, 2018

National Due Diligence and Corporate Responsibility Legal Developments in Canada, Australia, Germany and Switzerland

2018 United States Counsel for International Business – Corporate Responsibility and Labor Affairs Committee Spring Meetings, Washington, DC

May 3, 2018

Improving Effectiveness of Nonjudicial Mechanisms

2017 U.N. Forum on Business and Human Rights, Geneva

November 28, 2017

The Role of Human Rights Due Diligence in Determinations of Sanctions and Remedies

United Nations Human Rights Council

October 6, 2017

Update on Treaty Process

2016 United Nations Forum on Business and Human Rights, Geneva
November 16, 2016

Panelist

United Nations Human Rights Council – 2nd Session of Open-ended Intergovernmental Working Group (OEIGWG),
Geneva
October 24-28, 2016

Business and Human Rights Workshop – Exchange Between European Companies and Federations

BDA | Confederation of German Employers, Berlin, Germany
February 18-19, 2016

The Interface Between Judicial and Non-judicial Remedy: Experiences and Challenges

2015 United Nations Forum on Business and Human Rights
November 16, 2015

Employer Considerations for Operations in Mexico

Chicago, IL
November 4, 2015

Procurement as Policy: Minimum Wage, Paid Leave, Anti-Trafficking, Equal Employment Opportunity Executive Orders

U.S. Chamber of Commerce, Labor, Immigration and Benefits Division, Washington, D.C.
October 28, 2015

International Business & Human Rights: What the Corporate Legal Department Should Know

October 13, 2015

Coverage of the Instrument: [transnational entities] and other Business Enterprises – Concepts and Legal Nature in International Law

United Nations Human Rights Council – 1st Session of Open-ended Intergovernmental Working Group (OEIGWG), Geneva
July 7, 2015

Business and Human Rights: The Increased Expectations Placed on Companies to Respect Human Rights and Strategies to Mitigate the Adverse Impact

Littler Mendelson, Phoenix, AZ
May 6, 2015

Business and Human Rights: The Increased Expectations Placed on Companies to Respect Human Rights and Strategies to Mitigate the Adverse Impact

Littler Mendelson, Miami, FL

March 6, 2015

Improving access to remedy: What needs to be done

International Conference on Business and Human Rights - International Organisation of Employers and the Fédération des Entreprises Romandes Genève (IOE-FER), Genève. Switzerland

November 19, 2014

The 2014 Charlotte Employer — International Edition

Charlotte, NC

September 23, 2014

The Contrasting Positions of the EEOC and the Courts on Key ADA Issues – What's An Employer to Do?

February 26, 2013

Leave Me Alone

Chicago, IL

March 8, 2012

Navigating the Top FMLA Concerns for Employers

Thompson Publishing Group Webinar

February 2012

Transitioning Employees Returning from FMLA Leave: Avoiding Legal Landmines

Thompson Publishing Group Webinar

December 2011

Dangerous Assignments: Practical & Legal Considerations

SHRM Webinar, Atlanta, GA

March 2011

Books & Book Chapters

- *Misplaced Efforts: The United Nations' Proposed Treaty Imposing Corporate Liability for Human Rights Violations*, 2019 *Employment Law Update*, Chapter 11, Wolters Kluwer, chapter co-author Lavanga Wijekoon, 2019
- *Imposing Liability on Employers Under the Shadow of the United Nations Guiding Principles on Business and Human Rights*, 2017 *Employment Law Update*, Chapter 4, Wolters Kluwer, chapter co-author Lavanga Wijekoon, 2017

- Whistleblowing & Retaliation: A Guide for Human Resources Professionals & Counsel, Chapter 10, *International Whistleblowing Issues*, LexisNexis and Littler Mendelson, 5th Ed., Chapter Co-Authors: P. Berkowitz and L. Wijekoon, 2014
- Leveling the Playing Field: Examining Firestone Deference in Delinquent Contribution Lawsuits, Chapter 2, *2014 Employment Law Update*, Wolters Kluwer, chapter co-authors: Stefanie H. Kastrinsky and Lavanga V. Wijekoon, 2014
- The Soft-Law Revolution – International Labour Standards and Human Rights, *The International Comparative Legal Guide to Employment & Labour Law 2012*, Global Legal Group, chapter author, 2012
- International Whistleblowing Issues, Chapter 10, *Whistleblowing & Retaliation: A Guide for Human Resources Professionals & Counsel*, LexisNexis and Littler Mendelson, 3rd Ed., chapter author, 2010