



## Diana J. Nehro

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Ogletree  
Deakins

Ms. Nehro is the Deputy to the Chair of the International Practice Group of Ogletree Deakins and is based in the firm's Boston office. Ms. Nehro assists clients in efficiently and effectively managing international labor and employment issues in an ever-expanding global economy. Ms. Nehro has experience in advising multinational clients in connection with the establishment and management of international workforces, including the preparation and enforcement of personnel policies and employment agreements, compensation and benefits, litigation avoidance and strategy, as well as general corporate matters germane to employers conducting business abroad.

In this role, Ms. Nehro – whose focus is on Latin America – is part of a growing team of international attorneys based in four countries with unique experience handling employment-law matters worldwide advising clients on all areas of managing a local workforce, including onboarding, employment agreements, statutory entitlements, variable compensation plans, employee handbooks, and codes of ethics and conduct, payroll tax and permanent establishment concerns, policies and procedures, incentive compensation plans and restrictive covenants and terminations, including severance benefits and independent contractor agreements, and labor-related merger and acquisition issues.

### Admitted to Practice

- Massachusetts
- New York
- Connecticut
- U.S. District Court, Eastern and Southern Districts of New York
- U.S. District Court, District of Colorado

### Education

- J.D., University of Southern California Gould School of Law, 2000
- B.A., *magna cum laude*, Anthropology and Sociology, Colby College, 1997

### Honors and Awards

- The Legal 500 United States 2016: Recommended in Labor and employment- Workplace and employment counseling category
- Notes Editor, *Southern California Law Review*, University of Southern California Gould School of Law
- Phi Beta Kappa, Colby College
- Sigma Delta Pi (Spanish National Honor Society), Colby College

## Practice and Industry Groups

- Employment Law
- Ethics Compliance, Investigations and Whistleblower Response
- International
- Mergers and Acquisitions

## Experience

Some recent examples of Diana's relevant experience include:

### **Mexico**

- Negotiated contentious termination of senior-level manager accused of engaging in improper conduct
- Advised on performance management options and requirements under amendments to Mexico's labor law
- Provided HR trainings for US multinationals commencing operations in Mexico
- Provided risk-mitigating solutions in connection with latest amendments to Mexico's labor law with respect to corporate and labor structure
- Managed and reduced employment litigations brought by improperly classified independent contractors against US multinational
- Conducted internal investigations involving allegations of harassment, health and safety violations, corruption and other improprieties arising at Mexico subsidiaries of US multinationals

### **Brazil**

- Managed terminations of statutory officers and other high level executives
- Negotiated and prepare statutory officer agreement with Brazilian subsidiary of US multinational
- Drafted and assisted with implementation of progressive discipline policy
- Conducted internal investigations involving allegations of abuse of financial protocols, including benefits fraud, unauthorized discounting and alleged kickbacks

### **Argentina**

- Advised technology multinationals on protection of employee-created intellectual property in light of employee-protective Argentine intellectual property legislation
- Managed contentious labor terminations of high-level manager
- Advised on wage and hour legal issues, including rectifying failure to pay overtime
- Advised on corporate structure and permanent establishment (corporate taxation) risk and payroll obligations created through local Argentina hires and alternatives for addressing such risks and costs

## **Dominican Republic**

- Managed improper termination claims, and subsequent appeals of such claims, for US-based sports franchise
- Advised on all aspects of engaging expatriate employees of US-based sports franchises in the Dominican Republic
- Advised and provided risk-reducing measures for converting improperly classified independent contractors to employees

## **Venezuela**

- Prepared strategy to reduce severance costs associated with termination of expatriate working abroad while still employed by local entity
- Advised on risks, costs and implications of plant closure

## **Chile**

- Advised on termination-related obligations to Chilean employee of both German multinational and its Chilean subsidiary
- Prepared termination negotiation strategy in connection with termination of statutorily protected employee

## **Colombia**

- Advised US multinational on labor, tax and immigration issues arising from engaging Chilean nationals to render services in Colombia
- Negotiated services agreement with services provider to retain newly classified employees, managed reclassification process and provide risk-mitigating measures for conversion of contractors to employees
- Prepared distributorship agreements

## **Peru**

- Managed immigration matters inherent in cross-border hiring of foreign nationals to render services in Peru
- Advised on business, tax, immigration, and jurisdictional implications for a foreign company executing services agreements under Peru law to render services within and outside Peruvian territory

## **Costa Rica**

- Advised client on wage and hour issues, including on-call working requirements
- Advised on immigration labor and tax strategy for US multinational seeking to engage US employees for vendor projects in Costa Rica
- Advised on intellectual property rights of US companies engaging independent contractors in Costa

Rica and the potential impact of a misclassification claim on such rights, and offer potential risk-reducing measures

### **Guatemala**

- Provided risk-mitigating measures in connection with termination of wrongfully classified independent contractor, including preparation of commercial release agreement and labor claims waiver
- Advised US-based clients with operations in Guatemala on optimal corporate and tax structure from both Guatemalan and US perspective.

### **Nicaragua**

- Prepared HR questionnaire for use in Nicaragua by multinational employer
- Advised on Nicaraguan occupational health and safety rules, as well as workers' compensation requirements
- Advised US non-profit regarding appropriate corporate structure in Nicaragua, and requirements for both local and expatriate employees
- Advised on key aspects of Nicaraguan employment statutes and local employment contract rules and interplay with U.S. employment law, including "acquired rights" and "just cause" for termination
- Advised clients on employment benefits, including retirement plans, pension plans, and bonuses, as well as the requirements for altering benefits, in Nicaragua
- Advised client on payroll requirements and tax withholding requirements for expatriates working in Nicaragua

### **Panama**

- Prepared employment, restrictive covenant and assignment of invention agreements for high-level employees of Panamanian subsidiary of US technology company
- Advised on application of US multinational's severance plan to Panamanian subsidiary
- Advised on tax and labor implications of voluntarily provided benefits in lieu of salary payment
- Advised on implementation of paid time off PTO policy and requirements and best practices for managing unused PTO on termination
- Advised on risks and costs associated with plant closure in Panama, including potential cost-mitigating measures

### **Multi-Jurisdictional Projects**

- Advised on background checks, including criminal, credit and drug testing (Argentina, Brazil, Mexico, Nicaragua, Chile, Canada, China, UK, Belize, the Philippines, Belgium, Denmark)
- Counseled clients on and managing process of reclassifying workers from independent contractors to employees, including mitigating risks and costs from prior misclassification (Argentina, Brazil, Colombia, Mexico, Dominican Republic)

- Prepared sales incentive plans for multi-jurisdictional implementation (Mexico, Brazil, Argentina, Chile, Colombia, Peru, Venezuela, Nicaragua)
- Prepared global Code of Conduct for US-based non-profit (Brazil, Mexico, Chile, Spain, Belize, the Philippines, Belgium and Denmark)
- Provided comparative anti-harassment trainings (Argentina, Colombia, Brazil, Uruguay, France, Germany, UK, Switzerland)

### **Global Mobility**

- Advised on appropriate structure of assignment, including measures to reduce risk of duplicate employment, benefits and compensation.
- Prepared international assignment agreements for US employees of multinational being seconded globally (Brazil, Mexico, China, Singapore, UK)
- Prepared intercompany secondment agreements for outbound assignments (Spain, China, UK, Singapore)
- Advised on and prepare intercompany agreements for inbound assignments (Turkey, China, Mexico)
- Revised and prepare comprehensive global mobility policy for multinational employer
- Advised on local employment law issues arising in connection with outbound assignments (Mexico, Brazil, China, Singapore, UK)
- Assisted client with establishing Global Employment Companies and other measures to mitigate multidisciplinary risks associated with Global Mobility assignments

### **Independent Contractors**

- Regularly advised clients on misclassification issues with independent contractors globally, including the providing risk-mitigating measure to implement during conversion and termination process

### **Previous Experience**

Prior to joining Ogletree Deakins, Ms. Nehro was a member of the Office of General Counsel of IDB Bank, in New York City, where she served as an Associate General Counsel, First Vice President. In this role, Ms. Nehro was responsible for international and domestic labor and employment matters, litigations, arbitrations and investigations. During her career, Ms. Nehro has broadened her global experience by handling a full range of employment issues throughout Latin America and in the Middle East, including managing employment litigations, negotiating, preparing and enforcing employment and severance agreements and personnel policies and procedures; and counseling all levels of management in connection with compensation and benefits, employee performance and terminations, discrimination, harassment, corporate structure and tax matters, as well as working effectively with local counsel.

Ms. Nehro clerked for the Honorable Roderick Ireland of the Massachusetts Supreme Judicial Court. While in Law School, she was a Notes Editor for the *Southern California Law Review*.

### **Professional Activities and Speeches**

## **Professional Activities:**

- New York City Bar Association
- American Bar Association
- Connecticut Bar Association

## **Speeches:**

- Ogletree Deakins Workplace Strategies Seminar - "Remote Workers Don't Come With Remote Controls: Cross-Border Employment Case Studies" - Phoenix - May 10, 2018
- Ogletree Deakins International Practice Group Seminar - "Compensation Planning in Global Organizations" - Washington - March 29, 2018
- Clear Law Institute Webinar - "Designing a Global Sales Compensation Plan" - July 20, 2017
- Ogletree Deakins Workplace Strategies Seminar - "Doing Business South of the Border—Managing Workers in Mexico" - San Diego - May 05, 2017
- Ogletree Deakins Workplace Strategies Seminar - "Emerging Issues for Multinational Employers: New Regulations, New Risks, New Challenges" - San Diego - May 04, 2017
- Ogletree Deakins International Practice Group Seminar - "Emerging Globalism: Dealing with Change in Multi-National Organizations" - Washington - March 29, 2017
- Knowledge Group Webinar - "Arising Issues in Cross-Border Disputes: What Your Firm Needs to Know" - December 07, 2016
- International Bar Association Annual Conference - "New Technology, Remote Employment Relationships and the Cross-border Duty of Care Obligations of Multinational Employers" - Washington, DC - September 22, 2016
- Ogletree Deakins Workplace Strategies Seminar - "Workplaces Undergoing Corporate Change - Managing the Key Issues" - Chicago - May 06, 2016
- Association of Corporate Counsel St. Louis Chapter - "Global Employment Issues: Hot Topics for Multinational Employers" - St. Louis - March 23, 2016
- Knowledge Group Webinar - "Emerging Issues: Hot Topics in Employment and Labour Law for Multinational Companies in 2015 and Beyond" - November 12, 2015
- Ogletree Deakins Workplace Strategies Seminar - "Getting the most out of International Assignments: Strategies for Global Mobility Managers" - San Antonio - May 15, 2015
- IUNO and NMN Management Consulting for HR Executives - "Effectively Structuring Global Mobility Assignments: Strategies for Reducing Risk and Hidden Costs" - Copenhagen - February 03, 2015
- Knowledge Congress Webinar - "Engaging Cross-Border Independent Contractors" - July 10, 2014
- Ogletree Deakins Workplace Strategies Seminar - "Terminations Around the Globe - Meeting the 'Just Cause' Standard" - New Orleans - May 09, 2013

## **Our Insights**

- Ogletree Deakins International Video Series: Anti-Harassment - October 10, 2017
- Ogletree Deakins International Video Series: Cross-Border Investigations - October 03, 2017
- Ogletree Deakins International Video Series: Top 5 Labor and Employment Concerns for U.S.-Based Multinational Businesses - September 26, 2017
- Panama's Paid Paternity Leave Law Takes Effect - July 17, 2017
- Puerto Rico Equal Pay Act Aims to Close Gender Pay Gap - March 20, 2017
- Puerto Rico Redesigns its Business Environment Through an Overhaul of its Employment Regime - January 26, 2017
- You're Fired! How the At-Will Employment Doctrine Separates the U.S. From Many Foreign Nations - November 14, 2016
- Historic FCPA Settlement Reflects Increased Regulatory Focus on International Anticorruption Issues Arising from M&A Transactions - March 28, 2016
- The High Costs of Violating Puerto Rico's Breastfeeding in the Workplace Law: Supreme Court Decides Right to Privacy Claim - March 14, 2016
- South Africa's Labour Court Rules Garden Leave and Noncompetition Clauses Enforceable - February 24, 2016
- Puerto Rico's Qualifying Employees May Use Paid Sick Leave to Care for Others - January 19, 2016
- India Eases Rules for Foreign Investment in LLPs - December 09, 2015
- Puerto Rico Bans Sexual Orientation and Gender Identity Discrimination in Employment - June 05, 2013
- Termination Notice Periods Extended in Brazil—With Retroactive Effect! - April 08, 2013
- Labor Reform Bill Passed in Mexico—What it Means for Employers Doing Business in Mexico - November 27, 2012
- Mexico Revamps Its Labor Law, Creating Increased Protection for Employees and Greater Clarity for Employers - November 20, 2012

## Media

### Media Quotes

- May/June 2016 - SHALE Oil & Gas Business Magazine - "Breakthroughs for Women in International Business"
- February 2013 - PEO Insider - "Mexico Revamps Its Labor Law, Creating Increased Protection for Employees and Greater Burdens - but also Greater Clarity - for PEOS"

## Media

### Published Works

- February 06, 2018 - "Labor and Employment 2018 - Puerto Rico" - Latin Lawyer: The business law resource for Latin America
- February 09, 2017 - "Puerto Rico Overhauls Employment Regime" - SHRM Online
- 2017 - "Puerto Rico" - LatinLawyer Reference - Labour & Employment 2017
- September 2016 - "United States immigration options for employing lower-skilled foreign workers" - Employment & Industrial Relations Law
- February 2013 - "Mexico Revamps Its Labor Law, Creating Increased Protection for Employees and Greater Burdens - but also Greater Clarity - for PEOS" - PEO Insider