

Stanley Black & Decker GC On Virus' Impact On Legal Work

By Sarah Martinson

Law360 (March 19, 2021, 4:35 PM EDT) -- One of Connecticut-based Stanley Black & Decker's top priorities as the COVID-19 pandemic emerged was ensuring that its manufacturing employees could continue working safely by implementing health measures such as temperature checks, according to the company's general counsel.

Janet Link, who has been Stanley Black & Decker's senior vice president, general counsel and secretary for more than three years, told Law360 Pulse that her team of more than 100 in-house attorneys took on a lot more compliance work over the past year to ensure that the company's manufacturing facilities were compliant with the health and safety requirements of the countries where they're located.



Janet Link

"The sheer volume of trying to quickly get that all figured out in countries around the world was something that our team is very agile at and good at, but there was a large volume of new information on top of their day jobs," Link said.

Here, Link talks to Law360 Pulse about how the pandemic has impacted her legal work and what issues will need to be addressed in the future.

What type of legal and compliance matters do you typically handle?

We really run the full gamut of legal and compliance matters: everything from securities regulations, since we're a publicly traded company, to corporate governance issues, and mergers and acquisitions, litigation matters, general conversion matters, intellectual property. As a multinational company on the client front, we have a compliance function that does clients' training work.

Do you work with outside law firms on these matters?

Our general philosophy is that we try to handle as much in-house as we can, but for really large matters like a big M&A transaction or a very specialized matter, we use outside counsel.

Why does the company prefer to use in-house counsel?

I think our lawyers are embedded with our business team and really understand our business strategy.

And I think we come up with better solutions that are going to work with what the business' goals are because we really understand what the business is trying to achieve.

I think given really great outside counsel who's not embedded with the business doesn't do it. They don't have the same benefit of living and breathing that strategy day in and day out the way our in-house team can.

Has COVID-19 impacted the type of legal and compliance matters that you handle?

Absolutely. Our manufacturing workers are essential workers who were creating tools and products that we needed in order to help restructure other critical functions around our global security business. One of the things that we did was help our essential workers get the permissions that they needed to be able to continue operating around the globe. That was a big piece for us.

As we were dealing with this, we needed to keep plants and distribution centers as safe as possible during the pandemic. So we had to do a lot of work around privacy and other angles to evaluate things like temperature checks or thermal scanners or other safety measures that we were putting into place to make sure that they complied with all the applicable laws and regulations.

What has been the most challenging legal issue related to the pandemic that you've had to handle or come up with a solution for?

I think the thing that made it challenging was the volume of it. We had to figure out solutions for our essential workers to work and keep our operations up and running in many countries around the world. So the sheer volume of trying to quickly get that all figured out in countries around the world was something that our team is very agile at and good at, but there was a large volume of new information on top of their day jobs.

When it comes to safety compliance during the pandemic, has the company just looked at the different regulations within the areas where its facilities are, or has it also tried to figure out the best safety measures overall?

Our environmental, health and safety employees as well as our chief technology officer did a lot of research into what would be the best safety measures. And our environmental, health and safety group worked with our operations leaders to get the best safety measures in place.

As we were implementing those safety measures, each country has different rules and regulations about measures of those kinds. And so we had to make sure that things like a thermal scanner, which would help you figure out whether somebody had a fever and possibly was sick, whether you could use a thermal scanner in a particular country.

Has your company had to deal with any litigation related to the pandemic?

No, so far we have not.

Is your company now trying to figure out whether to mandate that employees get vaccinated?

Right now, we're not mandating that employees get vaccinated. Instead, we're strongly recommending that employees get vaccinated when they're eligible to do so under the laws and administration regimes

where they live. We also are providing internal education on why getting a vaccine, if you're able to do so, would be a good thing to do.

Were there legal and compliance issues you had to consider when making that decision?

As we were trying to figure out what to do, what types of information we were going to provide to employees, and what we would require or not require, all of those decisions have privacy and employment law implications, and other regulatory considerations.

Why did the company ultimately decide not to require vaccination?

This is something that the company is continuing to evaluate. Right now, there's not enough supply of vaccines and many employees aren't even eligible to get the vaccine. So for now, we believe that the best thing to do under those circumstances is strongly recommend that they get the vaccine when they're eligible to do that. It's something that we're going to continue to monitor as vaccines become more plentiful, and benchmark what other companies are doing as well.

Is the company concerned that a vaccination requirement could bring up employment litigation or privacy litigation?

I think there are a lot of different concerns that go into this. I don't think I could point to any one overriding factor that's causing us to make this particular decision at this time, other than, as I said before, that right now our employees aren't even eligible. When those factors begin to change, some of the factors that we would take into consideration would be a privacy concern and a potential liability concern as we evaluate what we were going to do going forward.

--Editing by Aaron Pelc.