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August 2nd 2018

β Comment: Free movement fallacy *

Ten years ago I was at a conference in Dublin when one of the speakers – a well-known TV pundit – stated from the rostrum that the accession of eastern European countries to the European Union meant “a great white yard sale that HR can now exploit.” The sixty or so HR people present in the audience did not visibly flinch. It was as racist a statement as if the N word had been used – it was just the context and terminology that had changed.

But the first wave of Eastern European countries to join the EU was not connected in the public’s mind with the fall of the USSR and the iron curtain. Even then, this huge political turnaround was not appreciated as a force for good, but as a force to exploit. Now the “Polish problem” has mixed with the “Syrian refugee problem” into a potent cocktail that is destabilising the European Union, was largely the driving force for Brexit, and threatens to undermine even Angela Merkel’s fragile new coalition in Germany.

The EU was built around three essential freedoms: freedom for goods and services, capital, and labour. This reached its zenith with the signing of the Schengen free-movement treaty in 1985. Meanwhile, the argument about free trade was won long ago in the nineteenth century. Closed borders benefit no one and protectionism is a kind of warfare where living standards rather than lives are lost on both sides.

Many hidden barriers to free movement of labour in the EU have been there from the outset. Firstly, there is the complication of tax and social security. With cross-border workers, social security is paid where someone works, although medical treatment and social benefits can be claimed in the country where someone lives. The amount of social security paid by employers is also a huge barrier for multinational companies and can range from 2.25% in Romania to 45% in France, as too is the huge difference in job protection laws. The best overall deal by far is in Cyprus, and the worst in France (again) and Sweden.

Tax is more complicated by far. There are, in fact, no EU rules. Everything is determined by bilateral double taxation agreements – just like the situation with countries outside the EU. The only real concession for cross-border workers is the right to claim tax deductions in the state where a worker lives.

The biggest barrier to the temporary free movement for workers is the job-posting directive. This measure seeks to create what legislators believe is a level playing field for workers sent across EU borders to work on fixed-term assignments. What it has become is a device for countries such as France to exclude cheaper Polish workers who “undermine” local pay rates, which are themselves established by an anti-trust labour cartel. In all countries, the need to

give advance notice to the labour inspectorates of host countries and the need to comply with stringent job-posting requirements is making free movement an unattractive proposition. This is becoming even more of a nightmare for transport workers that pass through several countries on route to their destinations.

So what can employers do to minimise these problems? The first thing to accept is that open borders are really only there for private, rather than work life. If an employee is hired it is far more convenient for both parties if the employee undertakes to move. The “on costs” to employers because of variations in social security liability can also be highly deceptive. Denmark virtually has no employer social security liability, but to compensate, salary levels are very high. Romania is moving in the same direction, but salary levels are still far more modest.

Because posted workers come with substantial expense overheads in travel and accommodation – as well as now with wage-levelling supplements – employers should consider whether it is better to hire those from the large labour pools already within countries such as France and Belgium and give them appropriate training before deploying them through the gig economy. Polish workers who travel to western Europe to reside on their own initiative are not subject to job-posting rules and can be encouraged to do so by would-be hirers of contractors. In fact, “free technical training” for contractors is an investment that can produce dividends as it allows companies providing the training to cherry-pick the best workers to use in their own local projects. The challenge here will be to avoid the pitfalls of employee status and the legality of “gig arrangements” such as zero-hour

contracts in particular countries where such workers are required.

AFRICA AND MIDDLE EAST

Ψ **BAHRAIN:** The Protection of Personal Data Law has recently been approved and will be brought into force shortly. Those found to unlawfully access, disseminate, leak, or tamper with personal information will be jailed for up to 1 year, fined 1,000 (US\$2,660) to 20,000 dinars (US\$53,192), or both. Those receiving a bribe to accept falsified information will be fined 3,000 (US\$7,979) to 20,000 dinars (US\$53,192).

φ **GHANA:** With effect from the 1st of January 2019, the national daily minimum wage will be increased by 10% from the current GHc9.68 (US\$2) to GHc10.65 (US\$2.20).

φ **NIGERIA:** In spite of the government’s policy for local people in the delta region to benefit from job creation through the oil industry expansion, there has been a reluctance to hire young people to train them for new jobs. The organisations representing the local Okpes tribe has warned the Petroleum Training Institute that unless it honours the 30% quota set for it under the “Local Content Law”, within the next 2 weeks they would ensure that local people were mobilised to shut it down.

Ψ **ISRAEL:** The state Knesset (Parliament) has passed the Nationality Bill that codifies Israel’s status as the nation-state of the Jewish people into Israel’s Basic Laws, and reclassifies the Arabic language is no longer on a par with Hebrew as a national language. The new law also declares that Jerusalem is the capital of Israel, sets the Hebrew calendar as the official calendar of the state,

and establishes Jewish holidays as the State's official holidays. To some it will be a surprise that these elements of the law are not already firmly established. However, around 20% of the population is of Palestinian descent and there are also large minorities of Druze, Bedouin, and Christian. The move has therefore unsurprisingly generated strong reactions from neighbouring states and the Arab League.

Ψ OMAN: The Ministry of Commerce and Industry has announced that commercial agents must be registered by the 3rd of August 2018. Those already registered must also renew their permits and modify data electronically through the Invest Easy portal or through the Sanad centres. Failure to do so will result in denial of a permit or enforced cancellation of their registration.

φ **SAUDI ARABIA:** Over the year to Q1 2018, the average monthly gross pay of foreign workers in the private sector increased by 5.2% from SR3,707 (US\$989) to SR3,899 (US\$1,040). At the same time, the average gross pay for Saudi workers decreased by 5.3% to reach SR7,197 (US\$1,919) from SR7,603 (US\$2,027).

Ω **SOUTH AFRICA:** It is now uncertain where an expatriate working in South Africa should pay their tax. Back in March, a case before the Western Cape Tax Court found that where someone pays their tax depends on where the contract was concluded. This runs contrary to the South African Revenue Service guidelines to date, and they have not yet indicated whether they are going to appeal the decision.

Ψ SOUTH AFRICA: The Labour Laws Amendment Bill is currently before parliament. It replaces the existing provision for family responsibilities leave with a new

leave for the non-child-bearing parent of 10 consecutive paid days' leave. The parent of an adopted child or a commissioning parent in a surrogacy agreement will also be entitled to 10 weeks' paid leave. It does not, however, affect existing maternity entitlements. Once approved, litigation can be expected as male carers of a newborn child will receive less than a woman on maternity pay, and women who adopt will receive less than those who give birth.

Ψ TUNISIA: The country is poised to be the second country in Africa to pass an anti-race discrimination law. A parliamentary vote on the new measure is expected in the next few weeks. If passed, any form of race discrimination will be subject to the criminal law – even verbal abuse – and the penalty will be up to 3 years' imprisonment.

Ψ TURKEY: Although President Erdogan has ended the state of emergency, a security law has been rushed through parliament to effectively normalise its previous oppressive provisions. The continued house arrest of US citizen Andrew Brunson has already led to blacklisting of two Turkish ministers and wider US sanctions are likely soon. The Turkish economy requires US\$200M a month to prop it up and without support from foreign banks it will collapse.

Ψ UAE: The governments FAIC agency has introduced a new 10-year visa for investors and professionals in the fields of medicine, science, research, and technology. Those studying at university in the country will be given a 5-year visa and exceptional students a 10-year visa. The changes will be implemented by the end of the year.

THE AMERICAS

Ω CANADA: Employees who continue to work full-time after reaching retirement age should still enjoy health insurance benefits. The Human Rights Tribunal of Ontario (HRTO) ruled that termination of these benefits for a teacher who continued working after the age of 65 was unconstitutional (Talos v. Grand Erie District School Board).

Ψ JAMAICA: The Jamaican government is close to signing an agreement with the Russian government that would establish a visa-free arrangement for up to 90 days on the island. This is geared more towards tourism than business, but is significant because Russia remains relatively friendless in the world, and the last time Russia had any presence in the Caribbean was back in 1963, with Cuba.

Ψ PERU: Newly introduced paternity leave legislation has extended leave entitlement to 10 consecutive calendar days for both natural or caesarean section births. Leave will be granted for 20 consecutive calendar days for premature or multiple births. For births where the infant suffers terminal congenital disease or severe disability, or where there are serious complications affecting the mother's health, leave will be granted for 30 consecutive calendar days. Furthermore, employees also have the right to utilise their annual holiday leave from the day after paternity leave ends, provided at least 15 days' advance notice (before the probable date of birth) has been given to their employers.

Ψ USA: A law has been passed by the Massachusetts' legislature and received the state Governor's approval which will increase the state's minimum wage and introduce a

new paid family and medical leave programme covering all workers. The minimum wage will go through a series of increases starting in January 2019 to reach US\$15 per hour by 2023. Furthermore, with effect from 2021, the law will allow employees who are carers of sick, close family members, or new parents wishing to bond with their child, paid leave of up to 12 weeks. Also from 2021, workers will benefit from 20 weeks' paid annual sick leave. The pay received will be 80% of the state average wage, plus 50% of their income above that level – up to a cap set at US\$850 a week. The care and sick benefits will be paid for by a levy of 0.63% on employers. However, they may pass a significant amount of this onto their employees. The first step will be on the 1st of July 2019 when employers must post a notice on a conspicuous place notifying employees of the forthcoming benefit.

Ω USA: A Louisiana federal judge has revealed that because the Civil Rights Act (1964) does not define race, the status of several groups remains uncertain under US law, including Jewish people. A recent case has, however, resolved this issue after the Principal of Louisiana College refused to hire a football coach because of his "Jewish blood". To date, discrimination against Jewish people has often been claimed on the basis of religion rather than race.

Ω USA: The Memphis-based metal goods manufacturer Mueller Industries has agreed to pay US\$1m in injunctive relief and damages for disability discrimination. The EEOC settled a case in which the company automatically terminated employees after 180 days' sickness absence or failed to make accommodation for them. They also operated a points system for absences that

led to automatic termination when a specified number of points were received. The company has agreed to a comprehensive programme to remedy its practices, including reinstatement, revising absence policies, implementing training on the Americans with Disabilities Act, and despatching annual reports to the EEOC that verify compliance.

Ψ USA: With effect from January the 9th, 2019, Delaware employers will be required to comply with the US Worker Adjustment and Retraining Notification Act which provides for at least 60 days advance notice of mass layoffs and plant closures. The State Act adds a further situation – relocation. Non-compliance will result in a civil penalty of US\$1,000 per day of violation or US\$100 per day of violation per dislocated worker, whichever is the greater.

Δ USA: In a potentially highly controversial move, America's largest retailer Walmart has patented surveillance technology to collect conversations and other sounds at checkouts. It is still uncertain how the company wishes to use the data collected, but the system may be illegal in 12 US states that have two-party consent laws.

ASIA AND PACIFIC

Ψ AUSTRALIA: The new Labour government of New South Wales has established as a priority the reform of employment legislation to protect gig online platform workers. This includes changing the NSW Industrial Relations Act to bring them within the minimum wage ambit and also ensuring they receive superannuation, annual holidays, and sick leave in line with employed workers, even if they technically remain contractors.

Ω AUSTRALIA: A company requiring staff to use any device to reach shelves at height should take note of the appeal case Coles Supermarket Australia Pty Limited (“Coles”) v Harris (2018) ACTCA 25. This involved liability for injury arising from the use of a Safe-T-Step. Although it was agreed that the chances of injury were low, it did not relieve the company from responsibility to undertake proper safety training.

Ω AUSTRALIA: The bid by employers associations to prevent the merger of two unions has failed. We previously reported the objections to a deal between the two militant unions - the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) and Textile Clothing and Footwear Union (TCFUA) and Maritime Union (MUA) which took effect on March 27th, 2018. However, a full bench of the Fair Work Commission rejected the appeal of the employers who wished to prevent the merger of the unions for failing to meet the requirements of the Registered Organisations Act. The final legal hurdle having been cleared means the amalgamation will go ahead.

Ψ CHINA: Back in February, we reported that the 144-hour Transit Visa Exemption was first introduced to three cities in East China's Shanghai-Jiangsu-Zhejiang area, then the exemption was expanded to North China's Beijing-Tianjin-Hebei region. Authorities have announced recently that the city of Chengdu in Southwest China is now preparing to offer such facility as well. The municipal government has submitted a request to China's State Council for approval.

Δ CHINA: This has the biggest employment market in the world with over 66 million jobs created in urban areas during the last 5 years. The country has 30,000 employment

agencies turning over 1.44 trillion yuan (\$215 billion) and employing more than 580,000 people, yet it remains largely unregulated. From October 2018, a new regulation will be put in place across the country to ensure that employment agencies operate in the most effective and responsible way.

Ψ CHINA: Employers currently operating in Shenzhen's Special Economic Zone now face the prospect of a fine of between RMB 3,000 (US\$444) and RMB 30,000 (US\$4,444) for rejecting the hiring of someone on gender, marriage, or childcare grounds.

Ω INDIA: The national Supreme Court has ruled that a case found against a party can still be revisited by a Labour Court - even after 30 days have elapsed and an award has become enforceable. In a new principle of legal logic, the Court stated that, "because an award has merely become enforceable, it has not become binding." One example of the need to revisit a case may, for example, be that a party did not turn up to the hearing and an award therefore granted *ex parte*. If there were good grounds for this inability to be present, enforceability would in any case not be possible on the grounds of nullity.

Ψ INDIA: A recent legal amendment to the Kerala Shops and Commercial Establishments Act will soon provide female workers the right to sit down at work. This concession comes after the Union of Indian Female Retail Workers has run a concerted campaign for 8 years. Employers will be obliged under the amended law, *inter alia*, to limit female employees' working hours to 8 hours a day and provide a chair or stool on which to sit.

Ω JAPAN: On June 1st 2018 Japan's Supreme Court issued its two first decisions on the application of Article 20 of the Labour Contract Act which prohibits unreasonable differences in the working conditions of fixed-term employees and indefinite-term employees. In the *Hamakyorex* and *Nagasawa-Unyu* decisions the Supreme Court found *inter alia* that the differing working conditions of fixed-term employees that violate Article 20 are invalid and upheld the lower court in its finding that the employer was liable where there were unreasonable differences in the payment of four types of allowances. These decisions will force corporations to reconsider the practice of automatically setting permanent employees' conditions high and temporary employees' conditions low and precarious.

φ JAPAN: A Labour Ministry panel decided recently to propose raising the mandatory minimum hourly wage for fiscal 2018 by ¥26 (US\$0.23) to establish a national average of ¥874 (\$7.88). The highest minimum wage would be ¥985 (US\$8.87) for Tokyo, whilst the lowest minimum wage would be ¥760 (US\$6.8) for eight prefectures – Kochi, Saga, Nagasaki, Kumamoto, Oita, Miyazaki, Kagoshima, and Okinawa.

φ MALAYSIA: Over the year to May 2018, average pay for the manufacturing sector rose by 10% to RM3,562 (US\$878). Total employees in this sector also rose by 1.7% (or 18,077 workers) from 1,051,923 to 1,070,000 workers.

Ψ MYANMAR: Although the Labour Disputes Law has been in operation since 2012, it has not been generally respected by employers. The law sets out procedures for handling collective and individual disputes through conciliation, arbitration, and the

courts. But in spite of safeguards against retaliation, employers have commonly punished those seeking settlement or redress and broken the ban on lockouts. For over 6 months parliament has been discussing amendments and it has now been agreed that failure to comply with the law will result in imprisonment of up to 3 months and a fine of up to K10m (US\$6,910).

Ψ NEW ZEALAND: Strong opposition to the proposed Employment Relations Bill from local employers' groups continues. If it finally goes ahead, employers contend that it would, amongst other things, end 90-day probationary periods for companies with 20+ staff, give union officials access to the workplace at any time, and remove the right to opt out of multi-employer collective agreements.

Ψ NEW ZEALAND: Local employers should make sure that their policies are in line with the new parental leave requirements. As of the 1st of July, paid parental leave has been set to 22 weeks (instead of 18) and payments have been increased by 4.7%. This corresponds to an increase in the maximum gross weekly rate from NZD538.55 (US\$367.73) to NZD563.83 (US\$384.99). Paid parental leave will further increase to reach 26 weeks by July 2020.

Δ NEW ZEALAND: The Trust Company Perpetual Guardian is well on its way to completing its 6-week trial in which staff work 4 days and get paid for 5 days. According to the Company's Head of People and Capability, "We believe efficiency will come with more staff focus and motivation, and this trial is a valuable and timely way to test our theories." If the trial is a success it is intended to make the arrangement permanent.

Δ SOUTH KOREA: Parents with children under 8 are currently entitled to take family leave for up to 1 year. If a company refuses, it can be fined for up to 5 million Won (US\$4,462). Over the last year, the number of fathers taking time off work in South Korea for child care jumped to 66%. Of the total of 50,089 people who took family leave, the proportion for men increased from 11.4% to 16.9%. 58.4% of fathers taking paid paternity leave were from large corporations with more than 300 employees.

Ψ SOUTH KOREA: The application of the Equal Employment Act is set to broaden on the 1st of January 2019. Currently, protection from discrimination on the grounds of gender only applies to entities with more than five employees, whereas once the amendment of the law is enacted, its application will cover all employees.

φ SOUTH KOREA: It has finally been agreed that next year the hourly minimum wage will rise from 7,530 Won (US\$7.07) to 8,350 Won (US\$7.40). As we reported in May, President Moon made an election pledge in 2017 to increase the hourly minimum wage to 10,000 Won (US\$8.7) by 2022. It therefore has some way to go before reaching that target.

φ SOUTH KOREA: A wage deal has just been reached between Hyundai Motor Co. and its 51,000-member union. Under the agreement, the basic monthly wage will increase by 45,000 Won (US\$40), with a bonus equivalent to 2.5 months' salary and cash payments worth 3 million Won. In a bid to reduce working hours because of the strength of the currency and the new 25% US tariff on imported vehicles, a new two-shift working system will go into effect from the 7th of January 2019, with each shift

lasting 8 hours and no additional paid overtime.

Δ TAIWAN: Multiple US government departments have issued a 'North Korea Sanctions & Enforcement Actions Advisory' recently, threatening sanctions against foreign companies that employ North Korean workers. This advisory included a sectoral breakdown of North Korean workers into various countries and listed Taiwan's seafood industry as a leading employer of DPRK overseas workers. To cooperate with the international sanctions, Taiwanese fishing boats will stop employing North Korean nationals as crew members as of August this year.

Ψ UZBEKISTAN: An electronic visa system has been launched for citizens of 51 countries recently. The government also announced a 5-day visa-free transit regime for 101 countries, provided visitors hold an air ticket to a third country.

EUROPE

φ EUROPE: The latest updated wage figures from European countries may be viewed [here](#).

β EU/JAPAN: The European Commission has finally signed a strategic partnership agreement with Japan. This will end most tariffs and increase economic cooperation in a wide variety of spheres. It covers a third of the global economy and more than 600 million people and is in sharp contrast with the protectionist measures being followed by the USA. If it can be pushed through ahead of March 29th 2019 it would also cover the UK during any agreed transition period.

β EUROPEAN UNION: In 2017, 80% of people who were not students and completed their education at upper secondary level or above in the last 3 years had found work. But there was a big variation between countries. The proportions were Malta (95%), Germany (91%), the Netherlands and the Czech Republic (both 90%) - but only 52% were employed in Greece and 55% in Italy

Ω FRANCE: The French Court of Cassation has confirmed that work-related travel time of an itinerant employee spent travelling between his home and his customers' premises does not count as effective working time for employment law purposes. The judgment confirms the Court's previous case-law on the issue and directly applies article L. 3121-4 of the Employment Code, despite it being incompatible with the position adopted by the European Court of Justice in the Tyco case (ECJ, 10 September 2015, Case C-266/14- Tyco) within the context of Directive 2003/88/EC.

Ψ FRANCE/INDIA: Indian passport holders will now no longer require an airport transit visa when transiting through the international zone of any airport in France.

Ω IRISH REPUBLIC: To what extent must an employer seek to accommodate a disabled employee? This question has been raised several times in a series of escalating hearings that has now reached the Supreme Court. Although the subject of the case is a public sector "Special Needs Assistant", the court's deliberations will have a big impact on the private sector too, as it will bring into focus interpretations under Section 16 of the Employment Equality Act 1998 and how widely or narrowly such interpretations should be.

Ψ ITALY: The recently approved “Dignity Decree” which came into force on 14th July 2018 is the first legislative act of the new Italian government in the area of labour relations and represents an overturn of the previous government’s “Jobs Act”. The Decree is aimed at limiting the overall duration of fixed-term employment contracts by establishing that the maximum length will decrease from 36 to 24 months, and the maximum number of renewals will be four rather than five. The decree also increases indemnities for unfair dismissal and addresses relocation of international business outside Italy.

β ITALY: The Italian government has expressed once again its opposition to the Comprehensive Economic and Trade Agreement (CETA) free-trade deal between the European Union and Canada, claiming that Italy and the Italian economy needs to be defended. The European Union and Canada formally signed the CETA in October 2016, which eliminates 98% of tariffs between the EU and Canada, and needs to be approved by all 28 EU member states to fully come into force.

Ω NETHERLANDS: Since February, Deliveroo’s 1,750 delivery workers in the Netherlands have become freelancers. As a consequence, one of them challenged his legal status before an Amsterdam court, with legal costs funded by crowdfunding. But the court confirmed that his self-employment contract was legitimate because the way work was organised was not consistent with an employment relationship. In giving their verdict, the court also commented that Dutch law has not adapted to the emergence of the “platform economy”. Now another employment status case is pending against

Deliveroo and this is backed by the FNV trades union.

Ψ PORTUGAL: Parliament has made Portugal the sixth European country to grant self-determination of gender identity from the age of 16 without permission from a third party or a medical report. No sex change operation will be required for the identity to become lawful. Employers should be prepared for this eventuality, the need to change personnel records, and any necessary workplace adjustments, including the handling of reactions from fellow workmates.

β RUSSIAN FEDERATION: The Moscow office of the organisation “Business France” has been shut down by the French government. This is because the Russian authorities have closed down its bank accounts and deported its director. This move brings into question how genuine the recent statements were about normalising relations between the two countries and the official good-humoured meeting between Emmanuel Macron and the Russian President in mid-July.

Ψ SPAIN: The 2018 national budget approved by parliament increases, with immediate effect, the entitlement of fathers to an additional week of paid paternity leave. This brings their full entitlement to 5 weeks and the leave may be enjoyed from birth, adoption, or from the first day of foster care. A further measure awaiting approval will raise the entitlement of paid parental leave to 16 weeks.

Δ UNITED KINGDOM: The average working week fell over the year to the quarterly period March to May 2018. Overall, the fall was 0.3 hours to 31.9 hours per week, but people working full-time experienced a fall of 0.5

hours to 37.0 hours per week in their main job. People working part-time worked, on average, 16.3 hours per week in their main job.

Ω UNITED KINGDOM: The Employment Appeals Tribunal (EAT) has found an employer had infringed the Equality Act 2010 by refusing to hire a disabled employee because of their job references. A reference from her former employer had referred to regular work absence, but the tribunal held that no enquiry had been made to determine if absence in the previous position had resulted from prevailing working conditions. It was the employer's duty to hire a disabled worker who, "after reasonable adjustments", was capable of performing the job applied for. In fact, no further enquiries had been made to determine whether reasonable adjustments would have been possible in the new job (*SWNHSFT v Lee*).

φ UNITED KINGDOM: The revenue service (HMRC) has issued a consultation document outlining its proposals for a new social security arrangement it claims will not increase the costs of hiring self-employed contractors. To start with, instead of the contractor having responsibility for determining their employment status, the client (or hirer) will need to make this decision using a set of criteria called "Check Employment Status for Tax (CEST)". The new "off payroll" tax operating in the public sector may be extended to the private sector, which will add social security obligations of

13.8% on hirers engaging the legitimately self-employed. This will need to be offset against fees paid to the contractors concerned. However, many of the most fundamental changes to contractor social security and tax took effect back in April 2016. A detailed analysis of international law and practice relating to employment status has been submitted by FedEE to the HMRC in response to its consultation exercise. This includes FedEE's 30-point checklist to determine employment status.

β GLOBAL: According to the ILO's World Employment Social Outlook for 2018 the share of world employment by 2030 in Eastern Asia will decline to 23%, but grow to 22% in Southern Asia and 16% in Sub-Saharan Africa. Employment shares will decline in both North America and Eastern Europe. Social unrest is reported by the ILO to have grown most between 2016 and 2017 in the Caribbean and generally across the Americas and Eastern Europe. In other parts of the world the general level of social unrest declined.

News subject key

ζ Political context / background

β Business / Economics

Δ HR-related / practices

ψ Laws / Codes / Immigration

Ω Court cases / structures

φ Remuneration / Tax / Labour relations

Dates for your diary:

September 1st 2018: **Austria's** new working time rules take effect.

October 2018: FedEE **USA** Briefings Program – California and West Coast

October 31st 2018: **UK** Brexit deadline to agree a deal and start ratification process.

November 1st 2018: Class-actions lawful in **Germany**.

November 12th-14th 2018: FedEE Brexit Group and HR Counsel Meetings in London, **UK**.

November 11th 2018: **EU** temporary border controls removed.

January 1st 2019: **Malaysia's** new redundancy fund due to come into force.

January 1st 2020: **Washington State (USA)** Paid family leave law will take effect.

⚠ Travel Warnings

CAMBODIA: The Mekong River Commission (MRC) issued a flood warning on the 25th of July for Cambodia's Stung Treng and Kratie provinces.

CHAD: Reconsider travel to this country due to crime, terrorism, and minefields.

COMOROS: Exercise increased caution in all parts of the country due to civil unrest.

DJIBOUTI: Visitors are advised against all travel to the border with Eritrea due to possible military conflict and the fragile political situation.

EUROPE: Primera Air is ceasing operations from Birmingham Airport to Alicante, Tenerife, Las Palma, Reykjavik and Malaga from the 29th of October. Services between Birmingham and Palma de Mallorca and Barcelona will be cancelled from the 3rd of September.

HONDURAS: Please exercise a high degree of caution in the country due to demonstrations and an upsurge in already high levels of violent crime.

HUNGARY: The Sziget Festival will take place from the 8th to the 15th of August. You should remain vigilant and keep your passport safe.

INDONESIA: A powerful earthquake has struck the central island of Lombok in Indonesia, killing at least 14 people on the 29th of July. The island is about 40km (25 miles) east of Bali.

IRELAND: Ryanair has cancelled 20 out of 300 flights to and from Dublin on Friday the 3rd of August due to industrial action.

LAOS: Authorities have issued flood alerts, covering the river between Nakhon Phanom and Pakse. This is effective until the 4th of August 2018. Visitors are advised to avoid all travel to Xaisomboun Province due to the tense security situation and random shooting incidents.

MOROCCO: Royal Air Maroc (RAM), Morocco's flag carrier, has cancelled more than 107 flights in the last two weeks due to an ongoing partial strike by the airline's pilots.

PAPUA NEW GUINEA: Exercise increased caution in Papua New Guinea due to crime, civil unrest, and a recent serious polio outbreak.

PHILIPPINES: 11 people died on Tuesday, July the 31st when a van exploded at a security check point on the island province of Basilan in the southern Philippines.

PORTUGAL/SPAIN/SOUTHERN FRANCE: Temperatures in these countries could reach as high as 48-50 degrees Celsius later this week - breaking the all-time record high for Europe.

SWEDEN: Pilots working for Ryanair will go on strike for 24 hours on the 10th of August due to disagreement between the union and the airline over collective agreements and pilot contracts. Scandinavian airline SAS may cancel 40 further flights this week due to staff shortages.

TAJIKISTAN: Exercise caution and vigilance if you are travelling near Danghara, southern Tajikistan as 4 of the 7 cyclists were killed in a knife attack on the 29th of July 2018.

THAILAND: Heavy rain has been affecting several areas of northern and central Thailand over the past few days. Expect the possibility of landslides and flooding.

VENEZUELA: Visitors are advised against all travel to within 80km (50 miles) of the Colombian border in the states of Zulia, Tachira, Barinas, Apure and Bolívar; within 80 km (50 miles) of the Colombian border in Amazonas state as far south as 100 km (62 miles) south of Puerto Ayacucho; within 40km (25 miles) of the rest of the Colombian border due to a risk of kidnapping.

FedEE News

“NO DEAL” BREXIT: HR MONITORING GROUP: The purpose of the group is to track and analyse Brexit developments as they happen from July 2018 until the Brexit deadline on the 30th of March 2019. We are particularly concerned with the implications of a "No Deal" Brexit as this would have a devastating impact on international companies and importers/exporters based in the UK. Strategy meetings will be held in London this Autumn as the period from October 1st until mid November represents a critical time for the UK in negotiations with the European Union. FedEE members may join the group without further charge. For further information, email: admin@fedee.com.

FEDEE WEBSITE: Our new look public pages and modified pages in our members' area have now gone live at <https://www.fedee.com>. The new entry portal for our members' area is:

<https://members.fedee.com/wp-login.php>. A new section on Malaysia has now been completed and will go online next week.

HR COUNSEL COURSE: We are now open to enrolments for the 15th of October intake to the Advanced Diploma Course in Multijurisdictional Employment Law. Our coverage has been increased from seven to ten core jurisdictions and an ordinary Diploma will be awarded on completion of 20 of the 30 modules in the programme. For further details, please consult our [latest prospectus](#).

KNOWLEDGEBASE: The latest addition to our section on country employment laws is Malaysia. A review of Nigeria is in preparation.

US WEST COAST EVENTS: FedEE is planning to hold a number of briefings and seminars in the LA, Bay Area, Portland and Seattle this Autumn. Further details will be posted shortly to members in California, Oregon and Washington States. If you have colleagues there who might be interesting in attending please contact Jane Gulliver on admin@fedee.com

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