



On your radar

Key employment issues across Europe and beyond





Welcome to the latest edition of CMS On your radar

If you want to get in touch to find out more about a development in a particular country please do speak to your usual contact within CMS or alternatively email employment@cmslegal.com. The information set out is correct at the time of writing in early January 2023.

The CMS Employment Team

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Belgium

Looking ahead across 2023

On your radar



Four-day working week

Companies may introduce a pattern of working hours where employees can apply to work full-time over four days without any reduction in pay. Depending on the number of hours worked per week by the employees, the company can introduce this change by amending the Work Regulations (this is a Belgian document where employers set out in writing the working conditions for all their employees) or by signing a company collective bargaining agreement. This legislative change entered into force on 20 November 2022.

Right to disconnect

All companies in the private sector with at least 20 employees in Belgium will be obliged to establish a company policy on the right to disconnect in order to respect employee rest periods and holidays, and provide employees with a greater balance between their professional and private lives. Employers are obliged to adopt this company policy by 1 April 2023.

Training plan

In addition to the individual right to training, from 15 March 2023, private companies with at least 20 employees in Belgium will have to provide employees with an annual overview of possible training courses and the target groups for these courses.

Transition path

Dismissed employees will be allowed to work for another employer (i.e. the temporary employer) during their notice period. The use of this transition path is optional for both the employee and the initial employer and takes place through a temporary employment agency or regional employment service. In case the parties agree on a transition path, the initial employer remains in charge of the payment of remuneration. The temporary employer compensates part of this remuneration. In case the employee remains at the service of the temporary employer until the end of the transition path, specific obligations will apply to the temporary employer. This legislative change entered into force on 20 November 2022.

Employability measures

In cases where an employee has been dismissed with a notice period of at least 30 weeks, the employee will have the right, from the beginning of the notice period, to take time off work with pay and take advantage of "employability measures" (e.g. coaching, training, etc.). In cases where the employee is paid in lieu of notice corresponding to at least 30 weeks remuneration, the employee must be available to follow these employability measures. Such employability measures will be financed by the employer's social contributions due on one part of the notice period. Employability measures do not replace outplacement obligations. This legislative change entered into force on 1 January 2023. A Royal Decree will outline this measure in more detail.

Belgium

Looking ahead across 2023

On your radar



Right to request a flexible work arrangement

CBA 162 establishes a right for employees to request flexible working arrangements for care purposes. More flexible working arrangements can take the form of remote working, a work schedule adjustment, a reduction of working hours, etc. CBA 162 entered into force on 1 October 2022.

Right to request a form of employment with more predictable and certain working conditions

CBA 161 (transposing European Directive 2019/1152) establishes the right for the employee with at least six months employment with the same employer to request a form of work with more predictable and certain working conditions. Such a request could entail, for example, changing an employment contract from a fixed term to an indefinite duration, or full-time working instead of part-time working, or fixed working hours rather than variable working hours, etc. This CBA entered into force on 1 October 2022.

No medical certificate required for the first day of incapacity

Since 28 November 2022, employees are no longer required to produce a medical certificate for the first day of absence from work due to incapacity. The law provides a safeguard: the employee can only use this possibility three times a year. The employee must, however, still immediately inform the employer of the address at which they are staying during the first day of absence from work due to incapacity, unless this address is the usual residence known to the employer.

Five days of unpaid leave

Five days of unpaid leave must be provided to employees who provide personal care or assistance to a family member or a person living in the same household requiring considerable care or assistance due to serious medical reasons. These five days are to be deducted from the ten days of unpaid leave for compelling reasons to which employees are entitled. This legislative change entered into force on 10 November 2022.



Bulgaria

Looking ahead across 2023

Transposition of the Whistleblowing Directive

In 2022, a draft law for transposition of the Whistleblowing Directive was open for public consultation. The consultation process closed at the end of May 2022. The draft law was submitted by the Council of Ministers in Parliament at the end of October 2022. Almost simultaneously another draft law on the same subject matter was submitted. However, both drafts were rejected at a plenary session. Following that, on 12 January 2023, a new draft was submitted in the Parliament. As Bulgaria is already late in transposing the Whistleblowing Directive (the deadline was 17 December 2021), there is an expectation that the law will eventually be adopted in 2023.

Changes to the statutory minimum salary

The statutory minimum amount of salary in Bulgaria increased to BGN 780 (approx. EUR 400) at the beginning of 2023. In 2022 the minimum amount of the monthly salary was BGN 710 (approx. EUR 355). In parallel, the Parliament is reviewing a proposal for a legislative amendment according to which the minimum salary would be updated annually to an amount not less than 50% of the average gross salary in the previous 12 months.

Implementation of electronic employment records

A draft amendment to the Labour Code has recently been proposed, introducing a replacement to the current paper employment records with electronic ones. The draft law includes the development of unified electronic employment records for all employees in Bulgaria, which will be stored with the Employment Agency as a centralised national employment register. The electronic employment record will be the official source of data relating to the employment history of an employee. The new change aims to eliminate the administrative difficulties for both employers and employees, especially in cases where there has been a loss of the paper employee record and it becomes challenging to prove the previous length of employment service. If the proposed changes are approved by the government, they are expected to enter into force on 1 September 2024. In practice, the new electronic employee records register should be fully operational by 1 September 2026. However, the discussions on the draft law are still at a very early stage.

Recent amendments to the Bulgarian Labour Code

From 1 August 2022, some changes have been incorporated into the Bulgarian Labour Code. The changes introduced several new rights for employees as well as some new obligations for employers. The amendments include extending the opportunity of an employee to conclude a second employment contract with another employer; the reduction of the trial period in a fixed term contract (which is concluded for a term of less than a year) from six months to one month; the obligation to inform employees in writing of the conditions and procedure for termination of employment; new paid leave for fathers who raise a child up to the age of 8, and others. As a result, if this has not happened by now, employers should amend their internal labour policies, especially in order to ensure compliance with the new requirement to inform employees about the conditions and procedure for termination of employment.



Chile

Looking ahead across 2023

Shorter work week

During 2022, the Chilean congress made important advances in the discussion of the bill that seeks to reduce the working week in the country from 45 to 40 hours, making substantial changes in the regulation of working hours. The current government has this initiative as part of its program, so it can become law during the first half of 2023.

Pension reform

The Chilean congress is currently discussing a new bill that consists of increasing the social security contribution rate for pensions to 10.5% for employees and includes a 6% employer contribution. This bill also establishes, among other changes, a new pension system, which will include private and public institutions, and will be part of the main issues that the government intends to promote during 2023.

Regulation of digital platforms employees

In September, a new law came into force that regulates the contracts of employees in companies that provide services through digital platforms (such as Uber and food delivery apps). The interpretation of this law, and therefore its application, is still ongoing given the recent publication, so 2023 will be key to determining how this new regulation affects this type of relationship.

Psychosocial risks protocol

The Chilean Ministry of Health issued a resolution that modifies the protocol for surveillance of psychosocial risks at work, with the aim of contributing to the safeguarding of the mental and physical health of employees. The main change involves the inclusion of procedures to report and investigate cases of sexual and workplace harassment, workplace discrimination and impairment due to teleworking, in the Company Health and Safety Regulations, which will enter into force in January 2023, which will be a new obligation for companies to comply with.

China

Looking ahead across 2023

On your radar



Employers should take active measures to cope with changes and challenges brought by the relaxed COVID-19 measures

On 27 December 2022, the Chinese government downgraded the management of COVID-19 to Class B and released all the Class A control measures provided under the PRC Law on Prevention and Treatment of Infectious Diseases for preventing COVID-19. The old measures were adopted in the past three years. Due to the high infection rate of the virus, a lot of infections appeared and have reached a peak in many cities. Along with the substantial relaxation of COVID-19 control policies, employers will face increasing challenges in dealing with COVID-19 cases at workplaces. In addition to complying with statutory requirements, it is recommended that employers take active measures by considering their own business situation in order to maintain business continuity and protect employees' health and safety.

Development of Chinese social insurance mechanism

In recent years, the Chinese government has been making efforts to develop a national social insurance mechanism, by changing the authorities levying social insurance fees to the tax bureaus, striving for overall planning of social insurance at national level, setting up a unified national social insurance service system, etc. In 2023, the Chinese social insurance

mechanism will continue to change and develop.

For example, from 1 January 2023, by fulfilling certain online formalities, employees can use their medical insurance accounts to pay medical fees incurred at designated hospitals outside the location where their social insurance is provided. It is also very likely that the statutory retirement age will be increased in the near future. On the other hand, the Chinese government will take more measures to supervise social insurance practices. Given the above, employers in China need to re-evaluate their compliance with social insurance policies and make necessary adjustments according to the laws and regulations.

New legal requirements for women in the workplace

The newly amended PRC Law on Protection of Rights and Interests of Women came into force on 1 January 2023. The law raises new requirements on employers in China to provide protection for female employees such as taking specific measures to prevent sexual harassment in the workplace, prohibiting gender discrimination in the workplace, etc. Employers in China should pay attention to the new law and take measures to comply with the requirements.

Managing labour costs in time of crisis/difficulties

The war in Ukraine, the current status of the China-US relationship and the COVID-19 pandemic have all seriously impacted the economy. In 2023, companies facing financial pressures or operational difficulties will be looking at possibilities to control and reduce labour costs by restructuring businesses, laying-off employees or reducing salaries or benefits, etc. Before deciding to take such measures, companies should pay attention to and follow the legal provisions under PRC labour law. Otherwise, affected employees are very likely to raise claims against the employer through labour arbitration proceedings or lodge complaints to the labour authority. In order to avoid potential labour disputes with employees, employers should carefully evaluate each specific case, follow the legal position or if necessary reach agreements with affected employees.



Columbia

Looking ahead across 2023

Reduction in weekly working hours

Law 2101 of 2023 established that the current working week of 48 hours would be gradually reduced to 42 hours per week. As a result since 15 July 2022, weekly working hours should have been reduced to 47 hours, and companies should be adapting their internal procedures and working hours to these new rules.

New government bills related to employment

Both the national government and the Congress have issued several bills seeking the following significant changes:

- Increase in time off for annual leave will be increased to 20 days per year instead of the current 15 days
- Additional rates of payment for night work will start at 6:00 pm (at the moment employees are paid night work rates from 9:00pm to 6:00am)

On the other hand, the Ministry of Labour has issued several decisions in which they have declared as null some guidelines they had published in the past, because when they were introduced there was no consultation with employee organisations. (This includes guidelines relating to the procedure to ask for permission to dismiss an employee with special health situations). Also, the Ministry has recently

issued an internal Guideline which Work Inspectors should consider when investigating behaviour against the right of union association. This is likely to generate controversy in relation to the existence of internal agreements with non-unionised employees

Increase in the maximum limit to Social Security System contributions

A Decree has been passed which will increase the maximum limit on social security contributions from 25 times the monthly minimum wage to 45 times the monthly minimum wage. Although an increase in the contribution base income was introduced, this provision lacks an exact date in which it will come into force because of the 2 conditions that were established for it: (i) that the real growth of the Colombian economy is higher than 4% during at least the last three fiscal years and (ii) that the fiscal expenditure on pensions is lower than 2% of the Gross Domestic Product (GDP). In other words, there is no certainty on when this Decree could start to apply to those on incomes that are 25 times higher than the monthly minimum wage, due to the severe pre-conditions which must be met.

Pensions reform

The pensions reform seeks to ensure that the two existing regimes in Colombia complement each other. For this, 3 pillars are proposed: i) solidarity, which aims to ensure that older adults who do not have access to a pension can access a basic income corresponding to half the minimum salary; ii) contributory, which aims to help employees who earn up to four times minimum salary to make their contributions to Colpensiones; and iii) complementary, for those people with incomes that are higher than four times minimum salary, should make additional contributions to the private system.



Croatia

Looking ahead across 2023

Amendments to the Employment Act – planned to enter into force on 1 January 2023

In December, the Croatian Parliament adopted an Act to amend the Employment Act; introducing a substantial number of changes to the regulation of individual rights and obligations in employment relations. In addition, two EU Directives will be transposed into Croatia's legislation: the EU Directive on the balance between private life and work and the EU Directive on transparent and predictable working conditions. Employers will be obliged to align their employment by-laws with the new legal requirements, most probably by 30 June 2023. The amendments are many, and include:

– Fixed term employment contracts

The amendments are formulated to prevent unjustified consecutive fixed term employment contracts, limiting the duration of those contracts to a maximum of three years, as well as their number to a maximum of three contracts with the same employee. Also, an employee who is employed for a fixed term with a six months' probationary period will have a right to request an indefinite term contract after the probation period has ended, and the employer will have to consider such a request from the employee.

– Changes regarding work-life balance

A right to disconnect has been introduced, and the employee will have a right to be absent from work for one day in a calendar year due to urgent family reasons.

– Remote work and regulation of platform work (planned to enter into force on 1 January 2024)

Remote work is being regulated in more detail, i.e. additional mandatory content should be included in the employment contract with more flexible working conditions in the event of extraordinary circumstances, or following a request from the employee in order to harmonise work and family obligations. A new form of work, through digital work platforms, is being introduced and regulated.

Act on Suppression of Undeclared Work – scheduled to enter into force in the beginning of 2023

The Act regulates the definition of undeclared work as well as procedures for official bodies involved in combatting undeclared work. A legal presumption will be established, that the employment relationship has existed for six months prior to the moment in which the authorities determine undeclared work (if the duration of the employment cannot be determined otherwise). Interestingly, the Act introduces a so-called *blacklist* of violators (employers for whom it was established that they operated undeclared work), but also a *whitelist* of employers who operate in accordance with the law.



Czech Republic

Looking ahead across 2023

Labour Code Amendment

The Labour Code Amendment is currently at an early stage of the legislative process and will be subject to further changes. This amendment will, amongst other changes, transpose two EU Directives: the EU Directive on work-life balance for parents and carers, and the EU Directive, on transparent and predictable working conditions in the European Union. Key changes include the following:

- **Working from home**
The amendment finally regulates remote work. Certain groups of protected employees (e.g. employees taking care of a child) will have the right to ask their employer to work remotely at any time and the employers will have to justify why they cannot accommodate the employee's request. Employees will be entitled to compensation for costs incurred from working at home. The employer will have to ensure that the remote worker is not deprived of contact with other employees.
- **Easier delivery of documents**
It will no longer be necessary to hand-deliver documents when first issuing a contract of employment or implementing changes. This also applies to mutual termination agreements.

- **Wider information obligation for the employer**
The bill contains an obligation on the employer to provide the employee with more information on the content of the employment relationship (e. g., on the process of terminating the employment relationship or on the process of challenging the termination documents at court). The employer will have to provide this information within seven days from the commencement of the employment relationship.
- **Annual leave entitlement for wider category of workers than employees**
Individuals hired using an agreement to work outside the employment relationship will be entitled to annual leave.
- **Electronic conclusion of employment contract**
The parties will have the opportunity to conclude the employment agreement electronically. The employer will have to send a copy of the employment agreement to the employee's e-mail address. The employee will be able to withdraw from the employment agreement in writing within seven days of its delivery if they have not started working for the employer.
- **Tightening the conditions to apply for parental leave**
Employees will have to apply for parental leave in writing at least fourteen days before the leave starts.

Whistleblower Protection Act

In 2023, the Czech Republic will finally implement the EU Directive on the protection of whistleblowers. Employers with 50 or more employees and other entities will have to implement an internal reporting system to ensure that everybody can independently report violations of laws in the workplace without retaliation.



France

Looking ahead across 2023

Changes to unemployment insurance rules

Major changes are planned to the unemployment insurance rules which include adjusting the duration of unemployment insurance benefits to take into account cyclical indicators on employment and the functioning of the labour market. Currently an unemployed person may receive allowances for a maximum period of 2 years. The new rules will reduce this period if the labour market is doing well and vacant positions exist. These changes follow a consultation with the social partners and will apply until 31 December 2023.

Presumption of resignation in case of abandonment of post

Under the terms of new article L. 1237-1-1 of the French Labour Code, an employee who voluntarily abandons his or her position and does not return to work after having been given notice by the employer to justify his or her absence and return to work, within a period of time set by the employer, is deemed to have resigned at the end of this period. A decree issued in Conseil d'Etat will set the minimum duration of the period. In case of a dispute, the Labour Court has jurisdiction and can rule within one month.

Pension reform

The bill on pension reform will be presented by the government on 10 January 2023. It could provide for a gradual increase in the legal retirement age from 62 to 64 or 65, except for employees exposed to asbestos and employees with disabilities or inaptitude. Measures to improve the employment rate of older workers and to prevent burn out should also be included. Employees who started working before the age of 18 or 20 would keep the possibility to retire two years before the legal age.

Cancellation of unemployment benefits for an employee who refuses a permanent contract

An employee who refuses on two occasions, within a period of 12 months, an offer of a permanent contract made by their employer or the user company at the end of a fixed-term contract or a temporary contract, may, under certain conditions, lose their unemployment benefits. These provisions will come into force after the publication of an application decree.

Interprofessional negotiations on profit sharing

The government has invited the social partners at the interprofessional level to negotiate more widely on the theme of a better sharing of profits between employees and their employer. Discussions began on 21 November and are scheduled to end on 31 January 2023, with proposals that will be presented to the government to be integrated into a future law.



Hungary

Looking ahead across 2023

Changes to the Labour Code from 1 January 2023

Two new EU Directives will become part of the Hungarian legal system through the amendments to the Labour Code, which will enter into force on 1 January 2023. These include the balance between work and private life for parents and carers and the Directive on transparent and predictable working conditions. The key amendments to the Labour Code are highlighted below.

The employer's duty to provide information

From 1 January 2023, the employer must inform the employee in writing, in addition to the requirements currently set out in Section 46 of the Labour Code of the following information: the workplace, the commencement and duration of the employment relationship, the rules relating to the termination of the employment relationship, working hours and pattern (days of the week, including the start and end time of the daily working hours), the employer's training policy, the duration of the training available to the employee, the authority to which the employer will pay the public charge relating to the employment relationship. The employer must fulfill this duty within 7 days from the beginning of the employment relationship.

Paternity and parental leave

Paternity leave will increase to 10 working days from 1 January 2023. Paternity leave must be allocated not later than the end of the second month following the birth of the child or, in the case of adoption, not later than the end of the second month following the date on which the decision authorising the adoption becomes final. The employer must grant the paternity leave at the request of the employee, in no more than two instalments. Parental leave will be regulated as a new rule in the Hungarian Labour Code. The employee will be entitled to 44 working days of parental leave until their child turns three years old. The employer must grant the parental leave at the time requested by the employee. Eligibility for parental leave will depend on the employee having one year of service after the birth of the child.

Carer's working time allowance

The carer's working time allowance will also be regulated as a new rule in the Hungarian Labour Code from 1 January 2023. An employee is entitled to a maximum of 5 working days of carer's working time allowance per year. Eligibility for the allowance will depend on the provision of personal care or support to a relative or a person living in the same household as the employee, who is in need of significant care or support because of a serious health condition certified by the attending doctor.

Minimum wage, guaranteed minimum wage

In December 2022, it was announced that from 1 January 2023, the monthly minimum wage will increase by 16% to gross HUF 232,000, while the guaranteed monthly minimum wage (in jobs with at least intermediate level of qualification) will increase by 14% to gross HUF 296,400.

Italy

Looking ahead across 2023

On your radar



Tax relief

In 2023 the Italian government will introduce a tax contribution relief equal to the exemption from paying social security contributions which will only apply to new hires for certain categories of workers. The workers involved are: citizenship income recipients; young people under 36; and women over 50.

Remote working for “vulnerable employees”

In 2023, the Italian government has confirmed the right for ‘vulnerable’ workers (e.g. those with serious illnesses or who live with and care for sick people) to perform their duties remotely.

Early retirement

In 2023, the Italian government confirmed that all employees will have the option to retire early upon reaching the so-called 'Quota 103', that is to say 41 years of contributions + 62 years of age. Female employees, on the other hand, will be able to retire upon reaching the age of 60 (a requirement valid for both employees and the self-employed) and 35 years of contributions. This option will only be available for caregivers, or women with a civil disability of at least 74%, or laid-off employees.

Change to the rules on occasional working

In 2023, occasional work services, i.e. services that do not give rise to an employment relationship between the parties, are permitted up to the remuneration level of EUR 10,000 per year, whereas in the past the limit was set at EUR 5,000 per year.

Luxembourg

Looking ahead across 2023

On your radar



Implementation of EU Directives

There are three EU Directives being implemented into Luxembourg law this year: the EU whistleblowing Directive, the EU Directive on transparent and predictable working conditions, and the EU Directive on work-life balance for parents and carers.

Remote working

From 1 January 2023, French and Belgian resident cross border workers should be able to work for 34 days outside of Luxembourg without being taxed in their home country. Social security limitations have been suspended until 30 June 2023.

Cost of living increases

The instalments provided for in Article 4 of the amended law of 11 November 1970 on the attachment of wages are fixed by the Grand-Ducal regulation and updated periodically. These instalments were updated according to the increase in the cost of living index in 1990 and 1993 and converted into euros in 2001 and 2002 and were last updated in 2016. From 2016 to 2022, the index scale increased from 775.17 to 877.01 points. A Grand Ducal Regulation should be published shortly which will adjust the amounts of the instalments in line with the updated index number which will affect the calculation of deductions made by third parties, and the control by the debtors and the courts.

Social package (Solidaritéitspak)

The social package (Solidaritéitspak) adopted by the Luxembourg parliament in June 2022 is expected before April 2023.

Harassment

A draft Law ratifying the ILO Convention C190 - Violence and Harassment Convention is currently in the discussion phase in Parliament.

Right to disconnect

A draft Law introducing the right to disconnect into the Luxembourg Labour Code is currently in the discussion phase in Parliament. So far, the right to disconnect is only regulated indirectly under Luxembourg law in relation to the rules regulating working hours and a general obligation to ensure the health and safety of all employees. In order to improve this the draft law suggests a list of topics where collective bargaining must be followed and introduces a new section in the Labour Code entitled "Respect for the right to disconnect" which includes administrative sanctions. In addition, it contains specific legislative amendments to ensure a more effective application of the new system by involving the social partners.



Mexico

Looking ahead across 2023

Increase in holidays

On 27 December 2022, a bill of amendments was published in the Official Gazette of the Federation, to increase holidays for all workers in Mexico. Holidays will be doubled from 6 to 12 days starting from the end of the first working year and 2 days shall be added for each year of work until reaching 20 days of holidays. Subsequently, from the sixth year, 2 days would be increased upon completing 5 years of seniority until reaching 32 days of holidays.

Increase in minimum wage

The general minimum wage in effect on 1 January 2023, will be increased by 20% in the two Mexican Geographical Zones. In the Northern Border Free Zone, it will be of MXN 312.41 per day. For the rest of the country, the minimum wage will be of MXN 207.44 per day. Since 2018 the increase in the minimum wage has been the most significant, as they are part of a policy of recovering purchasing power implemented by the current administration.

Amendments to the General Regulations for Labour Inspection and Enforcement of Sanctions

On 23 August 2022, a Decree was published changing and repealing several provisions of the General Regulations for Labour Inspection and Enforcement of Sanctions, in order to strengthen the labour inspection process in companies. The most relevant changes include the reduction of terms regarding the offering of evidence and the introduction of new technical assistance and advisory inspections. The scope of the initial inspections shall be subject to the new "Operational Guidelines for Labour Inspection".

Legitimacy of Collective Bargaining Agreements

A company's collective bargaining agreements must be legitimate by 1 May 2023, at the latest, under penalty of being declared null. This follows a commitment contained in the T-MEC (*United States–Mexico–Canada Agreement*) which followed the Protocol for the Legitimation of Collective Bargaining Agreements which guarantees that the agreements are known by the employees and approved through a free, direct and secret vote. The Decree of Amendments to the Federal Labor Law was published on 1 May 2019, and entered into force on 2 May of the same year.

Amendments to profit sharing rules

In 2021, the Federal Labour Law was amended, establishing changes to the mandatory profit sharing regime where employers in Mexico must share their profits with employees. Companies should be aware that amendments will come into effect in 2023. Companies must pay from 1 April to 30 May 2023, and employers who are individuals must pay from 1 May to 29 June of 2023, applying the caps of three months' salary or the average of the amount received in the last three years.



Monaco

Looking ahead across 2023

Bill relating to the donation of paid leave

A new bill provides for employees to “donate” leave to their colleagues who have to deal with a particularly serious family situation. The donation of paid leave is made at the request of the employee who wishes to transfer it’s days on a purely voluntary basis. The leave donation can only take place for the benefit of employees at the same company and with the employer’s agreement. Also, an employee may only give up the portion of paid leave that exceeds the first 4 weeks. Finally, the employee receiving the paid leave donation is entitled to be paid during the period of absence. This period of absence is considered to be a period of effective work for the determination of the beneficiary employee’s seniority rights. Employers should be aware that this may have cost implications; if the employee who receives the paid leave donation is paid more than the employee donor, the wage difference is paid by the employer.

New bill on the protection of personal data

Proposals contained in a bill to reform personal data protection in Monaco will offer a level of protection that meets the latest European requirements to facilitate the transfer of data with European Union countries (which Monaco is not a member of). Two new features of interest to employers are the requirement to hold a registry of the data processing activities, for any employer of more than 50 employees, which will substitute the formalities that are currently imposed on employers prior to engaging any data process, the purpose of such registry being to identify which processes exist and to facilitate following them up, and the fact that video surveillance will no longer – except in specific circumstances - require a prior authorisation, subject to ensuring that the video data process remains compliant with the terms of the law.

New bill on intellectual property rights in employment

New legislation proposes to create a specific regime of intellectual work by employees - which has not existed until present - and to retain a simple presumption of transfer to the employer of the exploitation rights of intellectual work made by the employee. Under this bill, an employee’s creation as part of their employment contract would be deemed to transfer to their employer, who may decide on the commercialisation of the creation. However, the presumption would not apply to original creations made by the employee outside their professional activity or if the employment contract provides for specific compensation for the transfer of intellectual work to the employer.



The Netherlands

Looking ahead across 2023

The Whistleblowers Protection Act

On 20 December 2022, the House of Representatives passed the new Whistleblowers Protection Act. The legislative proposal must still be approved by the Senate. The expectations are that the Act will enter into force Q1 2023.

The Work Where You Want Act

This Act amends the Dutch Flexible Working Act and introduces the obligation on an employer to treat a request for an adjustment to the place of work in the same way as a request for an adjustment of working time or working hours. The Act is now pending before the Senate.

The 30% ruling for expats

From 1 January 2023 an employer must choose per calendar year whether it reimburses the actual costs for the extra territorial costs made to the expat employee or applies the 30% ruling. (In broad terms, the 30% ruling provides a beneficial tax regime to expats which in certain cases enables expats to only pay tax on 70% of their income to cover extra territorial expenses). From 1 January 2024, the use of the 30% ruling will be capped based on the maximum included in the Senior Executives in the Public and Semi-Public Sector Act (in Dutch: *WNT-norm*). Based on the WNT-norm of 2023, the maximum tax-free allowance is EUR 66,900 per year.

Agreement on the new Collective Bargaining Agreement (CBA) for temporary workers

The new CBA entitles temporary workers to the same allowances and expenses as employees, and entitles them to a large part of their wages in cases of illness (even if their contract has already been terminated) and to an extension of the regular statutory term to claim the transitional allowance (up to 12 instead of 3 months after the end of the contract).

Mandatory registration of CO2 emissions

Large employers (100+ employees) must prepare to register their employees' CO2 emissions as of 1 July 2023 and file a report annually. The reporting concerns all work-related passenger transport, i.e. both business travel and commuting and should consist of the annual totals of the number of kilometres, the means of transport used and the type of fuel.

General trend: more focus on ensuring a safe workplace

Employers are much more focused than before to ensure a socially safe workplace and what is needed to improve this. This includes establishing policies regarding unwanted behaviour within the organisation, but also knowing how to act and react when an employee files a complaint. Employers that are well prepared, not only by implementing policies but by having protocols in place for (unexpected) claims and investigations, have a head start and are less likely to panic and be faced with unwanted exposure.



Norway

Looking ahead across 2023

Hiring of personnel from staffing agencies

The Norwegian government has proposed new legislation on the hiring of personnel from staffing agencies. If adopted, such hiring will only be permitted for temporary work, for specialist employees who perform consulting services on projects, for healthcare personnel to ensure the proper operation of health and care services, or where the hiring entity is bound by a collective wage agreement with one of the larger labour unions and the union agrees to the hiring. For construction work on construction sites throughout the Oslo-region, all hiring of personnel from staffing agencies will be prohibited. If adopted, it is expected that the new legislation will enter into force in April 2023.

Downsizing processes: employees' rights are to be tied to other companies in the group

The government has proposed new legislation where the responsibility for some employer functions are applied to every company that is part of a group of companies. This applies to employee job protection, where it is proposed that the companies that form part of a group are obliged to offer other suitable work before termination and give priority to vacant positions after termination, in the event of redundancy, to employees in other companies in the group. New rules are also proposed in relation to information and consultation with employee representatives in group relations, in group companies employing at least 50 employees.

Classification of employees/service providers

The government has proposed new legislation meant to clarify the lines between employees and service providers/contractors. A rule of presumption is proposed, whereby an enhanced burden of proof that no employment relationship exists is placed on the entity commissioning the services. The aim is to enable those in a "grey area" to assess whether they are employees or not.

Right to permanent employment

The government has proposed that temporary employees shall be entitled to permanent employment after three years of continuous employment with the entity, irrespective of the basis of the temporary employment. The current rules are triggered after four years of performing work of temporary character.



Peru

Looking ahead across 2023

Vaccination for workers

The Ministry of Health has modified the regulations on the prevention and health control of workers who may be exposed to the risk of contracting COVID-19. The updated provisions are more flexible and eliminate among other things, the requirement to be fully vaccinated in order to attend work.

Draft Regulation of the Law on Telework

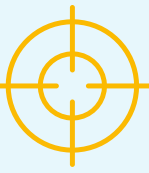
The Ministry of Labour has published a draft Regulation of the Law on Telework, which aims, among other things, to ensure that employers pay the expenses involved in running internet and electricity services when the worker is working remotely. This differs from the law passed in September 2022, which states that the employer and the worker can agree on who assumes the costs of internet, equipment and electricity.

Minimum pension for Private Pension System

Congress has published a law establishing that people affiliated to the private pension system are entitled to a minimum pension that can be decided by each contributor by setting a savings target to be maintained until he or she chooses to retire. They are also allowed to make contributions to their personal pension fund through tax refunds.

Elimination of differences between widows and widowers for survivors' pensions

The Labour Magistrates of the Supreme Court of Justice have agreed that no distinction should be made between widows and widowers to receive survivors' pensions within the State pension system. This will apply as long as Congress or the Executive Branch do not issue further reforms after the Constitutional Court declared unconstitutional legal provisions that require male widowers to meet requirements not required for widows to be entitled to a survivor's pension, as this amounted to a violation to the right to gender equality.



Poland

Looking ahead across 2023

Remote working regulations Q1/2 2023

The Polish Parliament is finalising an amendment to the Polish Labour Code that both employers and employees are anticipating. The new provisions on remote working in the Polish Labour Code will replace the existing provisions on telework and introduce, (i) regular or occasional remote working; (ii) rules enabling an employer to order remote working (in extraordinary situations such as an epidemic); and (iii) obligations on the employer to cover the costs related to remote working.

Employee sobriety testing Q1 2023

The Polish Parliament is about to finish work on an Act that will amend the Polish Labour Code to enable employers to test employees' sobriety. The employer will be able to carry out tests if they are necessary to ensure the protection of the life and health of employees or other persons or to protect property. In addition, employers will also be able to test employees for the use of drugs.

Support for Ukrainian citizens

Poland will introduce modifications to the Act on Assistance to Ukrainian Citizens. The most important changes, which should enter into force soon, include: (i) extending the legality of their stay in Poland; (ii) the obligation to obtain a PESEL identification number; and (iii) the possibility from April to apply for a temporary residence permit in cases of taking up employment or doing business in Poland.

Employment of foreigners

The government is working on a new Act on the employment of foreigners in Poland. The draft Act introduces: (i) an online application procedure for obtaining work permits for foreigners; (ii) employing foreigners for a minimum of one-quarter of a full-time job or at least 40 hours per month; and (iii) the end of the "labour market test", which required a test of whether a Polish citizen could be employed in a position instead of a foreigner.

Work-life balance

Poland is late in implementing the European Union's work-life balance Directive. The government has just sent a draft of the new legislation to Parliament. The draft introduces: (i) changes to parental leave; (ii) changes to the conclusion and termination of employment contracts, such as the employer's obligation to give a reason when terminating a fixed-term employment contract; and (iii) other changes to the Polish Labour Code linked to work-life balance.



Portugal

Looking ahead across 2023

Pilot programme "Four-Day Working Week"

This new ministerial order came into force on 14 September 2022, with the aim of reducing the five day working week to four days, without employees' loss of income. The pilot programme will start during 2023 and is optional for companies in the public and private sector. The measure is aimed at developing a new form of organising an employee's working time, namely the effect of a reduction in working time on the employees' productivity, respective service quality, as well as the expected welfare on the employees and their families and respective life quality.

Meal allowance

The daily meal allowance was updated on 1 October 2022. Previously EUR 4.77, it is now EUR 5.20. Although the daily meal allowance is only mandatory for the public sector (unless expressly established by collective regulation of a private sector activity), many private sector companies tend to adopt it, since the amount is exempt from income tax and social security tax (if paid by a meal card the limits of exemption are EUR 8.32).

Legal regime for the entry and exit of foreigners

There has been several changes to the law on foreigners' entry, stay and exit in Portugal. The main aspects of this legislation are: (i) CPLP (Community of Portuguese Language Countries) nationals have a simplified procedure for obtaining a visa; (ii) a new visa is created for those who want to enter Portugal in order to establish a labour relationship with an employer, this is the "visa for employment search"; (iii) a new visa is created for those who carry out their work remotely - "visa for digital nomads"; (iv) residence visas for subordinate work are no longer subject to existing quotas; (v) the possibility of issuing temporary stay or residence visas to applicants accompanying family members holding a temporary stay visa; (vi) simplification of residence visa procedure for higher education studies; (vii) simplification of issuing and renewing the procedure for the residence permit for British beneficiaries of the EU Exit Agreement.

Additional expenses within telework regime

Although the law has not been published yet, a project has already been approved by the government, to be applied during 2023, establishing that the agreement for teleworking must establish that a fixed amount should be paid to the employee in order to compensate for the additional expenses the employee may incur from teleworking. In the absence of an agreement between the parties on a fixed amount, additional expenses are deemed to be those corresponding to the acquisition of goods and/or services which the employee did not have before working under a telework regime.

Singapore

Looking ahead across 2023

On your radar



New work visa to attract foreign talent

From 1 January 2023, the Overseas Networks and Expertise (ONE) Pass will provide an additional pathway for highly talented foreign nationals to live and work in Singapore. The ONE Pass is aimed at attracting top talent in diverse fields of employment, in business, arts, culture, sports, science, technology, academia, and research. The visa has a renewable five-year validity period, where eligibility is based on a salary criterion of SGD 30,000 monthly or outstanding achievements. These enhancements are aimed at ensuring Singapore retains competitive advantages in new growth areas, keeping the country ahead of the competition whilst providing an attractive option for global talent.

New public benchmark pegged to top 10% of employment pass holders

The Ministry of Manpower will introduce a new public benchmark pegged to the top 10% of Employment Pass holders. Accordingly, the salary threshold for exemption from the Fair Consideration Framework (FCF) job advertising requirement and the points-based Complementarity Assessment Framework (Compass), as well as the salary criterion for the Personalised Employment Pass (PEP), will be aligned to a single benchmark set at SGD 22,500.

These thresholds will be reviewed annually against the benchmark, taking into account the prevailing economic conditions. The changes will come into effect on 1 September 2023 to give companies time to adjust to the higher thresholds.

Employers should err on the side of caution in employee investigations

The Appellate Division of the Singapore High Court released two observations in its judgment of *Dong Wei v. Shell Eastern Trading (Pte) Ltd and another* [2022] SGHC(A) 8, a case concerning an investigation against an employee by its Business Integrity Department. The Appellate Division stated that it is only fair for an employee to be told of the outcome of the investigation, especially where it was promised to them. In future, employers ought to exercise caution during employee investigations, given the Appellate Division's emphasis on employers treating employees with dignity and respect. It would be prudent for employers to put in place Standard Operating Procedures (SOPs) to deal with the investigation process.

Affording greater protection for women in the labour force

Singapore can expect to see more protection for women given that the Ministry of Manpower (MOM) is in the process of codifying the Tripartite Guidelines on Fair Employment Practices (TGFEPP) into legislation. These guidelines unequivocally state that employers cannot penalise female employees or reject a perfectly qualified jobseeker simply based on pregnancy. Further, to provide better support for women with caregiving responsibilities, the government has committed to entrenching Flexible Working Arrangements (FWAs) as a workplace norm and aims to introduce new Tripartite Guidelines on FWAs by 2024 to ensure that employers consider FWA requests fairly and properly, especially for women who intend to work from home.

Slovakia

Looking ahead across 2023

On your radar



National visa for intra-company transfer employees July 2022

As a result of a government Decree managerial staff and highly skilled experts who are to be relocated to Slovakia as part of an Intra-Company transfer can be granted a national visa for one year with the possibility of a further extension. Relocated employees must be employed with the Slovak employer on a local payroll and their accompanying family members should fall under the same national visa regime. The law aims to make it easier and quicker to employ highly qualified third country nationals without the need to undergo the standard process of obtaining a residence permit in Slovakia.

Amendment to the Labour Code – salary allowances January 2023

From 1 January 2023 a new regime on the calculation of salary allowances was introduced. New rates of salary allowances will apply to working over the weekend, night work and on-call work. This work should be calculated on the basis of the minimum wage which increases regularly, whereas the previous regime was based on fixed rates. Due to the rapid rise in inflation the fixed calculation was leading to worsening salary conditions for workers.

Amendment to the Law on Residence of Foreigners

In August 2022, the Slovak government approved legislation proposing several changes to the Law on Residence of Foreigners. Changes were intended to reduce the administrative burden on applicants for residence permits and to streamline requirements from foreign police. It was also suggested to amend the articles adopted at the beginning of the COVID-19 pandemic which have a significant impact on deadlines in the residence permit process. Parliament refused to approve the amendment in November 2022 and the future of this or similar legislative material is uncertain.

Transposition of EU Whistleblowing Directive

In March 2019 the law on protection of whistleblowers came into force in Slovakia which incorporated parts of the EU Whistleblowing Directive. The purpose of the EU Directive is to establish uniform protection to ensure that whistleblowers who want to report breaches of EU law are afforded legal protection against retaliation from their employees or colleagues. In order for the EU Directive to be fully implemented into the Slovak laws (implementation deadline was set for 17 December 2021), an amendment to the current law needs to be approved. The text of the amendment is currently being discussed within the Slovak legislative process.

Employment of persons with temporary shelter status

As a reaction to the war in Ukraine legislation was introduced in March 2022 to enable people who have been granted temporary shelter status to enter the Slovak labour market immediately after registration without the need to undergo the standard process of being granted a residence permit for third country nationals. Under the EU Temporary Protection Directive, temporary protection will be provided until 4 March 2023, with the possibility of a further extension for up to one year.

Slovenia

Looking ahead across 2023

On your radar



Whistleblower Protection Act

The draft of the Whistleblower Protection Act was adopted by the government, and it is expected that the Act will enter into force by March 2023. The Act implements the Whistleblower Directive. It will be used to protect individuals who disclose breaches of the rules in their working environment, both in the public and private sectors and consequently it will impose additional obligations on employers.

Anticipated changes to the Employment Relationship Act

We expect to see changes to the Employment Relationship Act due to the implementation of the EU Directive on transparent and predictable working conditions and the EU Directive on work-life balance for parents and carers. Additional changes may include reducing the full-time working week to 30 hours, changes related to agency work and working from home, the introduction of the right to disconnect and greater protection of workers' representatives. The draft is not public yet and the details are based on media publications.

New Personal Data Protection Act

The long awaited Personal Data Protection Act (ZVOP-2) was finally adopted and published in December 2022 and will apply from 26 January 2023. Among other changes, the ZVOP-2 regulates additional aspects in the area of video surveillance, biometrics, DPIA, data protection officers and so forth. This new Act brings with it the imposition of higher fines for breach of the GDPR.

New Transnational Provision of Services Act

In 2023 we expect to see a revised version of the Transnational Provision of Services Act. Adoption of the revised version is necessary to transpose Directive 2020/1057 into Slovenian law, and to lay down more detailed rules for the implementation of Regulation (EC) No 883/2004 on the coordination of social security systems. This relates in particular to issuing A1 certificates for posted workers and self-employed people providing cross-border services in at least two Member States, and correcting certain shortcomings highlighted by the European Commission (e.g. proportionality measures and obligations). Other solutions in the draft law are the result of comments from the social partners or the public at large, addressing shortcomings that have emerged in the implementation of the existing act.

Spain

Looking ahead across 2023

On your radar



New rights for paid leave

The new Family Law, which is expected to be approved by Parliament in December 2022 or January 2023, introduces the following measures as part of the right to work-life balance i) five days of paid leave a year to care for cohabitants or relatives up to the second degree of consanguinity (grandparents, grandchildren or siblings); (ii) unpaid parental leave of 8 weeks from 2024 (6 weeks in 2023) until the child is 8 years old. It may be taken continuously or discontinuously and (iii) voluntary leave due to family force majeure reasons with 4 paid days per year, which may be taken on an hourly basis.

Draft law on regulation of digital nomads

The Start-up's Law, which entered in force on 22 December 2022, regulates (for the first time) the international remote work of "digital nomads". An (extendable) one-year residence visa in Spain can be granted to remote workers as long as they provide services for companies abroad. In the case of professionals, they may provide up to 20% of their services within Spain and the rest must be provided abroad. Qualified professionals who can prove that they are graduates or postgraduates from certain prestigious universities, professional training and certain business schools or with a minimum of three years' professional experience may apply for this visa.

New social security contribution system for self-employed 1 January 2023

A system of fifteen contribution brackets will be gradually introduced over a three-year period based on the net income of the self-employed, as they transition to the definitive contribution model based on real income. The aim is to increase social security contributions. The self-employed may change their contribution bracket depending on their expected net income (net of development costs of their activity) up to six times a year. Net income is calculated by deducting from income all expenses incurred during the activity whenever necessary for the self-employed to obtain the income. On this amount, an additional deduction for general expenses of 7% (3% for the corporate self-employed) is applied.



Turkey

Looking ahead across 2023

Minimum wage

In Turkey, there is a yearly review of the rates and limits of the minimum wage, severance pay and administrative fines. The rates for 2023 were announced by the President of the Republic of Turkey on 22 December 2022 and will come into effect on 1 January 2023. However, an additional increase may take place during the second half of 2023 due to high inflation rates. The minimum wage will apply as TRY 10,008.00 gross from 1 January 2023 (increased from TRY 6,471.00 gross).

Severance pay cap

The severance pay cap is updated every six months. From 1 July 2022 to 31 December 2022, the severance pay cap is TRY 15,371.40 gross. All employees with a SSI gross of over TRY 15,371.40 can benefit from the cap. Accordingly, if an employee who has worked for 10 years is dismissed, the severance pay will be TRY 153,714.00. The next adjustment regarding the severance pay cap is likely to take place in 1 January 2023.

Mobbing (harassment) in the workplace

According to the Annual Report from 2021 (no annual report was published in 2022), the Prevention of Mobbing in Workplaces Circular will be updated in 2023. The circular includes general steps employers should follow to prevent mobbing (harassment) in the workplace.

Issue of delayed pension age

In Turkey, the retirement age depends on date of birth, date of labour market entry and the contribution period. Due to a 1999 reform which increased the pension age, the pension and retirement benefit entitlement of millions of workers is delayed and new policies that would mitigate the impact of the delayed pension age were under discussion for a long period. According to the Ministry of Labour, a new regulation aimed at addressing the issue of the victims will come into force in the early months of 2023.

Female employment

According to the Annual Report from 2021, the Increasing Female Employment and Equality of Opportunity Circular will be updated in 2023. The scope of the circular involves strengthening the socio-economic status of women, ensuring gender equality, and increasing female employment.



United Arab Emirates

Looking ahead across 2023

New labour law came into force on 2 February 2022

Amongst other key changes, the new labour law:

1. scrapped unlimited term contracts, requiring businesses to convert these to fixed term contracts of a maximum of 3 years (which is renewable and, if not renewed, is automatically renewed if the parties continue to perform the contract);
2. introduced regulations governing part-time and flexible working arrangements, bullying and sexual harassment, and compassionate, parental and study leave, and extended the non-compete obligation on former employees to 2 years from their termination date;
3. increased maternity leave from 45 calendar days to 60 calendar days (excluding any maternity sick leave related to the pregnancy);
4. entitles resigning employees to a full end of service gratuity payment (provided that they have completed at least one full year of service);
5. requires any end of service gratuity payment to be paid within 14 days of the termination date, otherwise, a non-compliant business may be fined between AED 5,000 and AED 1,000,000 (with a possible multiplier effect for the number of employees affected by the breach);

6. permits salaries to be paid in a currency other than UAE dirhams (AED), if so agreed in the employment contract; and
7. requires employers with 50+ employees to instate a grievance policy and a disciplinary sanctions policy.

Variety of work visa options

Subordinate laws expanded the different categories of work visas including a freelance visa and remote working visa, and extended the golden visa granted to investors, entrepreneurs, exceptional students/graduates and humanitarians, and scientists from 5 years to 10 years.

Emiratisation targets in the private sector – effective as of January 2023

New laws increased the Emiratisation target to 2% of the total skilled workforce i.e. 1 Emirati for every 50 skilled employees. Blue collar workers are not considered 'skilled' workers. Non-compliant businesses will have to pay a fine of AED 6,000 monthly for every Emirati who has not but should have been employed, provided that the value of the monthly contributions increases by AED 1,000 annually until 2026.

Unemployment insurance

Employees in the private and public sector can now subscribe to an unemployment insurance scheme (which will provide them with a monthly income during their unemployment for a maximum period of 3 months only). This scheme does not apply to (1) investors; (2) domestic workers; (3) contractual working or temporary workers; (4) young people under the age of 18; and (5) pension receiving retirees who have joined a new employer (applicable to UAE nationals). Employees with a basic salary of AED 16,000 or less will need to pay AED 5 per month and employees with a basic salary exceeding AED 16,000 will need to pay AED 10 per month to subscribe for the policy.



Ukraine

Looking ahead across 2023

No increase in the mandatory minimum salary

The minimum monthly wage in 2023 will not be increased as usual and will remain at the level introduced on 1 October 2022 (i.e., UAH 6,700 (approx. EUR 175)). The level of financial penalties imposed on an employer for breaching employment legislation, which are linked to the minimum monthly wage, are also expected to remain the same.

New legislation on workplace harassment

Ukraine expects to complete the implementation of the legislation preventing mobbing (harassment) at work. The Ukrainian parliament has recently adopted two new laws aimed at protection against mobbing or harassment at the workplace. The first law brings a definition of the term "mobbing" into Ukrainian legislation. Other new features of the law include the legal protection of employees against mobbing, as well as an employer's obligations to prevent mobbing. The second law establishes the administrative liability for mobbing.

Changes in rules on exempting conscripts from mobilisation

Previously the exemption of conscripts was available primarily to employees of state institutions, state enterprises and critical infrastructure. For private businesses, the exemption procedure was open only to those companies assisting the army with mobilisation tasks. However, Ukraine's parliament has recently adopted changes to the law on the exemption of conscripts for the period of mobilisation and martial law. The system of reserving conscripts has been improved by allowing the exemption of employees of companies that are critical to the functioning of the Ukrainian economy. The government's approval of the criteria for classifying companies as critical is still pending.

New law on business transfers

A new law on protecting employment relationships in the event of a business transfer is being considered. According to the draft law, where there has been a transfer of the business or its parts, the employment relationships should continue with the successor employer. The employer will be obliged to inform the employees and their representatives about the date and reasons for the transfer.



United Kingdom

Looking ahead across 2023

Changes to the right to request flexible working

The Employment Relations (Flexible Working) Bill is currently progressing through Parliament. Once in force it will introduce several changes to the right to request flexible working, which will become a “day one” right. Other changes include allowing employees to make two requests in any 12-month period (rather than the current one request) and reducing the decision period within which employers are required to respond to a request from 3 months to 2 months. No timescale has been scheduled for implementation.

Measures to strengthen the law on workplace harassment

Once the Worker Protection (Amendment of Equality Act 2010) Bill becomes law, employers will be under a duty to take all reasonable steps to prevent sexual harassment in the workplace and could be liable if a third-party (such as a customer or client) harasses their employee. Even if the Bill completes the parliamentary process in 2023, it contains a 12-month delay period meaning it will not come into force until 2024 at the earliest.

New unpaid right to carer’s leave

We expect to see a new entitlement in the UK for employees to take time off work in the form of carer’s leave. The Carer’s Leave Bill will enable employees to take one week’s unpaid leave each year for the purpose of caring for a dependant with a long-term care need. The right would apply from “day one” and would include protection from dismissal or detriment as a result of having taken the leave. No date has been scheduled for implementation.

Neonatal leave and pay

Parents will have a right to neonatal care leave of at least one week and up to a maximum of 12 weeks regardless of length of service. Parents with at least 26 weeks’ continuous service will have a right to receive neonatal care pay at a prescribed statutory rate. There is no timetable for implementation as yet.

Enhanced protection for pregnant employees and those on maternity leave

Currently, women on maternity leave in the UK have special protection in a redundancy situation and must be offered a suitable alternative vacancy, where one is available in priority over other employees at risk of redundancy. The Protection from Redundancy (Pregnancy and Family Leave) Bill, enables the government to introduce regulations to extend this protection to employees during their pregnancy and after they return to work from maternity leave (or adoption or shared parental leave).



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