World Law Group

Global HR Law Reporter

The latest developments in employment, labour, compensation and other aspects of Human Resources law from World Law Group member firms worldwide.

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Argentina

Transferring Expatriates to Perform Services in Argentina

With globalization, transferring expatriate executives and other employees between countries is happening more and more frequently. To transfer foreign employees to Argentina successfully, employers need to understand some of the unique rules concerning transfers in the country's labour law.

Alfaro-Abogados summarizes what employers need to know. ›

Denmark

Bonus Entitlement on the Termination of Employment – The Danish Perspective

Understanding the peculiar rules governing the payment of bonuses on the termination of an employee's employment is essential for foreign companies operating in Denmark. Otherwise, they are likely to fall foul of Danish mandatory employment legislation.

Bech-Bruun outlines these rules. ›

France

Anxiety-related Damages: A New Risk for Businesses?

Anxiety-related damages were first recognized by the Cour de Cassation (French Supreme Court) in May 2010 and relevant law has evolved since then. Insofar as an increasing number of claims are filed against companies with respect to safety in the workplace, this article examines the possible extension of the concept in France.

In this blog post, Soulier AARPI explores the possible direction of anxiety-related damages. ›

Indonesia

Overview of the National Health & Manpower Security System

With foreign investment continuing to flow into Indonesia, this concise summary of the country's National Social Security System is a good introduction for multinational employers. Introduced under legislation enacted in 2004, the two main programs cover public health security and manpower social security. The latter provides cover for occupational accident security, old age security, pension security and death security for employees in different sectors. It also applies to foreign employees and their family members who have worked in Indonesia for at least six months.

Makarim & Taira S summarizes key aspects of the program. ›

Ireland

A Fresh Look at Compulsory Retirement Ages and Employment Discrimination Complaints

While there is no statutory compulsory retirement age in Ireland, it has been the practice of many employers to set a retirement age of 65 to coincide with the State Pension age. With the increase in the age of qualification for the State Pension from 65 years to 66 years in January 2014, it is possible that there may be an increase in age discrimination claims by employees who wish to remain at work beyond a compulsory retirement age of 65 and where their employer insists that they must retire.

Mason, Hayes & Curran examines the current situation. ›

The Protected Disclosures Act 2014 – A Legal Framework for Openness and Transparency in Irish Workplaces

This Act introduces rules protecting workers (generally referred to as "whistleblowers") who make "protected disclosures". Its objective is to provide a robust statutory framework to enable workers to raise concerns regarding potential wrongdoing in their workplace -- safe in the knowledge that they have significant protections if they are penalized by their employer or suffer any detriment for doing so. The Act could expose employers to a situation where information it believed to be protected by a worker's implied duty of confidentiality is placed in the public domain and payment of awards of five years' remuneration to workers when it is determined that the employer has penalized a worker for making a protected disclosure.

Mason Hayes & Curran dissects Ireland's Protected Disclosures Act. ›

Italy

New Labour Regulations Approved

A new set of Labour regulations - part of a larger bill rolling out in the next few months, known as the "Jobs Act" - has been approved by Prime Minister Renzi's administration and is said to be effective starting March 1st 2015. Largely invoked by employers and investors, the new regulations aim at reshaping the effects of ungrounded/unlawful dismissals – both individual and collective – while introducing a new settlement procedure, directed at more time-efficient and cost-effective dispute resolutions.

Gianni, Origoni, Grippo, Cappelli & Partners summarizes the new regulations. ›

Malaysia

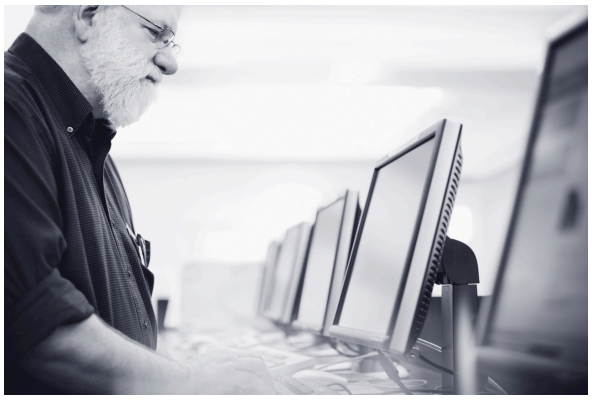
Can Different Punishments Be Applied for the Same Misconduct?

A recent decision of the Federal Court upheld the dismissal of some employees by a Malaysian bank despite the employer imposing differing punishment on other employees who committed the same misconduct.

Shearn Delamore & Co. explains the court's reasoning. ›

Mexico

Scope of Employment Discrimination Defined by Supreme Court



Last year, the Mexican Supreme Court of Justice (SCJ) issued two major rulings regarding employment discrimination cases, which had previously been very rare in the country. Amendments to the Political Constitution of the United Mexican States in 2011, together with labour law reforms in late 2012, have boosted discrimination and human rights litigation in Mexico. Now, for the first time, the SCJ has defined the scope of employment discrimination and the multiple sanctions that could be imposed on employers that breach the law.

Santamarina y Steta analyzes the SCJ's decisions and their potential impact. ›

The Netherlands

The New Dismissal Law: Practical Pointers

The new *Work and Security Act* (*Wet Werk en Zekerheid*) dramatically changes the entire employment law in the Netherlands. The position of flexible workers, the dismissal system and the amount of the severance payable will all alter. With the first changes in effect as of January 1, 2015, employers operating in the country should be prepared for these changes.

CMS, Netherlands has designed this online resource to provide brief, practical information about the new dismissal law and the implications. ›

Scotland

Is Obesity a Disability?

Sometimes, say European and U.K. courts. Two recent decisions mean employers in these jurisdictions will now be placed in the difficult position of being required to assess when the limitations faced by an obese worker reach the stage of having a negative impact on that worker's ability to participate fully and effectively in professional life in the same way as his or her peers, at which stage the employee's obesity is likely to be classed as a disability.

McClure Naismith examines these decisions and the challenging implications they raise for employers. ›

Singapore

Extended Scope of Union Representation for Executives

In line with the increase in the number of executives in the Singapore workforce in recent years, employment laws have been updated to provide better protection for executives. For example, significant changes to Singapore's *Industrial Relations Act*, which will allow rank-and-file trade unions to collectively represent executives on some matters, are expected to come into effect on or after 1 April 2015. Employers should prepare themselves for trade unions seeking recognition for collective representation of executive employees, especially in cases where the company has many eligible executives who would likely qualify for collective representation.

Rodyk & Davidson looks at the changes to the Act. ›

United States

Defined Benefit Plan Sponsors Beware – Potential Liability Related to Facility Closings and Sales of Business Units

Employers that maintain a defined benefit pension plan in the United States – and that are considering an operations shutdown or sale – need to be aware of potential liability under ERISA Section 4062(e), as recently amended by Congress.

Drinker Biddle explains the potential ramifications for employers. ›

New Jersey State Supreme Court Recognizes Affirmative Defense to Hostile Environment Harassment Claims for Employers

On Feb. 11, 2015, in a landmark decision (its first specifically addressing workplace sexual harassment in more than a decade), the New Jersey Supreme Court in *Aguas v. State of New Jersey* adopted the U.S. Supreme Court's *Ellerth/Faragher* affirmative defense to vicarious liability regarding hostile workplace harassment claims for employers who "exercised reasonable care to prevent and correct promptly" any harassing behaviour where the plaintiff employee "unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer" and no tangible employment action has been taken. Equally important, the Court also thoroughly addressed the definition of a "supervisor" in evaluating such claims.

Greenberg Traurig explains the court's decision and why it creates a good opportunity for New Jersey employers to assess their anti-harassment policies. ›

FAQs on H-4 Spouses Employment Authorization Final Rule

On February 25, 2015, the U.S. Department of Homeland Security published a Final Rule confirming that some H-4 spouses will be eligible to apply for U.S. work authorization. Eligibility will be based on their spousal relationship to an H-1B worker who has reached certain thresholds in his or her permanent, employment-based sponsorship by a U.S. employer. The criteria for H-4 work authorization eligibility are narrow and specific. Considerably less than 50% of H-4 spouses will be eligible to apply for work authorization.

In this blog post, Lane Powell provides answers to the most frequently asked questions about the new Final Rule and how the new H-4 work regulations will be implemented. ›