

IBA Global Employment Institute



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THE FOURTH IBA GEI ANNUAL GLOBAL REPORT

National Regulatory Trends on Human Resources Law

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Prepared by the

**International Bar Association
Global Employment Institute**

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1. Introduction

1.1 The Annual Global Report (AGR) is an annual report highlighting certain general international trends in human resources law. This is the fourth AGR and is based on responses from lawyers from 53 countries. The methodology that will be used is described in Section 2 below.

1.2 The fourth AGR covers trends in human resources law during the calendar year 2014 (although for some countries a number of new developments taking place at the beginning of 2015 have been recorded). Each AGR will build on the historical perspective of the previous editions. This may prompt changes to the coverage of future editions of the AGR.

1.3 Please note that it is not the intention or purpose of the AGR to set out the law on any particular topic, its aim is to highlight changes and trends. Any reference to a particular law is not intended to be a description or summary of that law and should not be relied upon as a statement of the law or treated as legal advice. Before taking any action, a reader should take appropriate legal advice.

2. Methodology

- 2.1** Lawyers from 53 countries (Schedule 1) were asked to respond to the questionnaire in Schedule 2. The questions were designed to cover the most relevant issues relating to employment, industrial relations, discrimination and immigration law. Lawyers were asked to consider only relevant changes during 2014 (and the start of 2015 in some cases) and to explain them and their significance very briefly. The answers to the questionnaire have to some degree been consolidated as shown in Section 3 of this report (Trends and Developments). As previously noted, the goal of the AGR is to highlight general international trends in human resources law. Readers seeking more in depth analysis are welcome to contact the GEI or the lawyers who participated in the survey. Input was obtained from lawyers working in-house in various industries. The GEI is particularly grateful to in-house counsel/HR directors from Intel, IBM, AB Volvo, Procter & Gamble and the London School of Economics for their valuable contributions.
- 2.2** The Council of the GEI appointed a Working Group for the development of the AGR. The members of this working group were: Duncan Inverarity, *A&L Goodbody, Ireland*; Caroline André-Hesse, *Altana, France*; Dayo Adu, *Bloomfield Advocates and Solicitors, Nigeria*; Iván Suárez, *Bufete Suárez de Vivero, Spain*; Marco Mazzeschi, *Mazzeschi, Italy*; Maria Isabel Tostes, Mattos, Filho, Brazil; Filip Saelens, Loyens, Belgium and Rebecca Ford, *Clyde & Co, UAE*.
- 2.3** This Working Group with the coordination of the GEI Vice-Chair for Institutions, Keith Corkan, drafted the questionnaire and contacted lawyers from different countries (Schedule 1). The GEI Council wishes to convey its gratitude to all of them for their participation and interest in the development of the survey.
- 2.4** A first draft of the AGR was submitted to qualified senior HR managers and employment counsel in an open meeting on 11 June 2015 in London at the offices of Baker and McKenzie LLP and sponsored by the IBA.

3. Trends and Developments

3.1 Dismissal issues

There is a radical new law in the Ukraine which allows the shareholders of companies to suspend and/or remove the board members with the latter requiring payment of six months compensation. Another law in the Ukraine restricts outsourcing where the employer has made redundancies in the previous year. This represents an interesting mix of shareholder and employee protection. Venezuela has a similar law which protects employees from termination without cause although this is not available to senior executives. In Hungary and Italy the ability of employers to dismiss for redundancy has been enhanced although sanctions for unfair dismissal have been increased in both countries. Similarly, in South Africa employers now have the right to dismiss employees who do not adapt to changes which are necessary for the viability of the employer's business. Israel has imposed greater due process on individuals before they are dismissed.

As observed in last year's AGR, the Courts in Belgium continue to protect blue collar workers from discrimination in the dismissal process and there is now an obligation to provide reasons for the workers. In England the new conciliation procedure has significantly reduced the number of claims for unfair dismissal. The Mexican government has made it easier and less expensive for employers to terminate for cause. Collective redundancy rights in China have increased with government subsidies for companies which successfully avoid redundancies. Like last year's AGR, new rights are broadly divided between employer and employee.

3.2 Corruption and Whistleblowing

Serbia, Sweden, Slovakia, Ukraine, Hungary, Brazil, China, Taiwan, Singapore and the UAE are implementing new laws to protect whistleblowers and this is effectively a continuation of the activity seen in last year's AGR with perhaps a greater number of new laws. It would therefore appear that whistleblowing has not peaked, particularly with such legislation in those countries providing for protection for whistleblowers, and with companies continuing to spend significant time and resources trying to ensure that their cross-border businesses comply with anti-corruption regulations.

The high profile cases involving Edward Snowden in relation to US government policies and Herve Falciani in relation to the banking practices of HSBC have contributed to the whistleblowing debate, and have highlighted the plight and status of whistleblowers and the contractual legal differences between jurisdictions with regard to their treatment.

In Denmark, Canada, Netherlands, Sweden and Germany, whistleblowing seems to be a hot topic. Proposals have been made, with the Denmark parliament discussing the introduction of a mandatory whistleblowing system. The extent to which proposals are accepted and converted into legislation remains to be seen.

In Ireland, the Protected Disclosures Act came into effect in July 2014. The legislation provides comprehensive whistleblowing protection in Ireland across all sectors. It includes a tiered disclosure regime allowing the worker, depending on the evidential thresholds met, to make a disclosure through various channels, including to the minister and to the media. Notably, the Act is retrospective in effect. A criminal justice corruption bill is also expected to be published, which will place an onus on business to take a range of anti-bribery measures, and to adopt anti-bribery policies.

Switzerland, on the other hand, seems to be moving in the opposite direction. The proposed new Swiss whistleblowing law, according to critics, restricts rules relating to whistleblowers. The draft includes a requirement for employees to first report to the employer before reporting to the authorities, and the employee would not have the right to go to the media.

Like many global companies, IBM has focused on reviewing, updating and deploying its global compliance programs to ensure compliance, especially in the light of business expansion and focus on emerging markets such as Africa, China and the Middle East. For example during 2014 the company continued to grow its Compliance function, emphasising the company's uniform 100% no-tolerance policy globally, focusing on training for executives, managers and employees, and disciplining employees where necessary to support its position of maintaining the highest ethical standards worldwide.

Procter & Gamble reports that whistleblowing legislation is now taking root in Central and Eastern Europe but is evolving slowly. Like many multinationals, Procter & Gamble operates a global system which is detailed and extensive with multiple reporting lines and responsibilities for local, regional and global management. They focus on training of staff and encouragement

of disclosure even though this has resulted in exiting staff making whistleblowing claims to enhance their settlement packages.

Procter & Gamble depart from their policy of relying on a global approach when it comes to legal privilege and varying local standards including the need to retain independent counsel in those jurisdictions where privilege is not available to in-house counsel.

3.3 Atypical Working Practices and Flexible Working

While there was new legislation during the year increasing protection for agency and temporary workers in Argentina, China, the Czech Republic, Russia, Slovakia, Slovenia and South Africa, there was new legislation in Belgium, Brazil, Canada, Norway, Serbia and Singapore giving greater flexibility to employers. This contrasts with last year's report which reported legislation wholly in favour of the workers. The debate in relation to zero-hours contracts continues in the UK and has become a general election issue. There is a test case before the English Courts regarding the status of workers under zero-hours contracts, and whether they qualify for bonus payments.

According to a report from the International Labour Organisation in May, three quarters of workers surveyed in 180 countries are temporary, casual or self-employed and this trend is likely to become more prevalent even in rich, developed countries. The ILO believes that this could perpetuate weak global demand and slow job creation. The ILO recommends that governments should increase state funded pensions and welfare payments. This coincides with the ongoing debate about social inequality in western democracies and the third world and during a period in which this issue is gaining political traction. The ILO observes that in general terms, regulation of the Employment market is widespread and has helped employees, even though there are exceptions and the ILO cites Spain as an example of government deregulation. The body states that increased deregulation has not resulted in higher permanent employment but Citi apparently does not agree and cites the importance of job creation even where such jobs are not permanent. There is other scepticism about the ILO report including the fact that part-time workers in many countries are given regulatory protection.

Following the trend seen in last year's AGR, a number of countries have enacted legislation which encourages and provides for flexible working. These include England, New Zealand,

Poland, the Czech Republic, Netherlands, USA, Spain, Greece, Mexico, India, Bulgaria and Serbia. Cyprus and Finland have witnessed some companies in those countries voluntarily agreeing to forms of flexible work with their employees. It would seem that in Japan, Kenya and Russia the government is not receptive to new legislation providing for flexible working.

The strong trend in support of increased parental leave reported in last year's AGR continued this year with new rights being enacted in Belgium, Brazil, Canada, the Czech Republic, England, Peru, Turkey, USA and Slovenia. In most countries there have been no developments and Norway actually reduced the duration of maternity and paternity from 14 weeks to 10 weeks.

The Bank of England recently concluded that the current self-employed boom is largely the result of structural shifts in the workforce rather than evidence of hidden unemployment, and that the long term demographic and technological shifts lie behind the self-employed trend. In particular, it seems older people are more likely to work for themselves and this number is increasing along with the rate of ageing in the workforce. There is also a long term trend towards more women becoming self-employed, perhaps in search of more flexible hours.

The recent employment case against Uber in California in which a contractor was held to be entitled to expenses as an employee, has raised a general issue of the status of freelancers and other contract workers in that state and elsewhere and their entitlement to certain employment benefits such as paid holidays, sick pay, and maternity and paternity pay and known as the "Sharing Economy." The court acknowledged that in such cases where such contractors are independent and are participating in a new form of a creative or innovative business, then the traditional employee tests may not be appropriate. This could turn into a serious economic issue for the company during a period prior to its anticipated flotation and notwithstanding very heavy private funding. This also occurred during a period which has witnessed a surge in self-employment and freelancing in California, particularly among young workers.

3.4 Absenteeism due to Stress and Mental Health Issues

Germany, Colombia, Switzerland, Sweden, Spain, Japan Israel, Belgium, Greece, Turkey, Norway, China, Czech Republic, Slovenia and Singapore report an increase in mental health

problems at work. This represents a significant percentage of the companies surveyed for the AGR.

In March 2015, Microsoft announced plans to require its US contractors to give employees a minimum of 15 days paid holiday and sick leave. This applies to firms with more than 50 employees and could therefore affect a very wide range of people. This follows a campaign by the White House for more paid leave. The US has no federal law requiring payment of sick leave although some states do have such legislation. Unions in the US have evidently lost power partly because of the greater use of contractors. This follows Walmart raising its minimum wage to \$9 (well above the federal minimum) and making it easier for their employees to claim sick leave. The business rationale is that healthier happier workers are more productive: all part of the debate about well being at work.

3.5 Data Protection and Privacy

In China, in August 2014 the first case which focused on the protection of citizens' personal information and privacy (Humphrey and Yu Yingzen) was heard and found in favour of the claimant. The *Laodongwubao* case in which a manager took pictures of an employee's online chatting is pending.

A number of other countries report new laws giving more protection to employees, and this represents a trend seen over the last few years. A new law in Peru protects personal data but another draft law allows employers to access workers' e-mails and electronic devices. In Turkey, the Law on Regulation of Electronic Commerce will enter into force in May 2015. In the United States, seven additional states have now passed legislation restricting an employer's ability to request employees' usernames and passwords in their social media accounts.

In Norway, the Norwegian Data inspectorate restricted the use of personal data for purposes envisaged by the original processing. In Portugal, the Supreme Court has declared that vigilance devices can only be used for security and protection purposes. In Russia an amendment to the federal law on personal data states that the collection of personal data must be carried out with the use of databases located in Russia. In Singapore, the Personal Data Protection Act (PDPA) came into force in July 2014. The act protects personal data and entrenches the employer's obligation of confidentiality. It is too early to monitor the effect of the EU Data Protection Directive which came into force in 2015.

3.6 Restrictive Covenants

Whereas last year's AGR recorded a certain amount of scrutiny by the courts of the US of restrictive covenants and agreements not to compete, this year saw similar activities by the courts in a number of EU countries including France, Belgium, Italy, Spain, Germany and Sweden. There is major new legislation in Denmark which provides clear conditions for non-competition clauses for them to be enforceable including the need for client lists, substantial compensation and a two year limit. This has spawned a debate as to whether eventually covenants will become generally unenforceable in certain jurisdictions. For the moment however the courts in most jurisdictions continue to recognise the importance of employers being allowed to protect their client base and confidential information.

3.7 Retirement and Pension Issues

Following a trend reported in last year's AGR, a number of countries have recently enacted legislation which either increases the state pension age and/or the national default retirement age in the private sector. These include, Norway, Israel (where there is a legal challenge to the national default retirement age of 67), Finland, Australia, Holland, Serbia, Singapore, Denmark, France and Japan.

A trend was recently reported in the UK of employers treating older workers more favourably than younger ones despite the strong evidence to date of unconscious bias against older workers. This latest theory is that cash strapped employers hit out at newer recruits who are perceived rightly or wrongly to have fewer rights. The restriction on the right to claim unfair dismissal including the two year qualifying period has perhaps contributed to this perception, given that in general terms older workers on average have longer service. Being established in the workplace in itself provides security which many younger workers have not achieved. Being "part of the furniture" would appear to have its advantages.

These reported trends coincide with, but are somewhat inconsistent with, the report to the UK government by Dr Ros Altmann, the Business Champion for Older Workers and whose new vision is: retain, retrain and recruit. In her report, she recommends government funding for mature apprenticeships (particularly for those returning to work after caring or career change),

flexible working, phased retirement, family care leave, career reviews and gap breaks, all of which should help work life balance and dealing with the caring and health issues older workers often, have to address. She recommends that employers conduct an age and skills audit of their businesses so that the skills and knowledge of older workers are properly assessed. She recognises the importance of management training and mentoring including inter-generational mentoring.

3.8 Discrimination in the Workplace

Continuing a trend seen in last year's AGR, a number of countries have enacted legislation to bolster discrimination legislation, particularly in relation to gender, sexual orientation and disability. This includes France, Sweden, Taiwan and the Ukraine. A number of other countries focussed on new laws penalising harassment and bullying in the workplace, including Singapore, India and Japan. In response to a serious cultural problem, Indian companies are now required to hold workshops and seminars on the issue for their employees. In South Africa, important new equal pay legislation was enacted in 2014, and Israel has also seen new legislation requiring employers to be more transparent about rates of pay of employees in response to the major disparity in incomes between men and women.

A recent high profile sex discrimination case brought by Ellen Pao against Kleiner Perkins the venture capital firm has drawn attention to the lack of diversity not just in this field in California but also generally among social media companies in Silicon Valley. The percentage of senior woman executives at Apple, Twitter, Facebook and Google ranges from 21% to 28%. Microsoft is not of course based in Silicon Valley but its percentage of senior woman executives is lower at 17%. The percentage of women investing partners in venture capital firms is extremely low at just 5% which is roughly the same proportion for founder entrepreneurs of technology companies. The Intel initiative reported under 3.9 Diversity is perhaps evidence that Silicon Valley is beginning to recognize not just the public relations effect of such figures, but that economic performance is enhanced by greater diversity according to various surveys.

Facebook now faces a similar claim from Chia Hong who is asserting gender and race discrimination (she is Taiwanese) against the company and who is using the same law firm as Ellen Pao. In a report last June, Facebook said that 69 per cent of its overall global work force was male, with 77 per cent male at the management level, and 74 per cent of management

being white. The company's COO, Sheryl Sandberg is a high profile advocate of women's rights and the company has pledged to improve its diversity.

3.9 Diversity

Following the trend in last year's AGR, a number of countries have enacted legislation providing protection, opportunities and benefits for disabled employees, including screening measures, retention and affirmative action plans, occupational rehabilitation, and quotas. These include Korea, France, Japan, South Africa, Bulgaria, and Venezuela. In certain countries where there is no such recent legislation, companies are nevertheless voluntarily embracing diversity and equal opportunity policies (Norway, Poland, Russia, Serbia, Australia, and Chile) and in some cases with government encouragement and/or incentives (Portugal, Slovakia, Kenya, and Spain). In Hungary, India and Switzerland, however, companies' adoption of diversity and equal opportunity policies is minimalist and only in response to limited legal requirements.

Germany's largest companies have been ordered to ensure that 30% of supervisory board positions are held by woman from 2016 under a law recently agreed by the governing coalition. Those companies which do not comply will be required to leave vacancies unoccupied. Some leading German business figures have criticised the new legislation. Similar measures have been introduced in other European countries including Norway, Italy and the Netherlands. It is anticipated that the new rules will affect about 100 listed companies with employee representatives on non-executive supervisory boards. Another 3,500 firms will in future have to publish gender equality targets.

More than 80% of German boardroom positions are occupied by men, Deutsche Welle recently reported, even though roughly 40% of the Federal cabinet is female. Of the 160 most important publicly traded companies, women make up 17.4% of supervisory boards and only 6.1% of management boards, Spiegel Online recently reported. It also says, that Germany's laws on "co-determination" which guarantee employee seats on supervisory boards, have made some progress in narrowing the gender gap.

In March the European Commission announced proposals to raise the number of women non-executive directors to 40 per cent and to 33 per cent for all types of directors by 2020. Applying to listed companies, there will be a requirement to make appointments based on an

assessment of candidates by applying clear, gender neutral and unambiguous criteria, with priority to the candidate of the under-represented sex. These proposals do not amount to binding targets or quotas as such despite imposing an obligation. Up to 950 UK companies would not meet these levels even though women non executive directorships of listed companies now stand at 28 per cent and executive directors at 8.6 per cent. In practical terms the pool for selection will need to be broadened to include those who have not served on a board which presently represents a small portion of the pool which has been used.

Other countries which are reported to be planning quota or gender legislation are Greece, Japan, Kenya, Nigeria, Sweden, Australia and Portugal. The governments in New Zealand, Hungary, Czech Republic and Switzerland are reluctant to enact such legislation.

Research by the World Economic Forum last year found that the UK has slipped from 18th to 26th in the rankings of its Global Gender Gap Report, and is part of a steady decline from the forum's league table in 2006, when the UK was ranked ninth. The UK also recorded its lowest overall score since 2008. The drop in its overall rating this year was chiefly attributable to a significantly lower score in "economic participation" which measures attributes such as the ratios of women in the workforce, wage equality for similar work done by men, and the number of women in senior roles.

An increasing amount of attention is being paid to the troubling fact that women in the workplace especially in management or leadership roles, report being stressed out more often than men.

A number of speakers at Simmons recent Leadership Conference in Boston, an event to promote women leaders, pointed out that despite recent strides in equality in the office, women experience a lot more stress than men. While anecdotal, the impression that women are often dealing with more stress is borne out by an annual survey called Stress in America, conducted by the American Psychological Association.

They reported a higher level of stress than men, and that the gap between the sexes has widened in the past year. Women were more likely to say they were nervous or anxious, felt overwhelmed or that they could cry.

Neuroscientists are now claiming that it is testosterone which forces male executives to pursue risky trades in the pursuit of excitement, and that women are generally more measured in relation to such activities; hence the call for more female banking executives. This is very much a theory which has been discredited by at least one survey in the US which suggests that women are equally adept as men when it comes to embracing risk. This tends to reinforce the stereotypes which limit the career progress of women.

Some US companies are trying to assess how happy their staff is and to see if there is any correlation with performance but such exercises have so far proved to be anything but scientific. In particular the broad conclusion that happier staff perform more effectively, is not consistent with the theory that excited bankers perform irresponsibly and that low key women bankers behave responsibly. Workplace conduct and behaviour are rarely so simple.

Whilst the US banking and technology sectors may not have good records in relation to gender diversity, a number of companies in these sectors have progressive policies in relation to benefits for gay and transgender employees to a degree which in general terms exceeds those of their EU counterparts. Apple, Google and IBM have had such policies for gay employees for many years.

Facebook, Twitter and Google all openly acknowledge that they need to do more work on gender and ethnic diversity. That however has been their message for some-time. 91% of both Google and Facebook's employees in the US are White or Asian with 85% for eBay. Some tech companies complain that the pipeline is not diverse enough, although human rights groups are sceptical about this and point to the fact that tech companies appoint lawyers, accountants and other professionals from wide talent pools.

London School of Economics

Work has been underway for some time on gender equality issues at the London School of Economics ("LSE"), and this has been given careful consideration in policy development and implementation. The four main areas of focus which LSE has identified in relation to gender equality are:

- culture change and gender balance in decision making;

- female promotion and progression rates, in particular, senior roles and professorships (the current membership of senior management of LSE is 30.1% female and 69.9% male; the current composition of heads of departments is 29.2% female and 70.8% male);
- the impact of recruitment, selection and research on the career development of women and those with caring responsibilities;
- proactive involvement of women from across LSE in talking about their career journeys, issues faced and how they have dealt with them personally.

The LSE has a formal equal pay policy and has established an equal pay review group (membership drawn from HR, trade unions representatives and representatives from the Schools Gender Equality Forum) which meets on a regular basis to carry out relevant equality analysis of the school's pay practices. The LSE has recently published an equal pay report which looks at the specific work streams ongoing in the school including a review of overtime practices, market supplements and the use of pay benchmarking data when setting pay.

The LSE'S Employee and Wellbeing policy demonstrates a commitment to supporting and enabling staff to effectively combine family life and work and maintain an appropriate work-life balance. In recognition of this LSE has been awarded certification from Top Employers for Working Families.

The LSE's new academic career structure (which was in part designed to address perceived gender inequalities) provides for a period of research leave for female academics prior to their return from maternity leave to ensure that their research trajectory is not unduly affected by periods of maternity leave.

The LSE introduced a senior future leaders programme in 2012 and set as a high priority achieving, in so far as other commitments allowed, equal representation on the progressive programme between men and women.

AB Volvo

AB Volvo strives to increase the number of women in operative management positions. The project Battle of Numbers (a joint initiative between Sweden's ten largest companies, with the

purpose of developing best practice on how to get more women in operative management positions) has led to the creation of several tools which have now been put into practice during 2014 with success.

Intel

During a keynote speech in January 2015, Intel's CEO Brian Krzanich announced a new goal around diversity at Intel, and called on the rest of the industry to join him in making diversity a new force in technology to help shape the future. He called for an industry-wide conversation on diversity and inclusion, and said Intel will lead by example. Starting with a bold new hiring and retention goal, Intel will mirror, where possible, the face of America in its U.S workforce by achieving full representation of women and under-represented minorities by 2020. While this is a US target, Intel will focus also on diversity in other regions. Intel has a workforce of 107,000 employees with 25,000 employees in the EMEA region.

IBM/General Motors

Both IBM and General Motors have female chief executives and the heads of the US Federal Reserve, the US Securities and Exchange Commission, and the IMF are all women. Such appointments however have not been replicated in the private banking sector. It is surprising that one rarely comes across a woman finance director in any sector. This risks perpetuating the false stereotype of women not being good at maths; a falsehood which so many science and engineering bodies are working hard to eradicate. Appointing women to such positions for diversity reasons, does risk tokenism and in relation to the head of the IMF, it has been suggested that the woman appointed was not done so on merit.

3.10 Unions, Collective Bargaining and Industrial Action

In France, work councils now have new rights to information about an employer's obligation to find buyers for businesses where the plant is being closed, or where there is a takeover bid. Following last year's AGR, Israel continues to recognise workers' rights to unionise. The courts of Argentina are increasingly supporting this right. Peru has a new law providing for mandatory joint committees of representatives of the employer and the employee for companies which employ over 20 employees. This follows the extension of the rights of a similar employer/employee committee for training, instruction and productivity in Mexico.

Like the USA, Australia and Canada have recently witnessed the erosion of union rights particularly for federal employees. Canada, however, has also seen judicial decisions upholding the right of employees to unionise and strike, and Chile has recently passed a multiple employer act designed to provide flexibility to employees of closely held companies looking to take collective action.

There are also pockets of resistance by unions in the US as evidenced by the premature resignation of the CEO of Boeing in June 2015 allegedly because of an inability to reach an accord with unions on cost controls for the Dreamliner aircraft.

Despite objections from unions, Belgium has managed to impose minimum levels of service in the transportation sector following the strikes in the aviation industry reported in last year's AGR.

Germany, Sweden, Serbia, Portugal and Norway have all seen significant strikes, mainly in the public transport and educational sectors. Perhaps, in response, Germany, Portugal and Norway have seen the introduction of various initiatives aimed at reducing collective bargaining power. In Portugal, this has taken place through a reduction in the coverage of negotiation agreements. It is now possible in Portugal to suspend the application of collective work agreements in corporate crisis situations, under certain conditions. No new forms of union activities have emerged as a result, but there has been an upsurge in social media initiatives.

The weakening of the collective bargaining procedure in Peru has led to unions adopting various strategies including intense questioning of management, playing an active role in labour inspections, obtaining specialised assistance from international bodies and use of social media. Labour intensive industries in China have seen prominent strikes, usually protesting against working conditions including, low wages and lack of welfare. This has led to local regulations aimed at improving collective bargaining, and underpinning China's approach to dealing with labour unrest particularly in those provinces which suffer from labour shortages.

Several African countries have also seen their share of significant strikes, including South Africa, Kenya and Nigeria. These were largely in the educational and healthcare sectors, although South Africa's most significant strike, (the longest and most expensive strike in South African history as of 2014, lasting over 5 months), was in the platinum industry. Public campaigns and use of global union strategies have been slow to emerge in this region.

This year's AGR records a much higher number of strikes than last year. This seems to have coincided with a general increase in collective bargaining rights and it may well be connected with improving economic trends. This perhaps explains why certain countries have attempted to reduce collective rights.

3.11 Post-Merger Integration

In France, employees have now to be informed in advance of any prospect of a takeover or sale. In Switzerland a purchaser of an insolvent company has greater discretion about whether to continue to employ the employees of the business. Israel, Peru and Slovenia witnessed the introduction of laws protecting employees similar to the EU Acquired Rights Directive in relation to business transfers.

Intel like all multinationals has an active merger and acquisitions department. Some notable acquisitions have been the Intel acquisition of the mobile division of Infineon (IMC) in 2011 and the acquisition of McAfee software in 2010. IMC was integrated on acquisition whereas McAfee is only being integrated in 2015 having been standalone since acquisition. The different approaches were not driven by legal considerations but by business drivers in each case.

IBM continued US and global acquisitions in the IT space during 2014, expanding its Cloud and Big Data capabilities. Business drivers include the need for relevant skills and growth in expanding areas of the company's business.

AB Volvo reports that due to the global environment of the group, there is a constant focus on cross border cooperation. It is common to have global teams where the manager and his or her team-members operate in different parts of the world. Understanding each other is essential, and the in-house Volvo Group University provides culture management support to managers on demand.

3.12 Executive Remuneration and Banking Reform

The strong trend in favour of limiting executives' remuneration seen in last year's AGR continued this year with new legislation for the public and private sectors in Belgium, Brazil,

Canada, China, Greece, USA, Norway, Portugal and South Africa. In South Africa this includes a restriction on sign on bonuses to certain advisors. The UK has seen no restraint on payment of such bonuses which are known as golden handcuffs. The Royal Bank of Scotland the state owned bank recently paid £1.9 million to the incoming Finance Director to compensate him for loss of benefits on his departure from his previous employer and notwithstanding seven consecutive years of major losses at the bank.

In 2013 the European Banking Authority approved draft regulations expanding the number of EU Bankers that are covered by the EU Banker Bonus Cap. The cap limits bonuses for bankers at the level of their salary (or twice the salary if shareholder approval is obtained). The cap applies to those deemed as “material risk takers” and will now include all employees whose total remuneration is greater than €500,000. The implementation of the cap which is binding on all member states, was delayed until 1 January 2015. The European Commission is to review and report on the impact of the new rules by 30 June 2016 and will assess their implementation and enforcement and the impact they have had on both competitiveness and financial stability.

The banks however have been finding ways around the cap for example by paying their bankers top up payments alongside their salary and capped bonus. These top up payments have brought their overall pay to the same level as before the cap was introduced. Action has been taken by the European Banking Authority, who in October 2014, ruled that these top up payments should be regarded as an additional component of the banker’s salary. They further declared that the use of these payments breaches the bonus limit ratio put in place through the cap. Within this ruling, it was found that 39 banks in 6 EU States were side stepping the cap by making these additional payments. The banks must comply or face enforcement action before the European Court of Justice.

The tax issue concerning HSBC has not surprisingly raised serious questions of managerial responsibility and accountability and has resulted in a call for the breaking up of HSBC because of its inability to control various business activities. Hence the question from the UK Treasury Select Committee: "Is HSBC too big to manage?" and the denial of responsibility by the bank's board for the activities of its Swiss subsidiary. Many organisations find successful management a difficult objective. Quite often successful executives get appointed to senior managerial roles based purely on what they have achieved in their particular discipline, and sometimes without any kind of management training. They may not fully understand the need to delegate

responsibility to others who do have the requisite managerial skills and who can monitor conduct and activity within their teams and who recognise the importance of reporting back to the more senior manager or board member including details of what they perhaps "don't wish to hear."

In March 2015 the Chair of the BBC Trust Rona Fairhead called for the Trust's abolition in the light of its perceived failure to prevent generous severance packages and other forms of expenditure. As in the case of large organisations, effective management becomes very difficult where those with responsibility are remote, who were perhaps appointed for political reasons, and who have no "eyes and ears" to monitor conduct at local level through managers to whom they have effectively delegated responsibility. The arguably unhealthy drive for growth and size may reap certain rewards for boards which authorise such activity, but the quid pro quo must be to ensure that they take full managerial responsibility in every sense for the businesses they acquire, and that they do not claim that size prevents them from doing so.

3.13 Immigration and Talent issues

The country reports recorded the following:

- In many countries (20 out of 45) there is a shortage of highly skilled workers;
- Many countries (Bulgaria, Cyprus, Denmark, Italy, Poland, Portugal, Serbia, Slovenia, UAE, USA) are taking action to attract highly skilled workers and facilitate the issue of work permits to foreign workers;
- In some countries, the need for highly skilled workers is not properly addressed by the government;
- Some European countries are partially solving the issue of the need for highly skilled workers, through the implementation of the Blue Card Directive (work permits granted to workers holding a 3 year University diploma and other qualifications);
- Exceptions are Finland, Korea, India, Pakistan, Greece and Serbia, where the research indicates that there is no skill shortage. Actually, in India there is still a reverse

phenomenon of IT experts going back to India after having studied and/or worked abroad;

- In many countries the rules for obtaining “low-skill” work permits (for non-educated workers) have been tightened and become more strict. Many countries have adopted in general stricter and more burdensome immigration rules (Australia, Canada, China, England, Mexico, Holland, Perù, Romania, South Africa, Turkey).

The results of GEI research are in line with the data shown in other reports. The *International Organization for Migration* (IOM) published in December 2014 an overview of global migration trends. The paper reports some interesting data and information. In particular, with respect to labour migration, the data shows:

- Almost 50% of the global migrant stock are labour migrants;
- Particularly in the past few years, more workers have arrived with advanced skills; for example, by 2008, foreign-born workers constituted 17% of all employment in science, technology, engineering and math occupations in the US (source: *McKinsey Global Institute*);
- By 2020, there will be a 38-40 million potential shortage of workers with tertiary education (13% of demand), 45 million too few workers with secondary education in developing countries, and 90-95 million more low-skilled workers than employers will need (11% oversupply);
- The gap between demand and supply of high-skilled workers is estimated to be equivalent to 16-18 million workers in advanced economies and, 23 million in China. The total shortage for medium-skilled workers for the next 20 years is estimated to be 45 million workers with 10 million in India, and 31 million in developing economies;
- There will be estimated surpluses of low-skilled workers of, 32-35 million in advanced economies, and 58 million in India and developing economies. This means that millions of people will be trapped in subsistence agriculture or urban poverty in developing countries if job opportunities at home or abroad are not created for them.

According to the *Hays Global Skill Index* (based on an analysis of main aspects of labour markets in 30 countries), the US, Canada and Mexico had a high level of talent mismatch in the Americas last year (available labour does not have the skills employers want). In the Asia-Pacific region, Japan had the highest level of talent mismatch, followed by China. In Europe, high levels of talent mismatch were found in Ireland, Spain, Portugal, the UK and Hungary, and these were also moderately high in France, Denmark and Sweden.

The talent shortage survey 2014 carried out by the Manpower Group (obtained from a survey of 37,000 employers in 42 countries and territories) revealed that 36% of employers globally report difficulty in filling jobs. This is the highest proportion since 2007. Regionally, employers reporting difficulties in filling jobs were in the Americas (48%), in the Asia-Pacific region (45%), in Europe (27%) and parts of the Middle East and South Africa.

The *OECD International migration outlook 2014* published in December 2014 records the following:

- Permanent migration flows to the OECD rose by about 1% in 2013 compared to 2012, but fell by 0.8% in 2012 compared to the previous year;
- Labour migration has declined continuously since the economic downturn and fell by about 12% in 2012. By contrast, free-movement migration rose 10%;
- Asylum seeking increased by 20% in 2013 compared to 2012;
- Worldwide, the number of students enrolled outside their country of citizenship has more than doubled from 2000 to 4.5 million in 2012, with 75% enrolled in OECD countries;
- With a little over half a million emigrants, China accounted for almost 10% of all flows in 2012, followed by Romania (5.6%) and Poland (5.4%);
- There are more than 115 million immigrants in the OECD, about 10% of the total population;

- In 2012, about 12.5% of all 15 year olds had two foreign born parents: 50% more than a decade earlier. Their integration, particularly those with parents with low levels of education, is a growing concern;
- The economic crisis hit immigrants disproportionately hard: of the 15 million unemployed in the OECD since 2007, approximately 1 in 5 is foreign born;
- Despite the crisis most immigrants are in work. On average, a higher proportion of lowly educated immigrants (54.1%) are in work than their native born peers (52.6%);
- By contrast, tertiary educated immigrants are less likely to be in work than their native born counterparts (77% vs. 84%). When employed, they are 50% more likely to be overqualified for their jobs.

Increasingly restrictive US immigration policies have continued to contribute to talent shortages, especially in STEM fields. The current cap for H1B visas (skilled non-immigration) remains at 65,000, which falls far short of demand. The process for approving H1B applications by lottery contributes to the difficulty in meeting staffing needs. Additionally, although the US Citizenship and Immigration Service has been promising for years to issue new guidance for L1 visas (managerial and specialised knowledge visas), no such guidance was forthcoming in 2014. Guidance was finally issued in early 2015 but it included some ambiguity and continued the uncertainty of using this visa. There was significant discussion of changes to high-skilled, employment based immigration in the US Congress during 2014 (after passage of a comprehensive immigration bill in the Senate in 2013, the House refused to adopt the bill as written) but this did not result in any legislative changes. This was in part held up by deep-seated issues regarding undocumented aliens and by a tendency of some members of Congress to address the immigration issues piecemeal rather than comprehensively.

In November, 2014 President Obama issued an executive order which directed the Department of Homeland Services, among other agencies, to take action which would provide limited relief in certain areas. To date, however, there has been no definitive action and several states sued the government and challenged the Deferred Action for Childhood Arrival portion of the Order which would provide eligibility to obtain work authorization. As a result of the continued difficulty in obtaining non-immigration visas, companies are re-examining

labour models and looking for alternative sources of labour, including vendor companies and independent contractors.

The trend of increasingly restrictive immigration rules in many countries has been observed by IBM and other companies to have affected the ease and desirability of relocating employees. Mobility programs have continued to shift from traditional high-cost international assignments to plans more focused on particular services, skills and costs (differentiating among employee bands, types of services to be provided and, length of assignment), as well as moving to true relocation programs in which employees relinquish company employment in their home country and move to another country as local employees. Additionally, application of labour, tax and immigration regulations in many countries which require assignees to enter into local employment contracts even while maintaining home country employment, have increased the complexity of international assignments.

Contributing to the growth of the pool of domestic workers with required skills, a number of technology companies, including IBM, have developed programs and provided support to government efforts to increase interest and provide education in STEM fields. IBM has devised such a program, called PTech, first implemented, in New York and Illinois and now with 40 plus, locations around the US. PTech supports the integration of high school and college-level science, maths and technical studies to prepare students for technology based jobs after graduation.

London School of Economics

The London School of Economics also reports that a large number of organisations are seeking to reduce, or at least manage costs. The trend of moving towards international relocation at a local equalisation, or a local plus equalisation rate continues within the UK. This is coupled with the continued reduction in traditional expatriate package with UK terms. For the UK this is particularly relevant, as many developing countries, have significantly reduced living costs compared to home employees. Organisations can therefore reduce their costs of global expansion by adopting more modern equalisation approaches.

Procter & Gamble

Procter & Gamble also reports a trend towards local contracts on relocation in order to save cost. They also report a number of claims by employees in the host country upon the conclusion of the assignment with reliance on local laws. They are trying to establish a common standard for all relocations by reference to employment rights, social security and tax to achieve simplification and cost savings, but given differences in local laws, this is a challenge.

AB Volvo

AB Volvo reports that global mobility is of importance to the company and employees are always encouraged to gain experience from different parts of the business, including relocation to other countries. They report however diminishing interest in technical education, with a potential future shortage of engineers, and a general talent shortage risk. Volvo has taken several initiatives to combat this trend. In Swedish high-schools Volvo employs engineers who work closely with the schools and meet the students on a regular basis to spread the interest for engineering. Volvo also offers internships to newly graduated high-school students.

As for next year AB Volvo plans to enhance its talent activities when it comes to foreign born academics. With regard to talent shortages on the blue-collar side, Volvo has a training program called Volvo Step. The program is open to unemployed youths, who are offered a one-year long paid training program. The purpose of the program is to attract young people to the industry for future talent needs and to offer unemployed youths work life experience. The newly established Volvo Group University provides the group with an in-house consolidated portfolio of training and development programs, within a global leadership program.

3.14 Global Leadership issues

According to the London School of Economics, Stanton Chase International, one of the leading global executive search firms undertook in 2013 a survey of executives globally to understand the trends and issues affecting decision-making. More than 450 senior executives from around the world contributed. Some of the results included the following:

- over 70% of respondents identified a global leadership shortage as a primary road block to growth and goal achievement;

- 60 % of respondents said this talent shortage was directly affecting their organisation;
- leadership talent was the 2nd highest ranked challenge for organisations;
- Over 60% of all respondents saw four main key areas of deficit for leaders as vision and strategic thinking, entrepreneurship, creative thinking and management skills.

Geographically, Africa and the Middle East are the regions with the largest gaps in this type of human competence. North America and Europe were seen as having the smallest deficit. The difference between these regions and the rest of the world however is perceived by leaders to be marginal.

According to the LSE, developed economies continue to require, and find it hard to source high quality leadership. Coupled with growth in developing countries and therefore a requirement for more leadership, many organisations continue to report a shortage of talent for top quality leadership positions. The market for top leadership therefore has continued to be more international with leaders being relocated around the world, by organisations.

The LSE's Department for International Development has developed a leadership programme. This includes a number of scholarships, for talented Africans and allows them to study a master programme at the LSE, whilst also joining a community of African leaders. The programme provides not only students with a rigorous academic footing, but also real-world experience and then an on-going professional network. Given the global shortage of top leadership, which is only likely to get worse, such innovative programs are greatly appreciated by business and by those who participate.

Furthermore, the LSE like many leading universities is competing within a global market for the world's leading academics. LSE's attractiveness is hampered by its location within the heart of central London, one of the world's expensive cities for housing. To overcome this barrier LSE's HR team are set to research the exact nature of the housing problem for international relocations, through interviews with senior academics negotiating job offers and with newly appointed relocated staff. The School will be given a range of options to address the housing barrier for relocations, which may include shared equity mortgages or loans to assist employees with housing deposits.

4. Conclusions

As reported in last year's AGR, a number of governments have enacted legislation in favour of employers giving greater flexibility to terminate and restructure their businesses. Other countries have however legislated in favour of employees and the need to follow due process before termination, and this again is similar to what occurred last year. Following the evidence in last year's AGR, individual rights are increasingly respected by governments in the areas of data protection, whistleblowing, collective bargaining and the right to unionise. This is an interesting trend given that following the financial crisis, there had been an extensive worldwide reaction against collective bargaining, which was seen to be a barrier against economic growth, and even though experience had not always shown this to be the case. Although we don't have intrinsic evidence, the move to support individual rights may be in part due to the more widespread adoption of international labour standards by governments through the ILO the OECD and other similar bodies. This in turn may account in part for the fact that strikes were more widespread than last year. This seems to have resulted in a number of countries moving to limit collective bargaining power. The unions in Peru became very proactive as a result and used social media to support their campaigns with great effect.

A significant number of countries enacted new whistleblowing legislation continuing a trend seen in last years' AGR. This development may be partly due to the fact that many countries recognise the need to eradicate corruption, particularly if they wish to be accepted into political and trading organisations such as the EU or the OECD. General awareness of whistleblowing issues was no doubt enhanced by the ongoing and high profile cases involving Edward Snowden and Herve Falciani, plus the fact that banking generally remains under the spotlight of governments and regulators particularly following the HSBC disclosures in relation to offshore accounts and the efforts by European bankers to avoid the bonus cap.

The trend in favour of flexible working, delaying retirement, parental leave, self-employment and protection for agency workers observed in last year's AGR continued this year, although a number of countries provided flexibility to employers of agency workers. Many countries reported an increase in mental health issues in the workplace, although the country reporters provided little evidence of the relatively new concept of well-being at work. A number of major US companies are increasing wage levels, paid holiday and sick leave but this may be simply a reflection of the fact that such benefits in the US have traditionally been minimalist although it

may also be due in part to concerns about unionisation. Some countries however remain unenlightened when it comes to dealing with senior workers and accommodating their workplace need, well-being and lifestyle changes.

There is a reference to the ILO report on temporary and casual work based on their survey of 180 countries and the major worldwide trend against permanent contracts in both the developed and under-developed world. This seems to be a major development which has not attracted much media attention, although the trend is being applauded by governments and commentators who claim this helps fuller employment, while others are linking the issue to social mobility and equality of opportunity arguments.

Many countries have adopted new diversity measures particularly in relation to gender and disability and continuing a trend observed in last year's AGR. In the absence of such legislation, employers in many countries are voluntarily embracing diversity policies and practices with no obvious geographical pattern, and perhaps generally reflecting the continuation of globalised business practices and political correctness. Adoption of quotas for women board members is increasingly widespread and is spreading beyond the EU. One of the great mysteries of modern business life is why many of the world's leading technology and social media companies based in California have indifferent diversity records. Business leaders in that state are beginning to recognise the importance of this issue and are acting accordingly. This has coincided with a number of California based technology companies appointing senior executives from Wall Street institutions to their ranks, and the spawning of a debate about the relative business decline of New York finance in favour of California technology, notwithstanding the fact that neither scores well on gender diversity.

The skills shortage particularly in science technology and mathematics remains a huge global problem for business, industry and governments throughout the world. Contrary to popular belief however, governments are generally alive to the issue and have increased immigration in overall terms. The US is an exception to this and this has affected the nature of relocation programmes which in general terms have become more restrictive. Most of the multinationals which feature in the AGR report on localisation of contracts but equally they recognise the continuing importance of global mobility.

Closely associated with the skills issue is the shortage of corporate leaders which appears to be a more significant global problem than it was last year, and perhaps impacts on growth

prospects for employers more than lack of diversity. Recruitment itself at senior level has become more international as a result, and certain cities, such as London have become increasingly expensive to the extent of deterring talented executives in some cases and presenting yet another challenge for multinationals and their HR professionals.

5. About the International Bar Association Global Employment Institute

The International Bar Association Global Employment Institute was established in early 2010. Its primary purpose is to develop a global and strategic approach to the main legal issues in the human resources and capital fields for multinationals and worldwide institutions.

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Schedule 1: Countries and lawyers

Argentina

Juan Javier Negri (Negri, Busso & Farrina) – Employment and immigration law

Australia

Anne O’Donoghue (Immigration Solutions Lawyers) – Immigration law

Adrian Morris (Ashursts) – Employment law

Austria

Matthias Unterrieder (Wolf Theiss) – Employment and immigration law

Belgium

Filip Saelens (Loyens & Loeff) – Immigration law

Chris Van Olmen (Van Olmen) – Employment law;

Bulgaria

Youliana Naoumova (Djingov Gouginski, Kyutchukov & Velichkov) – Employment and immigration law

Brazil

Maria Isabel Tostes da Costa Bueno (Mattos Filho, Veiga Filho, Marrey Jr e Quiroga Advogados)
– Employment and immigration law

Canada

Patrick Benaroch (Stikeman Elliott LLP) – Employment and immigration law

Chile

Oscar Aitken (Carey y CIA) – Employment and immigration law

China

Annie Li (Chen & Co) – Employment and immigration law

Colombia

Lorena Arambula (Cardenas & Cardenas Abogados) – Employment and immigration law

Cyprus

Andreas Thoma (George L Savvides & Co LLC) Employment and immigration law.

Czech Republic

Oldrich Baroch (Baroch-Sobota) – Employment and immigration law

Denmark

Anders Etgen Reitz (IUNO) – Employment and immigration law

England

Keith Corkan (Laytons Solicitors LLP) – Employment law

Tom Brett Young (ASG Immigration Limited) – Immigration law

Finland

Jani Syrjanen (Borenius Ltd) – Employment and immigration law

France

Caroline André-Hesse (Altana) – Employment law

Karl Waheed (Karl Waheed) – Immigration law

Germany

Gunther Mavers (MKRG) – Immigration law

Michael Magotsch (DLA Piper) – Employment law

Greece

Elsa Dalampyra (LLM Lawyer) – Employment and immigration law

Hungary

Hedi Bozsonyik (Szecskay) – Employment and immigration law

India

Amit Bhasin (Law Offices of Bhasin & Bhasin Associates) – Employment and immigration law

Ireland

Duncan Inverarity (A&L Goodbody) – Employment and immigration law

Israel

Tsvi Kan-Tor (Kan-Tor & Acco) – Employment and immigration law

Italy

Marco Mazzeschi (Mazzeschi Srl) – Immigration law

Angelo Zambelli (Grimaldi Studio Legale) – Employment law

Japan

Hideki Thurgood KANO (Anderson Mori & Tomotsune) – Employment and immigration law

Kenya

Sean Omondi (Coulson Harney) - Employment and immigration law

Malaysia

Vijayan Venugopal (Shearn Delamore & Co) – Employment and immigration law

Mexico

Oscar de la Vega (Littler Mendelson) – Employment and immigration law

Netherlands

Martin Beijneveld (Van Harmen Beijneveld van Houten) – Employment law

Jelle Kroes (Jelle Kroes) – Immigration law

New Zealand

Don Mackinnon (Swarbrick Beck Mackinnon) – Employment and immigration law

Nigeria

Adekunle Obebe (Bloomfield) – Employment and immigration law

Norway

Stein Kimsas-Otterbe (Hornbkle Olsby) – Employment and immigration law

Pakistan

Salim Hasan (Meer & Hasan) – Employment and immigration law

Peru

Mario Pasco Lizarraga (Rodrigo, Elias & Medrano) – Employment and immigration law

Poland

Bartlomiej Raczkowski (Bartlomiej Raczkowski) – Employment and immigration law

Portugal

Luis Sobral (PLMJ) – Employment and immigration law

Rumania

Ileana Glodeanu (Wolf Theiss) – Employment and immigration law

Russia

Irina Anyukhina (ALRUD) – Employment law

Scotland

Alan Thomson (McClure Naismith) – Employment and immigration law

Serbia

Milena Papac (Karanovic & Nikolic) – Employment and immigration law

Singapore

Desmond Wee (Rajah & Tann LLP) – Employment and immigration law

Slovakia

Marian Sulik (Wolf Theiss) – Employment and immigration law

Slovenia

Urška Gliha (Wolf Theiss) – Employment and immigration law

South Africa

Stuart Harrison (Edward Nathan Sonnenbergs) - Employment and immigration law

South Korea

Tom Pinansky (Barun Law) – Employment and immigration law

Spain

Iván Suárez (Bufete Suárez De Vivero) – Employment and immigration law

Sweden

Olle Lindén (VINGE) – Employment and immigration law

Switzerland

Ueli Sommer (Walder Wyss Ltd) – Employment and immigration law

Taiwan

Marcus Clinch (Eiger Law) – Employment and immigration law

Turkey

Maria Lianides Celebi (Bener Law) – Employment and immigration law

Ukraine

Oksana Voynarovska (Vasil Kisil & Partners) – Employment and immigration law

United Arab Emirates

Rebecca Ford (Clyde and Co Dubai) – Employment and immigration law

United States

Bill Martucci (Shook Hardy and Bacon) – Employment and immigration law

Venezuela

John Tucker (Hoet Pelaez Castillo & Duque) – Employment and immigration law

Schedule 2: Questionnaire

Fourth Annual Global Report Questionnaire for Country Representatives and multinational members

1. Have there been any significant developments or changes in human resources law and practice in your country including but not limited to:
 - a) Talent shortages and global leadership issues;
 - b) Post-merger integration including cross border cultural changes;
 - c) International relocation;
 - d) Cross-border investigations including whistleblowing, confidentiality, and legal privilege;
 - e) The imposition of government quotas or targets for gender parity including board membership.

2. What changes have there been in your laws that are intended to have an impact on flexible working practices including remote working? Are employers applying flexible working practices to a greater degree?

3. Have there been any changes or developments relating to atypical working practices including the emergence of zero-hours contracts, the extension of agency working or the engagement of temporary workers? Please briefly explain any social, economic and workplace consequences.

4. Have there been any significant changes in respect of the rules relating to maternity, paternity or dependants? Are employers receptive to paying enhanced benefits over and above their legal obligations?

5. What changes have there been in the laws that regulate executive remuneration and are any new laws anticipated in relation to banking reform and executive accountability?

6. What changes have there been that materially affect the ability of employers to dismiss employees including redundancy practice? Do employers in your country generally observe procedures or are they being increasingly ignored?
7. Has there been an increase in absenteeism due to stress and other mental health problems?
8. What changes have there been in your laws that could materially affect the rights of employees:
 - a) Before, during or after a business reorganisation, merger or acquisition?
 - b) To employee participation or employee involvement in works councils, collective agreements or other consultative bodies?
9. To what extent have international labour standards emerged as an issue, for example, campaigns by unions and non-governmental organisations requiring multinationals to adopt human rights and corporate governance standards such as the UN Global Compact or within international framework agreements?
10. What changes have there been in relation to collective bargaining, freedom of association, strikes or other industrial action? To what extent has the erosion of union power encouraged the emergence of new forms of union activity such as publicity campaigns against multinationals, the targeting of particular departments within organisations, liaison between unions nationally and internationally and with non-governmental organisations? Have there been any significant strikes in the public or private sectors?
11. Have there been any changes in relation to restrictions or corruption and bribery in the workplace including the relevance and effectiveness of new whistleblowing procedures?
12. Have there been any significant changes in the way employment cases before the courts and tribunals are reported, including any new powers to restrict reporting at the request of the parties?

13. Have there been any significant changes in relation to enforcement of restrictive covenants and obligations of confidentiality by employers?
14. What changes have there been in the laws or workplace practices relating to privacy, surveillance, data protection, social media and human rights such as protection of family and home life and freedom of expression? Have there been any significant cases involving these issues?
15. What changes have there been in your laws concerning discrimination in the workplace by reason of gender, sexual orientation, age, race, nationality, ethnic origin, ideology, religious belief or disability? Are there plans to extend rights to caste or victimisation or social inequality?
16. To what extent are employers embracing diversity and equality of opportunity in the workplace either voluntarily or in response to legal requirements?
17. Have there been any changes to the law and practice of retirement including ability and practice of employers to impose early retirement? Has there been an increase in Age Discrimination claims arising out of early retirement or pay protection schemes or enhanced redundancy payments for older workers?
18. What changes have there been to the immigration laws of your country relating to the recruitment of foreign nationals?
19. What changes have there been in relation to the right of permanent residence of foreign nationals employed in your jurisdiction?
20. What changes have there been in immigration rights of families of foreign nationals employed in your country?
21. Have there been any changes to the working rights and/or right to benefits of families of working nationals employed in your country?

22. Have there been any changes to the immigration laws in your country relating to the establishment of a branch or subsidiary of a foreign company? Please explain the relevance if any of permanent establishment or residence for tax purposes?
23. Is there a skills shortage in your country and if so is your government addressing immigration policy in response, or is it becoming more protectionist?
24. Have you experienced immigration practices in countries other than your own where your company conducts business?