

2021 US Labor & Employment Webinar Week
Insights and Compliance Strategies for a New World

February 1 – 4, 2021

EU Labor & Employment Law Update

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2020 – a year like no other

A year of change and challenges:

- Rise in prominence of Black Lives Matter movement
- COVID-19
- Government support programmes
- Redundancies and re-structures
- Remote/home working (including from abroad)
- Vaccination programmes
- Broader shift in relationship between employer and employee
- Rise in prominence of Environment, Social and Governance issues (ESG)

Global issues but very different local approaches



4 Key Topics

A year of change and challenges:

1. Vaccinations
2. Remote/Home Working
3. Government Support Schemes and Reductions in Workforce
4. Diversity and Inclusion



Europe

No “one size fits all” approach

Belgium



Brussels

Czech Rep



Prague

France



Paris

Germany



Berlin
Böblingenfurt
Frankfurt

Italy



Milan

Poland



Warsaw

Russian Fed



Moscow

Slovak Rep



Bratislava

Spain



Madrid

UK



Birmingham
Leeds
London
Manchester



Vaccinations

3 key questions – differing approaches across Europe:

- Will governments make it mandatory to have the vaccine once it becomes available?
- Can employers insist that employees have the vaccine once it becomes available? / Can a client refuse to allow your staff on its premises/to work alongside its own employees unless your staff have had the vaccine?
- Will employers be able to arrange vaccination of their own staff?

Please reach out if you'd like a copy of our [Global Snapshot on Vaccinations](#) – covering 19 key jurisdictions



Remote/Home Working

Key questions for employers to consider in relation to European locations:

- Is it currently mandatory for employees to work from home?
- If not, do employees have a legal right to request working from home?
- Can employers lawfully reject requests to work from home?
- Do employers have the right to impose working from home?
- Are employers are obliged to carry out a risk assessment?
- Are employers are obliged to reimburse their staff for any costs incurred by them from working at home i.e. for equipment, data packages, phone lines etc?
- How will they manage the potential confidentiality and security risks?

Please reach out if you'd like a copy of our [Global Snapshot on Homeworking](#) – covering 19 key jurisdictions

Government Support Schemes and Reduction in Workforce

- The schemes are different in each European jurisdiction
- Some schemes prohibit employers from making redundancies while taking the benefit of them
- Other jurisdictions have placed blanket bans on individual/collective dismissals
- Alternatives to redundancy – actively encouraged in some jurisdictions and important to consider if ESG issues are relevant to your business



Diversity and Inclusion

Data collection – some key points to note

- More and more businesses want to be able to collect and track diversity and inclusion data about their staff (D&I data) - to understand the current profile of their workforce, what measures they may need to take to address any barriers to change and to measure progress against any objectives or targets set.
- This may include information about gender, race, ethnic origin, religion, socio-economic background and health.
- GDPR applies across Europe – but local law, custom/culture also important
- Employee engagement can be a challenge
- Some classifications differ around the world which can make comparisons difficult

Please reach out if you'd like a copy of our [Global Snapshot on Diversity and Inclusion Data Collection – covering 19 key jurisdictions](#)

Looking onto 2021

More of the same? Yes and no...

- Vaccinations
- Continued homework – even beyond pandemic as employers see advantages of hybrid approach
- ESG issues – How businesses engage on these issues will shape their long-term future. Reputation will be key, as will corporate “purpose”.
- “People at the Centre”



Global Edge is an award-winning, customisable tool that provides clear, reliable, up-to-date answers on key employment law topics around the world and maps out future legislative change to help you stay ahead.

- Regularly updated extensive content with access to up to 29 key topics from 39 countries (and the EU)

The screenshot displays the Global Edge website interface. At the top, there is a navigation bar with tabs for Home, Countries, Topics, On the Horizon, Articles, At a Glance, and Create a Report. Below the navigation bar is a search bar with the placeholder text "what are you looking for today?".

The main content area is divided into several sections:

- Featured Articles:** A list of recent articles with titles and dates, such as "Qualified Disaster Tax Relief - Retirement Plans and Employee Retention Credits - 11-JAN-2021" and "Stimulus Bill Extends the Availability of Employee Retention Credits - 08-JAN-2021".
- Notifications:** A red notification banner with a right-pointing arrow.
- Special Features:** A dark grey banner with a right-pointing arrow.
- Favourite Countries:** A grid of 19 country flags, each with its name below it: ARGENTINA, AUSTRALIA, BELGIUM, BRAZIL, CANADA, CHINA, FINLAND, FRANCE, GERMANY, INDIA, ITALY, NORWAY, RUSSIA, SAUDI ARABIA, SINGAPORE, SOUTH AFRICA, SPAIN, SWITZERLAND, UNITED KINGDOM, and UNITED STATES OF AMERICA.
- Latest Updates:** An orange banner titled "2021 US Labor & Employment Webinar Week: Insights and Compliance Strategies for a New World". The text below describes a complimentary webinar series with 20 sessions over four days.
- Site Navigation:** A blue banner with a right-pointing arrow.
- Recently Viewed:** A yellow banner with a right-pointing arrow.

Key Benefits

Save Time

A multi-country report, high-level chart or bespoke global newsletter in seconds. Reliable, up-to-date and available on the go and offline.

Save Money

Answers straightforward employment law queries, so you can save on external legal spend.

Stay Ahead

Horizon scans are colour coded so you know when to take action. Tailored notifications allow you to customise your key alerts.

The screenshot displays the 'Law Summary Report' web application. The interface is clean and professional, with a teal header bar. The main content area is divided into sections for 'Background checks' and 'WORK REFERENCES'. The 'Background checks' section features a navigation bar with flags and country names: AUSTRALIA, BELGIUM, FRANCE, UNITED KINGDOM, and UNITED STATES OF AMERICA. Below this, the 'WORK REFERENCES' section is active, showing 'Key points to note' for Australia and Belgium. The left sidebar contains a table of contents with categories like 'Background checks', 'WORK REFERENCES', 'CRIMINAL RECORDS CHECK', and 'SOCIAL MEDIA'. The right sidebar shows a 'PDF' icon and a 'Report Format: Topic / Country' dropdown menu.

Law Summary Report

PDF

Law Summary Report

Report Format: Topic / Country

Background checks

AUSTRALIA BELGIUM FRANCE UNITED KINGDOM UNITED STATES OF AMERICA

WORK REFERENCES

Key points to note

Australia

There is no general requirement for an employer to give references or take up references on a prospective employee.

Most employers take up references, the name(s) having been provided by the prospective employee. However there is nothing stopping an employer from seeking to obtain references from other persons, since employee consent for references that relate to the employment relationship (such as the employee's skills, performance, conduct) is not required. Providing information that directly relates to the employment relationship does not breach Commonwealth privacy laws.




Despite this, it is increasingly common for employers to give just a statement of service – i.e. name, positions held and period of employment. The reason for this is because of the risk of litigation by employees over inaccurate or unfavourable references.

References can be written or verbal.

Belgium

There is no general legal requirement in Belgium for employers to give or take up references on a prospective employee. Some employers do nevertheless take up references, the name(s) having been given by the potential employee. There are a number of rules regarding the giving of work references.

Easy to create at a glance summaries provide quick answers across multiple countries

Restrictive covenants	 Australia	 Canada	 United States of America
1. Are post-termination restrictive covenants enforceable?	✔ Yes.	✔ Yes.	✔ Yes, generally, as long as they are reasonable and do not violate the individual applicable state law.
	Prima facie unenforceable unless they are reasonable. Subject to significant scrutiny by a Court.	Prima facie unenforceable unless reasonable as between the parties and in the public interest.	Generally enforceable but not favored by courts, and some states such as California make nearly all restrictive covenants unenforceable.
2. What are the main criteria for post-termination restrictive covenants to be enforceable?	Must be necessary to protect a legitimate business interest. Court will assess whether the clause goes no further than reasonably necessary to protect that legitimate interest by examining its reasonableness in scope and duration.	Must be reasonable as between the parties and in the public interest.	Depends on type of restrictive covenant/the state. Must be reasonable and the courts consider: geographic scope, duration, whether it protects a legitimate business interest, whether it is no broader than necessary to protect the employer's legitimate business interest and public policy.
	Approach varies from State to State.	Other characteristics include: protecting legitimate business interests; being no broader than necessary to protect that interest and is reasonable in terms of temporary length, area covered, nature of activities, and overall fairness; terms are clear, certain and not vague, and the restraint must be reasonable in terms of public interest.	Some states have statutory law in place that addresses the specific requirements of an enforceable restrictive covenant.
4. Are non-competes permissible?	✔ Yes.	✔ Yes, but only in exceptional cases.	✔ Yes with a few exceptions depending on the state (like in California).
	Usually the most difficult to enforce. Must not go beyond what is reasonably necessary. Reasonableness parameters are duration, geography and activities.	Courts reluctant to enforce. Must be reasonable between the parties and in relation to the public interest.	Usually the most difficult to enforce. State law may contain additional/different requirements, and the reasonableness parameters generally are: duration, geography, and legitimate business interest. Many states prohibit non-competes in certain industries.

Customisable Global Employment Law Hub

- Personalised experience with customisable dashboard and notifications
- Automatically recognises and adapts to desktop and mobile platforms
- Intelligent search functionality for a streamlined experience
- Webinars, podcasts and special features
- Employment News feed, Twitter feed, Employment Law Worldview and Brexit Legal Blogs

Easy-to-Create Customised Reports, Charts and Newsletters

- Create and share customised reports in seconds from your mobile device or desktop. Prepare a tailored country or multi-country report by jurisdiction or topic.
- Generate tailored high-level multi-country charts, which link back to the reports for further information.
- Create your own newsletter by country and article.

Horizon Scanning and Tailored Proactive Key Alerts

- Anticipates upcoming legislative changes with a colour-coded system to flag the actions you should take. Customise your country or multi-country report by implementation date or need for action.
- Tailor your notifications to receive key alerts highlighting significant legal changes in countries and topics of your choosing.

Contact



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