

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

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Presenter



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Overseas Remote Working

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Overseas remote working

- Increase in requests – especially for arrangements to be made permanent
- Multiple stakeholders and variance in employer approaches
- Employees don't necessarily anticipate the challenges
- Likely to outlive the pandemic!



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Overseas remote working

- Tax and social security implications
- Employment law risks
- Immigration risks
- Practical challenges
- Creating policies



Brexit



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Brexit

- End of free movement between the EU and the UK
- Protections in place for EU citizens resident in the UK and British citizens resident in the EU on or before 31 December 2020
- The UK's new points-based immigration system
 - now applies to EU *and* non-EU workers seeking to work in the UK
 - Lower qualifying criteria for all
 - Removal of the Resident Labour Market Test
- British citizens now require work visas to work in the EU



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Brexit

- Visitors between the EU and the UK must now assess whether their 'business' activities are permitted in the country they are travelling to without a work visa.
- Trade and Co-operation Agreement between the EU contains a list of permitted business activities but visitors will still need to check whether a work visa is required on a country-by-country basis.
- British citizens will be limited to 90 days in any 180 period throughout the whole Schengen area.
- Advance planning is essential!





Posted Workers

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Posted Worker Directives

- Intended to protect the rights and working conditions of workers posted between EU member states but many member states impose the same obligations to all posted workers (even those posted from outside the EU).
- PWDs apply where a business sends a posted worker to another member state to carry out work for its customers or clients or for a company in the same group.
- Minimum terms and conditions must be guaranteed as well as 'equal pay for equal work'.



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Posted Worker Directives

- Requirement on posting and host companies to comply with differing administrative obligations depending on the law of the host state
- Risks of non-compliance include:
 - fines of up to EUR 500,000 for the posting and host companies
 - bans on receiving posted workers
 - public reporting of non-compliant businesses
- Essential to:
 - Identify and track cross-border European business trips
 - Put in place robust processes to ensure compliance
 - Educate the business so it's aware of the financial, practical, legal and reputational risks.



Questions? Please let me know.



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