

Changing direction?

Employment law highlights for General Counsel



July 2016 to September 2016

Key developments summarised	Impact on employers
United Kingdom	
A shock result of an in-out referendum on the EU (held on 23rd June, 2016) is that the UK public has voted to leave the EU.	Actual UK exit could take at least 2 years but the implications are and will be significant. Visit our Brexit hub for further information and the impact on UK employment law.
The statutory national minimum wage has increased to £7.20 per hour.	The statutory minimum wage for workers aged 25 and over in UK (labelled by the Government as the "National Living Wage") is now £7.20 per hour. The Government has indicated it will challenge employers who appear to cut employee benefits or premiums to fund this increase.
New regulations will require larger employers in the private and third sectors (250+ staff) to report upon gender pay gaps with effect from 30 April 2017.	Affected employers should review all current pay practices in order to identify and explain the differentials which may exist. Non-compliance risks reputational damage. Read our briefing.
Significant changes to the law on industrial action are expected from October 2016.	Regulations which will bring the changes into effect are awaited but, once in force, they are intended to deter strikes based on low ballot

	<p>turnouts and to ensure sufficient support for strikes in key public services, such as transport, education and health. Read our briefing.</p>
European Union	
<p>New EU Data Protection regulations come into in force in May, 2018</p>	<p>The General Data Protection Regulations will apply to Member States from 25 May 2018. The effects are likely to be extensive in all countries including UK businesses offering services in EU post-Brexit so employers are advised to be prepared. Read our briefing</p>
Czech Republic	
<p>New guidelines have clarified the nature and meaning of “comparable” terms and conditions for temporary agency workers</p>	<p>New State guidelines serve as a practical tool for employment agencies and end-users in clarifying relevant legal definitions, requirements and factors applicable to their respective (joint) compliance. Both should review the status of their workers and their current practices and terms. Read our briefing</p>
Finland	
<p>Changes affect the taking and accrual of annual leave where other (non-holiday) reasons for absence intervene</p>	<p>Accrual of statutory annual leave is limited to the first six months of periods of maternity or parental leave (unless varied by collective agreement). Also, those who fall ill during a period of holiday leave must wait 6 days to request to postpone that leave. Leave entitlement policies and practices will need to be amended accordingly.</p>
France	
<p>Employers must be scheduling additional “professional” employee-consultations</p>	<p>The requirement for formal consultations with staff now includes meetings to discuss professional development (as a separate issue from annual performance appraisals). Employers must conduct these meetings every two years, whether or not added onto other formal consultations. Read our briefing</p>

Hungary

A ban on **Sunday working** is lifted for the retail sector whilst further review is conducted

Legislation prohibiting Sunday working in the retail sector has been repealed, extending shop-opening hours and the ability to work on Sundays but also reducing the prescribed pay enhancements. Employers should act with caution in relaxing current practice since the Government is conducting further review and more changes could yet follow by the autumn.

Italy

Resignation process goes online

A new electronic procedure applies for employees wishing to resign their employment (other than where a legally binding agreement is reached with the help of a trade union or is approved with the Labour Office). Attempts to resign by other means are invalid and unlawful. Employers must have appropriate mechanisms in place to record and act upon these online submissions. [Read our briefing](#)

Poland

A new deadline is imposed for the communication of **employment terms** and workplace regulations

From this autumn, terms of employment will need to be communicated to an employee in writing before they enter the workplace (as opposed to on their first day). Employers will additionally need to ensure new recruits are fully apprised of all relevant information to enable them to start work. Failure to do so is likely to lead to a fine.

Sweden

New limits are introduced for the duration of **fixed term contracts**

After two years' engagement in any five year period (or consecutive contracts over two years with a break of no more than six months between each) fixed term employment will automatically become permanent. Employers will need to record accurately the dates of any such contracts and also be in a position to disclose this information on request. [Read our briefing](#)

Switzerland

The Collective Bargaining Agreement (CBA) for **temporary agency workers** is modified and extended, clarifying its application until 2018

Legal changes clarify that the CBA applies only to businesses primarily engaged in the supply of agency workers. Where it applies, the scope of the CBA is now extended (eg to include termination provisions) and will continue in force until 31 December 2018. Organisations previously caught by the wider-reaching application of CBA or uncertain of its application will welcome this clarification.

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