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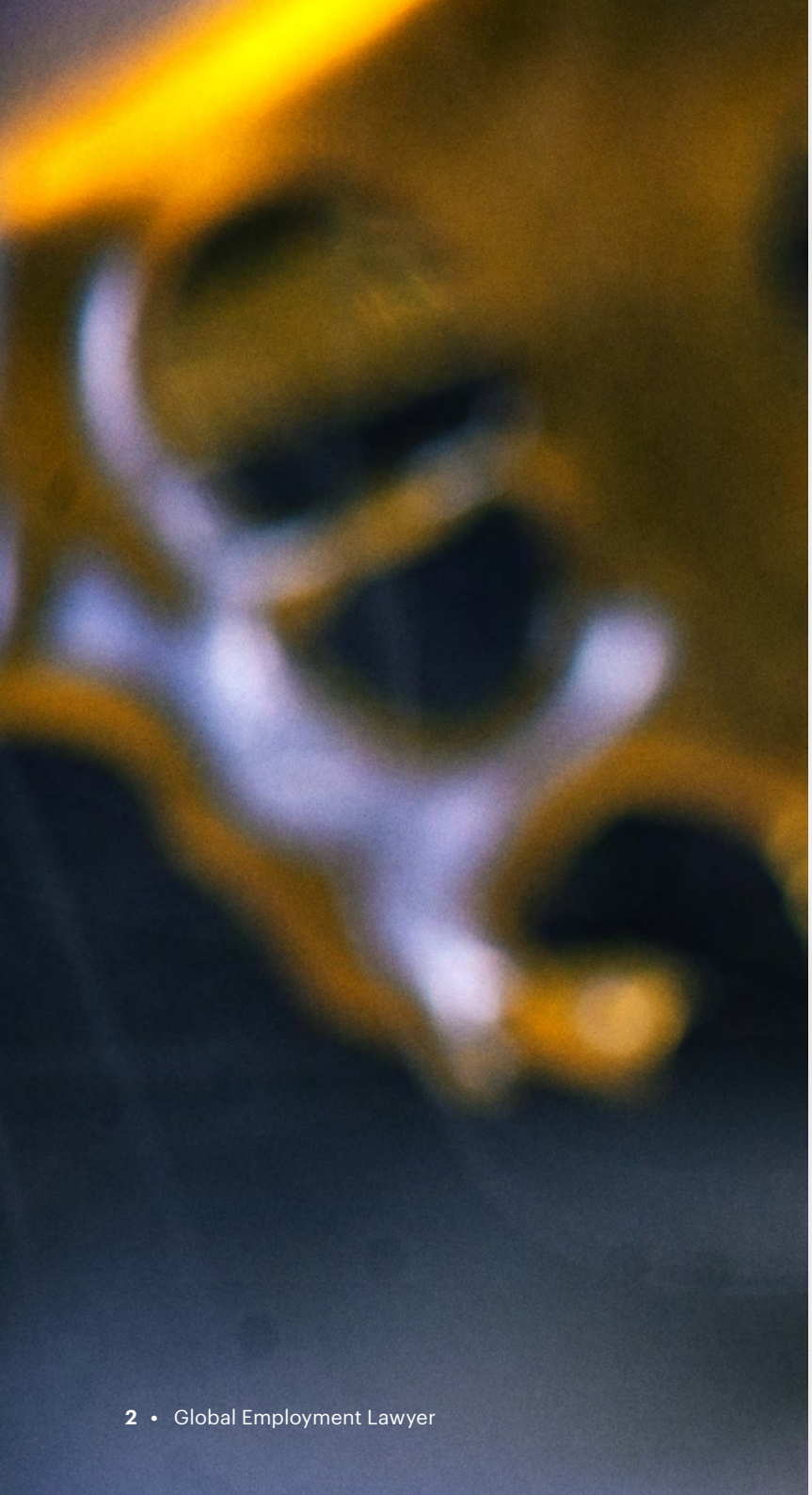

Welcome to the Q4 2024 edition of our global employment and labour newsletter. As we close out the year, we reflect on a period marked by significant legal reforms and evolving workplace dynamics across the globe. This edition provides updates on the latest legislative changes and judicial decisions that are shaping employment practices across the globe.

In this issue, we explore the Czech Republic's proposed amendments to the Labor Code aimed at increasing flexibility in employment relations. We also take a look at New Zealand's legal landscape, where increased accountability for consultants under health and safety laws highlights the evolving responsibilities in workplace safety. Our coverage extends to India, where new initiatives aim to integrate gig workers into social welfare systems, and Singapore, where landmark legislation is set to enhance protections for platform workers. Elsewhere, Costa Rica sees employee rights enhanced with the introduction of paid bereavement leave.

These developments, and many more from across all regions, underscore the importance of staying informed and adaptable in a rapidly changing employment environment. We hope you find this newsletter both informative and insightful as we navigate these changes together.

Thank you for your engagement and support throughout 2024. We wish all our readers the very best as we head into 2025.

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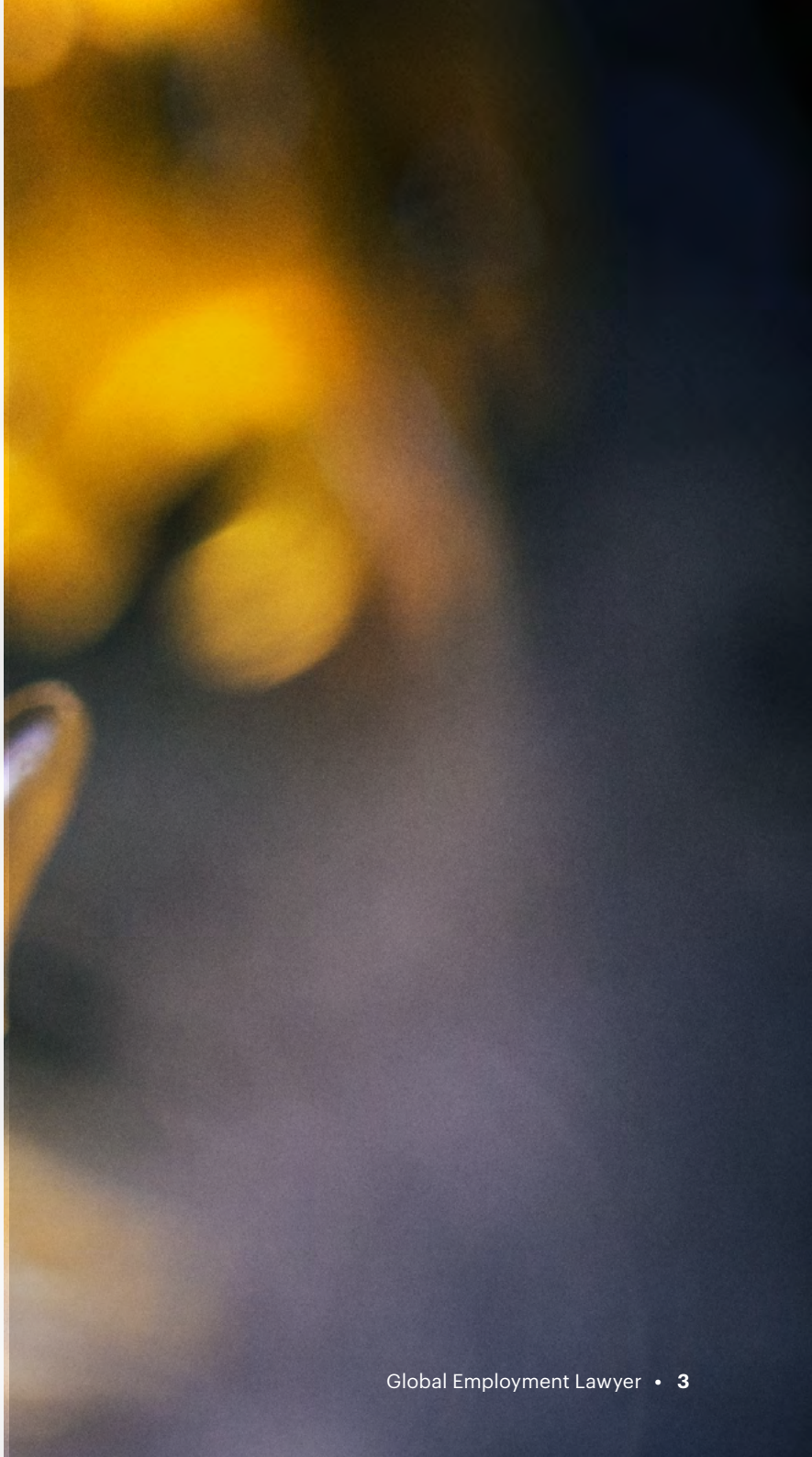

Asia

China

Statutory holiday increases –
On 12 November 2024, the State Council of China issued its "Decision of the State Council on Amending the Measures for National Annual Holidays and Memorial Days" (**Measures**), which revised the Spring Festival holiday to four days (Lunar New Year's Eve and the first three days of the Lunar New Year) and the Labour Day holiday to two days (1 and 2 May). This means that, based on the previous 11 statutory holidays, two additional statutory holidays have been introduced – one day each for the Spring Festival and Labour Day – bringing the total number of statutory holidays to 13 days.

The Measures will affect the calculation of average monthly working days. Currently, average monthly working days are 20.83 days, calculated on the basis of "Notice of the Ministry of Labor and Social Security on Issues Concerning Annual and Monthly Average Working Hours and Wage Conversions for Employees", issued by the Ministry of Human Resources and Social Security on 3 January 2008. With the addition of two statutory holidays under the Measures, the number of annual working days starting from 1 January 2025 will decrease to 20.67 days.

While this adjustment does not affect the calculation of daily or hourly wages for employees, it will impact enterprises adopting a comprehensive working hours system. Annual working hours will decrease from 2,000 hours to 1,984 hours and quarterly working hours will also reduce. Consequently, any work exceeding the total statutory standard working hours within a comprehensive calculation period will be considered overtime, likely leading to higher overtime pay under this system.

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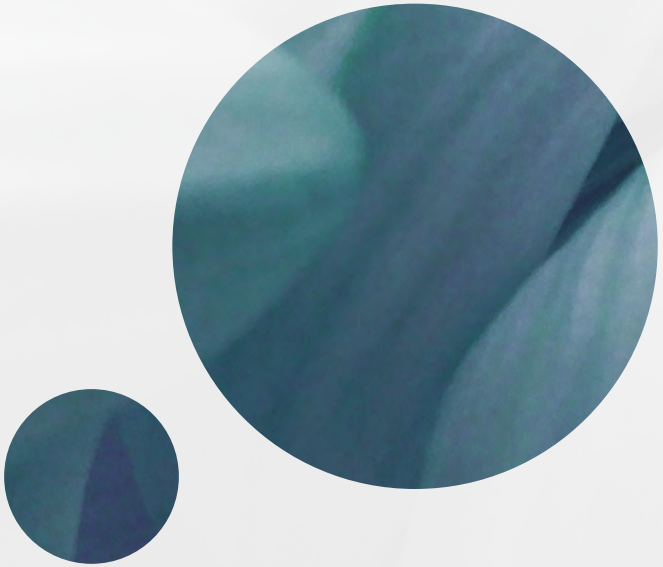

Hong Kong

App delivery rider determined to be an independent contractor – In our September 2023 issue, we examined a case in which the Labour Tribunal ruled that six food courier drivers were employees instead of independent contractors and were therefore entitled to statutory employee benefits under Hong Kong law. The Labour Tribunal took into account 11 factors in deciding that the drivers were employees, including:

- the company's dominant control over key aspects of the drivers' work (e.g. risk of job termination for drivers who refused orders);
- fixed amount of payment for each completed task;
- absence of other sources of income; and
- inability of the drivers to profit from sound management in the performance of their task.

The District Court recently applied the same 11-factor test in a claim by a former app delivery rider who argued that he was an employee. The claim was heard before the District Court, which had jurisdiction over the rider's claim for work-injury-related compensation. The company applied to strike out the claim, arguing that the rider's application was frivolous and vexatious as he was an independent contractor rather than an employee. The application was successful.

In reaching its conclusion that the rider was not an employee, the District Court considered, among others, the following factors:

- references to the rider as being "self-employed" in the Supplier Agreement he had signed;
- the rider's freedom to set his own work hours and accept or decline orders at will;
- the rider's ability to delegate tasks to others;
- the rider's responsibility to provide his own equipment, including his vehicle and phone;
- the rider's assumption of financial risks, such as fuel costs and maintenance expenses;
- the rider's opportunity to profit from efficient time management and sound operational decisions;
- lack of integration of the rider into the business, as he was not required to use branded equipment; and
- the rider's responsibility for his own tax filings and MPF contributions.

This decision underscores the inherent complexities of classifying gig workers in the evolving gig economy. It is clear that the courts in Hong Kong will determine whether a gig worker is an employee on a case-by-case basis. If an employer intends to engage a gig worker as an independent contractor rather than an employee, such intention must be reflected in the underlying agreement and the work arrangements in order to reduce the risks of misclassification.

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India

Registration of aggregators and their platform workers on e-Shram portal – On 16 September 2024, the Ministry of Labour and Employment issued an advisory urging digital intermediaries and marketplaces which provide services to a business or end-customer through a digital app or platform (aggregators) to register themselves as well as gig and platform workers (i.e. workers engaged outside a traditional employer-employee relationship) engaged by them on the portal. Upon registration on the portal, platform workers will receive a Universal Account Number, allowing them access to various social welfare schemes.

Deadline for submission of annual report under the POSH Act – On 4 November 2024, the Additional Deputy Commissioner-cum-District Officer, Gurugram issued a directive mandating all organisations situated in Gurugram, Haryana to submit the annual report required under the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013 (**POSH Act**) for every calendar year by 28 February of the subsequent year. Failure to submit the annual report in a timely manner would attract a penalty of INR 50,000 (approximately US$600) and strict action will be initiated against organisations which are non-compliant.

Uttar Pradesh government exempts IT/ITeS firms from certain shops and establishments – A notification dated 26 September 2024 has exempted IT and ITeS establishments from certain provisions of the shops and establishment legislation for a period of two years. The exemption is issued in the public interest and in an effort to provide workforce management flexibility to IT/ITeS establishments by relaxing certain provisions related to hours of work, overtime and spread of working hours in a day. The exemption is subject to certain conditions which include, among other things, a daily cap of 12 hours of work (including the period of rest intervals) and entitlement of overtime wages at twice the ordinary rate for employees working beyond 48 hours in a week.

Online dashboard to streamline licensing in the State of Haryana – On 15 October 2024, the government of Haryana issued an order introducing the dashboard in line with the Business Reform Action Plan 2024. The dashboard includes, among other things, services related to licences for contractors, registration of principal employer's establishment and registration of shops and establishments under relevant legislations.

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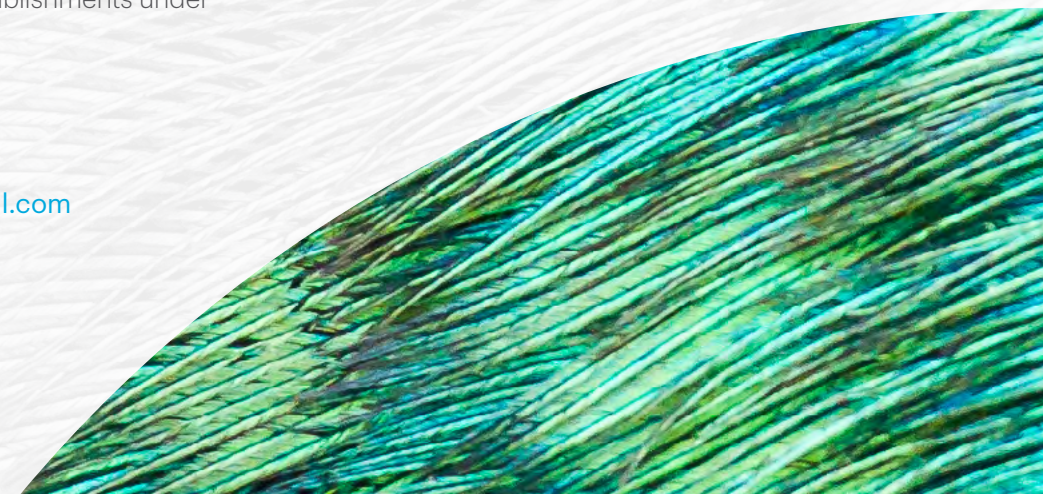
Singapore

Landmark legislation for platform workers coming into force – The Platform Workers Act 2024 comes into force in January 2025 and will apply to platform services, including on-demand delivery and ride-hailing services. The Act will create a third class of workers for businesses providing platform services (**Platform Workers**) with the aim of providing strengthened protections for Platform Workers in three areas:

- housing and retirement adequacy through Central Provident Fund contributions by both platform operators and Platform Workers;
- financial compensation if they get injured while working; and
- a legal framework for Platform Workers' representation.

Once in effect, this will be a landmark piece of legislation that will place ride-hailing drivers and delivery workers in Singapore in a distinct labour class category, affording them greater protection.



Tripartite Guidelines on flexible work arrangement requests – These new Tripartite Guidelines took effect on 1 December 2024. They require employers to, as far as reasonably practicable, consider employees' formal requests for flexible work arrangements from 1 December 2024. Employers are encouraged to examine existing work policies to ensure compliance.

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Taiwan

Workers can enhance their pension by remaining in the workplace – From 2 August 2024, changes to Taiwan's Labor Standards Act allow workers and employers to negotiate an extension of the compulsory retirement age. This means that workers over 65 can continue working and participating in labour insurance, which may significantly enhance their old-age pension benefits:

- *Eligibility for old-age pension*: Workers who have reached the statutory age for claiming benefits, accumulated more than 15 years of labour insurance coverage and have resigned can claim the old-age pension. The statutory age for claiming benefits is gradually increasing and will reach 65 by 2026 (64 in 2024).
- *No cap on insurance years*: Unlike some pension systems, there is no upper limit on the number of insurance years that can be counted toward the pension. The longer a worker remains insured, the greater their pension amount will be.
- *Deferred payment bonus*: Workers can delay applying for their pension beyond the statutory age to increase their benefits. For each year the claim is delayed, the benefit amount rises by 4%, up to a maximum increase of 20%. This enhanced amount is then paid for life.

Enhancing retirement benefits under Taiwan's labour pension system – Taiwan's labour pension system, governed by the Labor Pension Act, allows employees to make voluntary contributions of up to 6% of their monthly salary in addition to the mandatory 6% employer contribution. This initiative provides workers with an opportunity to strategically enhance their retirement savings, with increasing participation reflecting its importance. By July 2024, more than 1.14 million employees had opted for voluntary contributions, demonstrating heightened awareness of retirement planning. The system is inclusive, enabling workers across various sectors, including those not covered by the Labor Standards Act – such as self-employed individuals and commissioned workers – to contribute up to 6% of their monthly income.

The framework offers significant regulatory benefits. Voluntary contributions are excluded from gross salary income, reducing employees' taxable income and promoting greater financial security. For employers, facilitating these contributions reinforces compliance with labour regulations and signals a commitment to employee wellbeing.

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Uzbekistan

Reforms to labour migration system approved – A recent Presidential Decree, aimed at reforming Uzbekistan's migration management system, is set to significantly improve the employability of Uzbek workers abroad through targeted training in foreign languages and in-demand vocational skills.

Starting from 1 November 2024:

- all information on jobs offered by foreign employers will be openly published on the Migration Agency's electronic platform, in the media and social networks;
- on the Agency's electronic platform, citizens will be able to compile and post their CVs and compete for advertised jobs; and
- regional branches of the Agency will provide free consulting services on the execution of documents related to the employment of citizens abroad, including work visas.

Some specific measures will be covered by the migration fund to support Uzbek workers abroad:

- medical assistance for injuries and illnesses while working abroad. This includes situations where the migrant cannot afford to pay for medical services either due to lack of personal funds or lack of adequate health insurance coverage;
- transporting injured or ill migrants in cases where a migrant sustains severe injuries or falls critically ill while abroad;
- medical repatriation (transporting the bodies of deceased migrants back to Uzbekistan if they die while working overseas); and
- addressing gaps in health insurance for those without adequate medical coverage or in countries where health insurance is not readily accessible.

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Australasia

Australia

Criminalisation of wage theft and increased penalties – From 1 January 2025, it will be a criminal offence for an employer to intentionally engage in conduct that results in an underpayment to employees. This generally includes mandatory superannuation payments. Penalties include imprisonment of up to 10 years for individuals.

Australian regulators continue to focus on exploitation of vulnerable workers – The Fair Work Commission (**FWC**) recently ordered that a sushi chain corporate group pay AU$13.7 million in penalties for underpaying 163 employees over a number of years. The director and CEO was also personally ordered to pay AU$1.6 million for her involvement.

Enshrinement of remote work employment entitlements – Working from home could soon be a right for some Australian workers. The FWC has initiated a case to develop a working from home term in the Clerks – Private Sector Award 2020, a "modern award" which sets out minimum terms and conditions for employees who mainly carry out clerical and administrative work. If successful, the term could become a model term for other modern awards. Around 37% of Australians work from home regularly. Although not all of these workers are covered by a modern award, the changes could nevertheless have wide-reaching impact.

Equal pay for labour hire workers – Legislation commenced in December 2023 which allows the FWC to make orders from November 2024, to lift the pay rates of labour hire workers to match employees of host companies. The FWC has now made several uncontested orders bolstering pay for mining, aviation and meat industry workers, including in one instance by AU$30,000 a year for mine workers. While the focus of FWC orders has so far been predominantly in the mining and aviation industries, the success of what orders have been made so far crystallises the reality of potential labour cost impacts for all employers and hosts who utilise labour hire.

The first contested order is scheduled for January 2025 and should provide some clarity around when the orders can be resisted.

End of year and forced annual leave – Many businesses will require employees to use annual leave during annual office shutdowns. The FWC has held, however, that where an employee is covered by a modern award and lacks sufficient annual leave balance, employers cannot "force" employees to take unpaid leave over a shutdown period. In these circumstances, employers would need to seek agreement from employees to take unpaid leave, or otherwise consider alternative arrangements such as providing annual leave in advance or allowing the employee to work.

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New Zealand

First consultancy prosecution and sentence under the Health and Safety at Work Act – A recent Employment Court decision confirmed that a consultancy can be convicted and sentenced if its failure to provide adequate health and safety advice places a worker's safety at risk. This case highlights the significant role consultants play in health and safety advice and affirms that consultants are not exempt from liability. It also affirmed that multiple parties may be held liable to contribute to reparation awards, even when they are sentenced at different times.

Redeployment obligations for multinational companies – The Employment Court has confirmed that a fair and reasonable employer with international offices should explore redeployment opportunities overseas when making an employee redundant. In particular, this will be necessary where there are high levels of integration and interconnectedness between a New Zealand company and its overseas group companies. While a company is entitled to take into account the logistics of such decisions, overseas redeployment must be considered.

CEO found guilty in relation to employee death in the workplace – A former CEO has been found guilty of health and safety breaches in relation to the death of a stevedore in 2020. The charge laid alleged the former CEO failed to comply with the duty to exercise safety due diligence as an officer of the company and therefore failed to ensure that the company complied with its health and safety duties. The judge concluded that the CEO failed to discharge this duty, exposing workers to a risk of death or serious injury. The verdict serves as a severe warning to officers of large companies of their exposure to significant personal liability under the Health and Safety at Work Act 2015.

Candidate disclosure during hiring process – An Employment Court decision recently confirmed that a job candidate is not obliged to proactively disclose "everything" when applying for a job. When an employee promises in their employment agreement that their representations as to "qualifications and experience" are true, this does not include disciplinary action or performance problems at their previous workplace. Employers recruiting new workers must ask the candidates these questions directly if they rely on there being no such issues.

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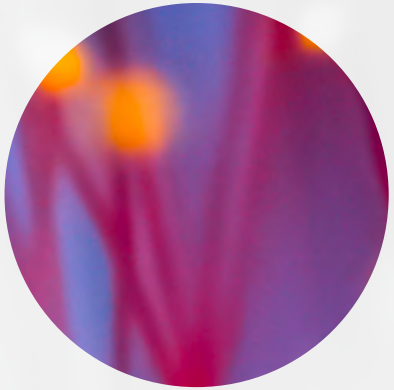

Central and South America

Argentina

Regulation of labour reform – On 25 September 2024, the government issued a new decree to regulate employment promotion and labour modernisation provisions. Below are the key aspects:

- Promotion of registered employment
    - *Amnesty programme*: Employers in the private sector can regularise unregistered labour relations which started before 8 July 2024. Debt forgiveness applies to both Social Security contribution dues and debts accrued up until 31 July 2024, with reduction rates of 90% (for micro/small companies), 80% (for medium companies) and 70% (other companies).
    - *Deadline to enrol*: 24 December 2024.
    - *Payment plans*: Instalment payments vary based on the employer size (28, 16 or 12 monthly instalments with initial upfront payments of 15%, 20% or 25%). The remaining debt will be halved if it is paid in one payment by 24 December 2024.
- *Registration of employment contracts*: Employment contracts are considered registered when recorded in the Tax Authority's systems.
- Amendments to the Employment Contract Act (**ECA**):
    - *Service contracts*: An employment relationship will not be presumed to result from services agreements with individuals issuing official receipts or invoices, regardless of the number of clients or invoices.
    - *Probationary period*: The new probationary period established by law (six months) applies to labour relations started on or after 9 July 2024.
    - *Labour Termination System* (**LTS**): LTS replaces the ECA-based severance compensation with optional new systems established through collective bargaining agreements. Systems may vary by company-type and activity, and must include differential protection for employees dismissed without fair cause.
- LTS must be constituted under one of the following options:
    - *Individual Payment System*: Agreed payments are made directly by the employer to the employee.
    - *Individual or Collective Severance Fund System*: Monthly contributions made by the employer to bank accounts, mutual funds or special financial trusts, which will accumulate for termination situations.

- *Individual or Collective Insurance System*: The creation of a termination insurance through insurers authorised by the National Insurance Superintendency is an optional alternative.

- Independent workers with collaborators
  - Independent workers may engage up to three collaborators simultaneously for specific tasks. Collaborators remain free to work with other clients under similar agreements.
  - This scheme cannot be used to disguise employment relationships.

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Bolivia

Supreme Decree on acquired labour rights elevated to status of law – On 13 November 2024, President Luis Arce Catacora promulgated a law which elevated the Supreme Decree of 16 February 2022 to the status of national law. This Decree established that employers are prohibited from impairing the labour rights acquired by their employees. As such, acquired labour rights are deemed the minimum standards under which employees must perform their duties.

Christmas bonuses – On 29 November 2024, the Ministry of Labour and Employment issued regulations governing the payment of Christmas bonuses for the year 2024. Christmas bonuses are to be calculated based on the average total earnings of the employee over the preceding three months. For blue-collar workers, the calculation is based on the total earnings for the last month worked. Total earnings include all regular, permanent and continuous remuneration.

The Christmas bonus must be paid no later than 20 December 2024. For employees who have worked the entire year, the bonus will amount to one month's salary. Employees who have worked for more than three months but less than 12 months are entitled to a prorated bonus, calculated monthly, in proportion to the time worked.

Payment must be made in cash and the bonus is exempt from any deductions, withholdings, garnishments or discounts. In the event of non-compliance with the payment deadline, or any other form of violation, the employer will be required to pay an additional Christmas bonus, without prejudice to any penalties that may be imposed for a labour law breach.

Employers are also required to submit Christmas bonus payment forms to the Ministry of Labour by 30 December 2024 via the Virtual Procedures Office.

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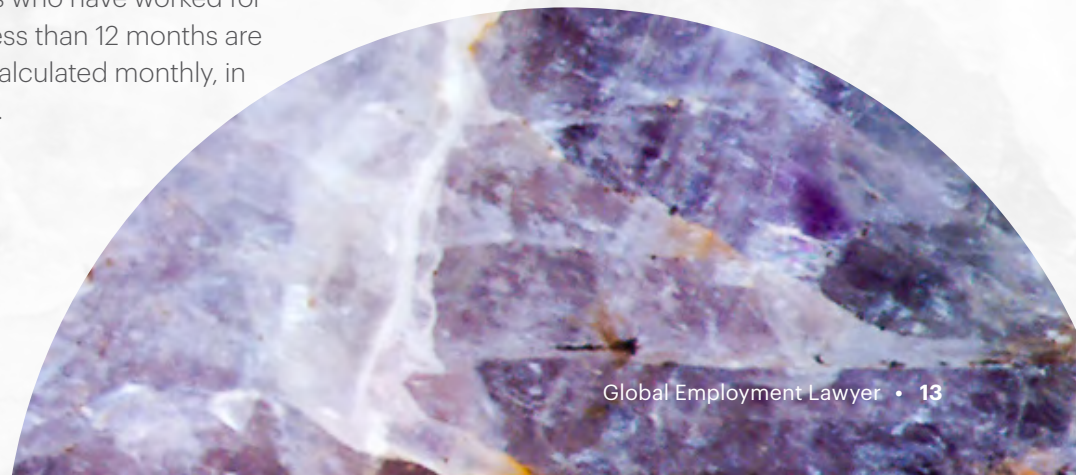

Brazil

Constitutional amendment proposal to end the 6x1 work schedule – In November 2024, congresswoman Érika Hilton (PSOL-SP) presented a Constitutional Amendment Proposal (**PEC**) to end the 6x1 work schedule. The PEC aims to establish a 4x3 work schedule, with four workdays followed by three days off, limiting work hours to eight hours per day and 36 hours per week.

The current constitutional provision sets a maximum workweek of 44 hours and eight hours per day, with the possibility of offsetting through individual and collective agreements. The congresswoman advocates for the change as part of a global movement to reduce and adjust working hours, aiming to balance professional and personal life while improving workers' quality of life and health.

The 6x1 schedule is widely used in sectors such as hospitality, pharmacies and restaurants, as permitted by current legislation, which allows workweeks of up to 44 hours. The proposed PEC could significantly impact these sectors, potentially leading to changes in work schedules and labour practices.

The PEC will still need to be examined by committees in the House of Representatives, being subject to potential amendments during the legislative process, and is a long way from being voted by the Brazilian Congress, as it must pass through several stages and receive approval from the majority of the members.

Gender Perspective Judgment Protocol a year on – In March 2023, the National Council of Justice approved a resolution establishing the Gender Perspective Judgment Protocol to strengthen the fight against discrimination and violence against women. The protocol serves as a standardised guide for judges to evaluate cases of discrimination, moral and sexual harassment. It emphasises viewing these issues through the lens of the female victim's experiences.

Judges are now required to consider the victim's testimony as a critical factor in their decisions, recognising that gender-based violence often occurs in isolation. This perspective aims to address structural barriers and create a judiciary that effectively supports victims while upholding human rights. The protocol is expected to lead to more informed and empathetic judgments, thereby improving the sense of justice in cases of gender-based discrimination and violence.

More than a year after being approved, the effects of the Resolution are starting to be seen in Brazilian Labour Courts, with the number of decisions favouring the victims through the application of the protocol's guidelines steadily rising.

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Colombia

Non-salary bonuses – During 2024, the Supreme Court has made two decisions where it analyses the criteria for determining the salary nature reiterating that, when evaluating whether a payment should be considered salary, the labour judge should not only focus on the clarity and precision of the agreement between the parties (such as a salary exclusion clause) but also on the reality of the payment. Specifically, the judge must assess whether the payment serves as compensation for the work performed. Thus, to determine whether a payment is salary, the following factors must be considered: (i) habituality of the payment; and (ii) proportionality in relation to total income.

Even though, in these rulings, some factors of the bonus were linked to the team's performance, the court concluded that the bonus was compensation for the employee's work. Therefore, it should be considered part of their salary.

These rulings have significant implications for the interpretation of what constitutes salary. Bonuses that depend on the performance and work of a team, even if not explicitly defined as salary in an agreement, can be considered salary if the payment is directly related to the work performed by the employee and is paid regularly. As a result, employers are required to include such payments in salary calculations and must justify any salary exclusion clauses.

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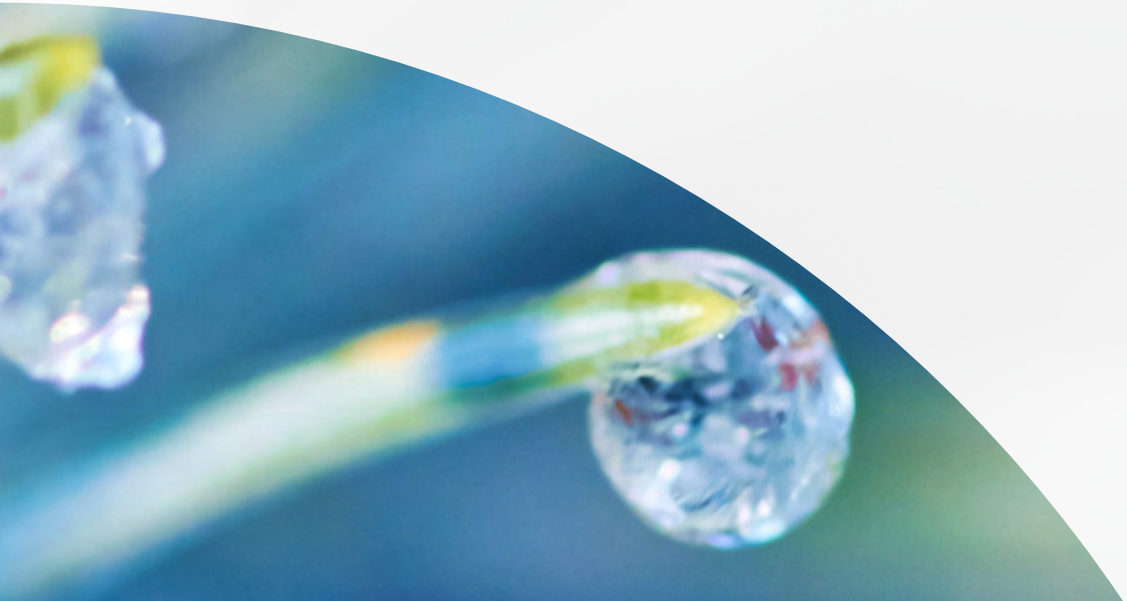

Costa Rica

Protection of employees' rights to bereavement recognised – Costa Rica has made significant progress in protecting employees' rights with the approval of the "Law to Create Paid Leave for the Death of Workers' Relatives, to Protect the Right to Bereavement". This amendment to labour legislation guarantees employees' rights while also allowing employers' compliance with the established legal framework.

With this amendment, the Labor Code will now require employers to grant paid leave to employees in the event of the death of close relatives. Specifically, employees will be entitled to three paid working days' leave for the death of their parents, spouses or children (first degree of consanguinity or affinity). For second- or third-degree relatives (siblings, grandparents, brothers-in-law, sisters-in-law, grandchildren, aunts, uncles or nephews), employees will be entitled to one paid working day of leave.

Medical disability subsidy calculation modified by health insurance regulation amendment – On 1 November 2024, an amendment to the Health Insurance Regulations of the Costa Rican Social Security Administration (**CCSS**) was approved, modifying the method of calculating the medical disability subsidy.

Prior to this amendment, the disability subsidy was calculated based on the salaries reported to the CCSS by employees over the last three months before the disability date. However, according to Social Security authorities, this period was too short and often showed significant variations in the reported amounts between those months.

Now, following the amendment, the subsidy will be calculated using reported salaries for the 12 months prior to the disability date. This change affects only the calculation method, as there are no changes in the obligations of the parties involved i.e. employer, employee and the CCSS.

Constitutional Chamber allows parental leave for same-sex couples – The issue came to the attention of the Constitutional Chamber when it was discovered that current parental leave did not cover situations involving same-sex couples. This gap was brought to light by a claim filed by a woman, whose partner was pregnant. Despite the pregnancy and the imminent birth of their child, the request for maternity leave for the non-pregnant woman was denied by the CCSS.

The Constitutional Chamber ruled that the purpose of parental leave is to protect the family unit and the best interests of the child and, therefore, the leave could not be denied to the appellant (the non-pregnant woman). As a result, the decision granted the appellant a paternity leave for reasons of equity, as this leave is of a shorter duration, rather than a maternity leave, which is specifically intended for the pregnant woman.

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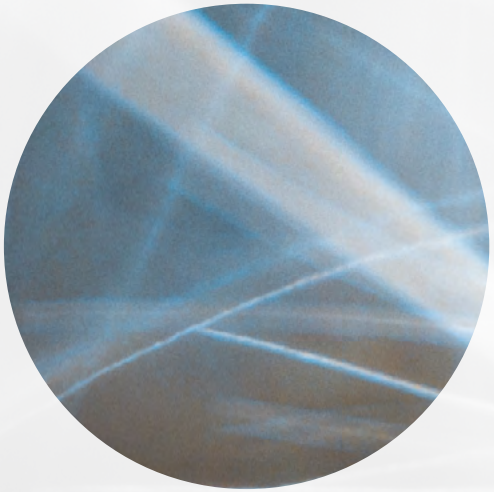

Ecuador

Regulation for breastfeeding support rooms – Effective 12 September 2024, this regulation supports breastfeeding by mandating that workplaces provide safe, hygienic and private spaces for nursing or expressing breast milk during work hours. The regulation covers both public and private sectors, ensuring equal rights for all female workers, regardless of company size.

Guidelines for work authorisation for foreign nationals in the public sector – This outlines the process for obtaining work authorisation for foreign nationals employed in the public sector. Public entities must request new authorisations in the following cases, adhering to the procedures and timelines set by the agreement:

- occasional or renewed service contracts;
- professional or technical service contracts;
- provisional or at-will appointments; and
- institutional role changes or contract modifications.

Labour obligations on workplace safety and health – This agreement regulates safety monitors and technicians, external service registration, employer responsibilities, inspections and penalties in workplace health and safety. Employers must assess risks, implement preventive measures, train employees, provide protective equipment, conduct free medical exams, investigate accidents and maintain updated emergency plans.

Qualified safety personnel are required, with an option to use external services if specialists are unavailable. Prohibited practices include blocking inspections or exposing workers to risks. Violations may result in fines or activity suspensions. The regulation also updates requirements for technical qualifications and risk classification for activities.

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Mexico

Judicial reform takes effect – On 15 September 2024, Mexico's Federal Official Gazette published the "Decree Amending, Adding and Repealing several articles of the Political Constitution of the United Mexican States regarding the Judiciary". This Decree establishes Mexico as one of the few nations globally to allow its judiciary, including Supreme Court justices, to be elected through popular vote, shifting away from a system based on appointments.

The inaugural elections for judges are scheduled to occur in two phases: the first in 2025 and the second in 2027. In the initial phase, among other positions, the nine justices of the Supreme Court of the Nation and half of the judges within the Judiciary will be elected. The Decree mandates that these elections be conducted on the first Sunday of June 2025.

In addition, the Decree stipulates that current justices or judges who do not secure election by the public for a subsequent term shall complete their existing term on the date that the newly elected officials are sworn into office.

Additionally, the Decree introduces substantial modifications, including the:

- structural organisation of the Judiciary;
- prohibition on granting injunctions or issuing judgments with general effects in amparo proceedings that challenge the constitutionality of general regulations;
- imposition of maximum time limits for the resolution of tax and criminal matters; and
- establishment of limits on compensation for judges.

This transformative shift has incited protests within the federal judiciary and could yield significant implications for businesses and international entities operating in Mexico, alongside potential effects on the global legal landscape.

Initiative for labour reform to regulate workers of digital platforms – On 16 October 2024, the current president signed an initiative for reform of the Federal Labor Law aimed at guaranteeing labour rights for workers on digital platforms, such as delivery personnel and drivers.

The proposed reform establishes a new chapter dedicated to the regulation of work performed on digital platforms, including:

- *Severance payments*: The calculation of severance payments will be governed by specific criteria tailored to the unique context of digital platform employment.
- *Profit sharing*: The initiative introduces distinct provisions mandating consideration of workers in the distribution of company profits.
- *Employer obligations*: The responsibility for labour compliance will reside with the individual managing the platform, rather than the end-users of the services provided. This responsibility includes ensuring the timely payment of wages, accurately recording hours worked and issuing weekly pay receipts.
- *Social Security*: Platforms must enrol workers in the Mexican Institute of Social Security and make contributions to the National Workers' Housing Fund Institute.
- *Prohibitions on companies*: Charging workers for registration and other fees is prohibited, as is unjustified restriction of access to the platform, thereby protecting workers' rights.
- *Gender perspective*: Digital platform companies must adopt a gender perspective, ensuring that workers are protected against acts of discrimination and harassment.
- *Regulation of working hours/flexibility*: The time a worker dedicates to the platform will be defined by the worker themselves, granting autonomy in the management of their work time.

This initiative, which is still pending discussion, undoubtedly entails significant costs for compliance with labour and social security obligations for those employers engaged in activities on digital platforms and, therefore, close attention should be paid to its discussion.

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Peru

Amendment to the New Procedural Labor Law – Under an amendment published on 7 November 2024, Justices of the Peace Courts will have jurisdiction over the following matters, provided their monetary value does not exceed 70 Procedural Reference Units (URP):

- non-monetary claims related to the protection of individual rights, except claims concerning union freedom, provided these do not fall under the jurisdiction of Specialised Labour Courts;
- claims challenging disciplinary sanctions other than dismissal;
- cases of employer hostility, such as moral harassment and sexual harassment;
- claims for compensation for damages, regardless of the cause; and
- lawsuits contesting improper withholdings made by the employer.

The Judiciary has 60 calendar days to issue regulations to ensure the enforcement of this new law.

New regulations on tobacco, nicotine and their substitutes – On 12 November 2024, a law was published establishing mandatory provisions for employers, including the following:

- *Prohibition of smoking or vaping*: Employers must enforce a ban on smoking or vaping in workplaces such as hallways, elevators, stairwells, lobbies, shared facilities, cafeterias, dining areas, restrooms, meeting rooms, annexed buildings (sheds) and work vehicles identified as such.
- *Signage requirement*: Employers must place visible signs within the workplace displaying the following message: "Smoking and vaping are prohibited in this establishment as they are harmful to health. This is a 100% smoke- and vape-free environment".

As of now, the regulation of this law is pending publication.

New Directive enhances parental protections – On 21 November 2024, the Directive for the "Oversight of Regulations on the Protection of Maternity and Paternity in the Workplace" was approved.

The Directive aims to establish the technical aspects and criteria to be followed during labour inspection processes conducted by the Labor Administrative Authority. These processes are initiated to protect the labour rights of working mothers, from pregnancy to breastfeeding; working fathers, during the birth of their child; and both parents, in cases of adoption.

The Directive includes protocols for verifying the grant of paternity leave, the implementation of lactation rooms in the workplace, the provision of pre- and post-natal leave, the granting of breastfeeding leave and the reasons for the termination of pregnant workers, among other aspects. Should an infringement be confirmed, a sanctioning process will be initiated based on the number of workers affected by such infringement.

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Uruguay

Special vacation days for women to carry out certain medical tests – A new rule allows women workers to take one day off per year for human papillomavirus tests, pap smears and mammograms.

Extension of benefits in cases of multiple pregnancy – Benefits granted by Uruguay's Social Security Bank have been extended to any case of multiple pregnancy with two or more babies.

Support for employees diagnosed with endometriosis – A new statute addresses the needs of employees diagnosed with endometriosis by allowing them to request flexible work arrangements. Employers can offer options such as working from home, adjusting job responsibilities and implementing other reasonable accommodations. These measures should be based on the recommendations of the employee's doctor and take into account the specific circumstances of the case.

Special leave for employees who suffer miscarriages or stillbirths – Statute recognises the right of employees who suffer miscarriages or stillbirths to special leave for mourning of three business days. Employees who suffer a stillbirth or miscarriage of babies who weigh more than 500 grammes still have the right to maternity and paternity leave.

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Venezuela

New disability legislation – A new law was approved on 4 November 2024 which aims to ensure dignity and equal rights for persons with disabilities. While it does not introduce major legislative changes, it refers to the Special Law on Disabled Workers (enacted on 27 January 2023) for employment rights. Administrative fines can reach up to €1,000 for each offence. Employers must provide specific employee information if requested by the National Council of Persons with Disabilities to identify and trace law violators.

Compensation in a foreign currency must be expressly agreed – The Venezuela Supreme Tribunal of Justice (**STJ**) has ruled since 2018 that workers must prove salary payments in foreign currency as an exorbitant circumstance or fact. In a recent lawsuit, the court decided that, even if a worker shows they were paid in US dollars, this alone does not meet the legal standard. The court explained that employment contracts are executory agreements, whereby each party has outstanding promises to fulfil for the term of the contract. Accordingly, workers must prove there was a clear agreement to pay exclusively in foreign currency.

Quality of life payments may not be considered salary – In a recent decision, the Social Chamber of the STJ upheld a lower court's ruling and confirmed that a "quality of life bonus" is not deemed salary. The ruling clarified that not all payments made by the employer through payroll must be considered salary. Specifically, payment such as travel allowances and the quality-of-life bonus are excluded from being classified as salary, as outlined in the relevant collective bargaining agreement.

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Europe

Czech Republic

Further significant changes expected in the first half of 2025 – A draft amendment to the Labor Code aimed at improving flexibility in employment relations and responding to the current needs and development of the labour market is being debated in the Chamber of Deputies. Expected changes include:

- Longer probationary period:
    - the maximum probationary period will be extended from three to four months (from six to eight months for managerial employees);
    - there is a new possibility of an additional extension of the probationary period during its duration (up to the maximum limit).
- Shortening of the notice period:
    - the notice period will now start on the date on which notice is served to the other party;
    - the notice period will be reduced to one month in the event of termination due to unsatisfactory work performance or breach of legal regulations.
- Employment of child carers:
    - employees returning from parental leave before the child reaches the age of two will be guaranteed a return to the same position and workplace;
    - during the period of parental leave, employees will now be able to conclude an agreement to complete a job or an agreement on working activity with the same employer for the same type of work as in their employment agreement.
- Employment of minors aged 14 and over:
    - minors aged 14 and over, who have not completed compulsory schooling, will now be able to do light work during the summer holidays, provided that it is not detrimental to their health or moral development;
    - the maximum shift for these employees will be seven hours and the maximum weekly working time will be 35 hours.

Other changes include new rules for payment of wages in foreign currency, new rules for the electronic delivery of wage slips and payment of compensation by the insurance company when terminating an employment relationship due to work injury or an occupational disease.

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France

Status of company executives – In France, an executive can have multiple statuses: employee with a contract governed by labour law, a corporate mandate governed by company law, or both. The question of status arises when hiring a manager or promoting an employee. Beyond the legal label chosen by the parties, it is the reality of the executive's responsibilities that is important.

In a recent ruling, the French Supreme Court has reiterated the criteria for distinguishing an employment contract from a corporate mandate, based on the Brussels I bis regulation. Relying on the case law of the Court of Justice of the European Union, it ruled that the legal classification of the relationship between a company and a director depends, in particular, on the latter's capacity to influence the company.

For the Supreme Court, the determining factors are as follows:

- the individual's ability to influence the company. An executive who is able to decide on the terms of his or her contract and who has autonomous control over the management of the company is not considered to be in a subordinate position (employment contract criteria);
- the nature of the tasks performed. The tasks entrusted to the executive must be those usually assigned to a member of a board of directors; and
- the nature of the contractual relationship. The clauses of the contract must be analysed to determine whether they are compatible with an employment contract or rather with a corporate mandate.

It is therefore important, particularly in group of companies where a manager in France may have strong relationships with the parent company abroad, to analyse the reality of the manager's influence, in order to set up the most appropriate legal structure.

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Germany

Electronic form for proof of essential working conditions - The German Verification Act, which came into force in 2022, regulates an extensive catalogue of essential working conditions that must be provided to employees in writing. Compliance with this requirement requires the handwritten signature of the employer. In practice, this requirement has led employers to issue indefinite employment contracts in compliance with the written form requirement in order to provide evidence of the essential working conditions.

From 1 January 2025, it will be sufficient to prove the applicable terms and conditions of employment if the essential terms and conditions of employment can be accessed, stored and printed and the employer asks the employee for a receipt when sending them. This makes it possible, for example, to provide proof in text form and by e-mail, so that the Verification Act can in principle also be complied with in the case of electronically concluded employment contracts. This greatly simplifies administration for employers.

However, this simplification does not apply to companies whose sector or industry is listed in the Act on Combating Illegal Employment (e.g. construction, cleaning). It also does not apply to other statutory written form requirements (e.g. fixed-term contracts, post-contractual non-competition clauses, etc.).

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Code of Practice on determining employment status – The Code of Practice on determining employment status was updated in October 2024 following a 2023 judgment of the Supreme Court. The Code was reviewed and updated by an interdepartmental group comprising of the Department of Social Protection, the Office of the Revenue Commissioners and the Workplace Relations Commission. In its 2023 decision, the Supreme Court had outlined five areas which should be considered in deciding whether a worker is an employee:

- exchange of wage or other remuneration for work;
- personal service;
- control;
- all the circumstances; and
- the legislative context.

In May 2024, the Revenue published detailed guidance after this case for taxation purposes. The revised Code will assist employers in reducing the misclassification risk of employees with consequent risk of employment claims and tax repercussions.

Non-disclosure agreements – From 20 November 2024, non-disclosure agreements (**NDAs**) with employees relating to allegations of discrimination, harassment, sexual harassment and victimisation will be null and void, except if reached through mediation by the Workplace Relations Commission (**WRC**) or where certain conditions are met. Those conditions include that:

- the NDA is in writing;
- there is a 14-day cooling off period;
- the employee requests the employer to enter into an NDA;
- the employee receives independent legal advice in writing;
- the employer pays the reasonable legal costs; and
- the agreement carves out relevant disclosures to specified listed persons including law enforcement.

Employers should consider WRC mediation in appropriate cases and ensure that any compromise agreements entered into in appropriate cases comply with the required conditions.

New rights for pregnant and maternity leave employees who have a serious medical condition – From 20 November 2024, pregnant employees or employees on maternity leave who have a serious medical condition, which poses a significant risk to their life or health (including mental health) and necessitates extended medical treatment, may postpone all or part of their maternity leave for up to 52 weeks. Employers will need to consider amending their policies to reflect the change.

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Italy

Company liability when seconding employees abroad – The Italian association of joint stock companies (Assonime) has addressed the issue of the consequences for employers when an employee who is seconded abroad commits unlawful conduct. According to Assonime, the response differs depending on whether the conduct constituting the offence was committed entirely abroad or partly in Italy.

If entirely abroad, the seconding company can only be held liable under certain conditions, such as:

- presence in the territory of the state of the head office of the seconding company (to be understood as the real and effective management and organisational centre of business);
- a request made by the Minister of Justice, where necessary, in order to proceed against the natural person concerned; and
- the absence of any legal action against the seconding company by the country in which the offence was committed.

On the other hand, if an offence by a seconded employee is committed abroad, but even a minimal part occurs in Italy, it must be considered for all legal purposes as having been committed in Italy. This principle also extends to proceedings involving legal entities. Furthermore, it has been held that an offence can be regarded as committed in Italy if it was planned there.

An offence committed abroad by the seconded employee does not therefore exclude the seconding company's liability and this must be assessed on a case-by-case basis.

In light of this, it is essential for companies to consider the particular perspective of seconded workers, supplementing their internal procedures with specific measures designed to regulate the activity of secondees within company processes, especially if they are posted to non-EU countries. In addition, the seconding company must encourage its subsidiaries to adopt compliance programmes that are appropriate to the host country's regulations, in order to prevent the risk of offences being committed by secondees.

Although Assonime's recommendations do not represent a measure having the force of law, complying with them is certainly an important step in preventing liability of the seconding company when posting their employees abroad.

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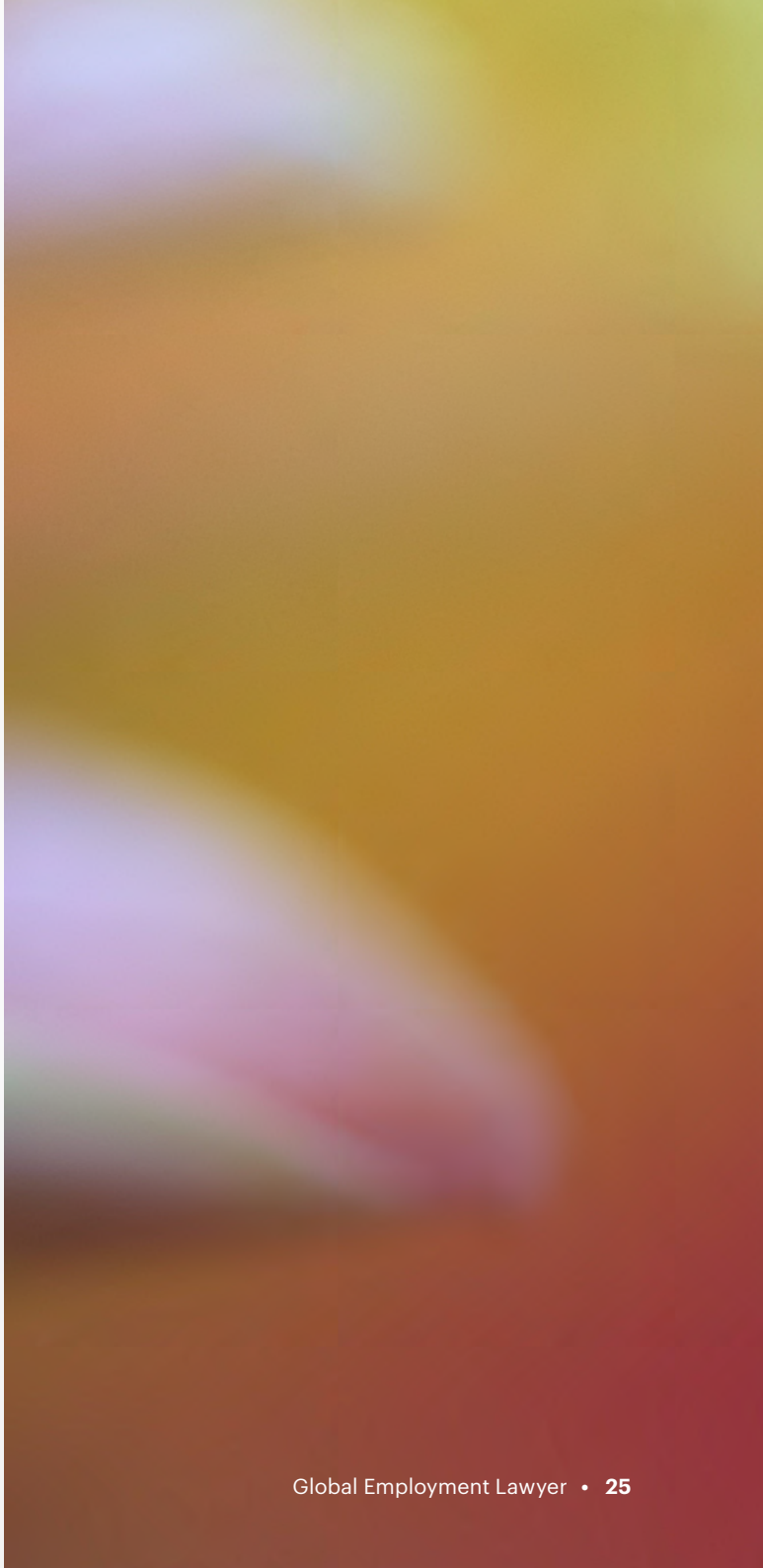

Netherlands

New ESG requirements to collect and report on work-related mobility - A data collection and reporting obligation has been introduced in new Dutch ESG legislation. Employers who employ 100 employees or more (to be assessed on 1 January of each year) are obliged to track and report on the work-related travel and commute of their employees. This obligation came into force as of 1 July 2024. For the first report in 2025, the information of 1 July 2024 to 31 December 2024 must be shared with the Dutch government.

Employers must report on commuting and business trips for which the employee receives an allowance or for which a means of transport has been provided to the employee. This includes trips made by lease or company car, but also trips made by the employee's own car, scooter, motorbike or (moped) bicycle if the employee receives an allowance for those trips. Furthermore, the registration obligation also applies to trips the employee makes by public transport that the employer reimburses (e.g. when using an NS business card or claiming train tickets).

The report must be shared to the Netherlands Enterprise Agency ultimately before 30 June of each year, in relation to the information of the prior calendar year. The report must include:

- the mode of travel, with at least the following categories: (i) public transport; (ii) per bike or on foot; (iii) per moped; or (iv) per motorised vehicle;
- per mode of travel (set out above), the type of fuel used must be reported, including at least: (i) electric energy; (ii) hybrid (electric + gasoline, diesel or hydrogen); (iii) LPG; (iv) CNG; (v) LNG; (vi) gasoline; (vii) bio-fuel; or (viii) diesel; and
- the number of kilometres travelled by employees with each of the above modes of travel and with which fuel type.

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Slovakia

Minimum wage increase – If the new minimum wage amount is not agreed between the employers' and employees' representatives, effective from 2026 the minimum wage for the next calendar year will be automatically increased to 60% (instead of the current 57%) of the average monthly wage in Slovakia. The amendment to the Act on Minimum Wage effective from 15 November 2024 also transposes the EU Directive on adequate minimum wages in the EU (mainly provisions on adequacy of minimum wage and establishment of a commission for minimum wage as the ministry's advisory body).

Obligatory child's sports activity allowance – TEffective from 1 January 2025, an employer's allowance for an employee's child's sports activity becomes obligatory for all employers with more than 49 employees (for other employers it will be voluntary). All other conditions of the allowance remain the same i.e. a request of an employee, only employees whose employment has been continuous for at least 24 months are eligible, amount of the allowance is 55% of the eligible expenses (capped at €275 per calendar year in aggregate for all the employee's children). The allowance is exempt from personal income tax and can be included into tax expenses on the employer's side.

Changes in compensation of business trip expenses – The amendment to the Act on Travel Compensation changes the mechanism of determining the amount of meal compensation and compensation for the use of non-company motor vehicles on business trips, and each change of such amounts will be obligatorily published in the Collection of Acts. It also defines the rules for recognising the costs of electric vehicles and plug-in hybrids used by companies and their employees on business trips and regulates the calculation of the reimbursement for electricity consumed, including in the case of the use of a private vehicle for business travel. The changes are effective as from 1 January 2025.

Re-introduction of the binding force of representative collective agreements – The coverage of employees by collective bargaining in Slovakia will be increased by re-introducing the binding force of representative collective agreements of higher degree to all other companies (and their employees) in the same economic sector. The amount of remuneration for intermediaries and arbiters helping companies and trade unions in the collective bargaining process will be increased. These changes will be introduced from 1 January 2025.

New tax for employers in Slovakia – A new Act on Financial Transaction Tax introduces, with effect from 1 April 2025, a new type of tax to be collected in Slovakia i.e. a financial transaction tax. The subject matter of the tax will be wire transfers of funds including the use of a payment card. The tax rate is 0.4% from the transferred funds, with a maximum €40 per transaction. Even the transactions from foreign bank accounts will be subject to this tax. The tax will apply to the wire transfer payment of employees' salaries, but payments of tax, social security and health insurance deductions are exempt from the tax. The tax rate for cash withdrawal will be 0.8% from the withdrawn cash (no cap applies). This new tax will only apply to companies, branches of foreign companies and individuals, such as entrepreneurs.

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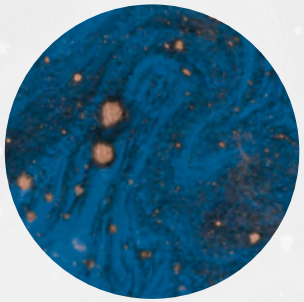

United Kingdom

Fire and rehire – From 20 January 2025, tribunals will have the power to uplift (or reduce) compensation by up to 25% in claims for a protective award, where the tribunal finds that one of the parties unreasonably failed to follow the statutory Code of Practice on Dismissal and Re-engagement.

General workforce consultation – Legislation has long provided that collective consultation is required when an employer is proposing to dismiss 20 or more employees within a 90-day period. Below this threshold, individual consultation with affected employees is essential for a fair dismissal process. However, in a decision last year the Employment Appeal Tribunal introduced a potential new requirement for "general workforce consultation", suggesting that employers should consult broadly with the entire workforce at an early, formative stage, even in small-scale redundancies. The case has now been considered by the Court of Appeal which overruled the previous decision and determined that general workforce consultation is not a prerequisite for fair dismissal in small-scale redundancies. This provides welcome clarity and a return to the previously established status quo.

Employment tribunal time limits – In our last edition we reported on the significant changes contained in the Employment Rights Bill. In a subsequent amendment paper, published on 27 November 2024, the government has proposed a significant change to the time limits for almost all employment tribunal claims. Currently, claimants must file most claims within three months. The amendment extends this period to six months for all claims, effectively doubling the time employees have to raise their claims. As a government proposed amendment, this change is very likely to pass into law in due course.

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Middle East

Saudi Arabia

Labor Law Implementing Regulations amendments – The Ministry of Human Resources and Social Development (**MHRSD**) has announced an update of the Implementing Regulations of the Kingdom of Saudi Arabia (**KSA**) Labor Law, issued by Ministerial Decision. This update follows the recent update to the KSA Labor Law. The updated Implementing Regulations will address topics such as training and training contracts, non-competition, termination, dispute resolution and more.

Increasing the Saudisation rates for health professions – The MHRSD and the Ministry of Health (**MOH**) have agreed to increase Saudisation rates for four health professions in the private sector: (i) radiology (65%); (ii) medical laboratories (70%); (iii) therapeutic nutrition (80%); and (iv) physiotherapy (80%). The implementation will occur in two phases:

- the first phase, starting on 17 April 2025, will apply to major cities and large facilities in other regions; and
- the second phase, beginning on 17 October 2025, will encompass all facilities nationwide.

The MOH will monitor implementation and ensure compliance with the requirements and profession-specific standards.

Temporary work visas and Hajj and Umrah services – The MHRSD has approved updated regulations for temporary work visas and Hajj and Umrah services, to enhance flexibility for the private sector. Key changes include expanding eligibility for temporary work visas, renaming seasonal work visas, extending the grace period, detailing procedures, mandating employee rights, introducing a chapter dedicated to penalties, simplifying the process and extending visa duration. These amendments will take effect 180 days after approval on 10 May 2025.

Resolving labour disputes – The MHRSD has announced a new process for resolving domestic labour disputes. Starting from 3 October 2024, individuals seeking legal action for such disputes must first file a complaint through the MHRSD's website. The MHRSD will then attempt to mediate a settlement between the parties involved. If an amicable solution cannot be reached, the case will be referred to the labour courts of the Ministry of Justice for adjudication. This change aims to streamline the dispute resolution process and clarify the roles of different government agencies. The MHRSD will handle the mediation and settlement phase, while the labour courts will oversee the judicial process. This approach is intended to protect the rights of all parties involved and contribute to a more stable and attractive KSA labour market.

New insurance product – The MHRSD and the KSA Insurance Authority have launched an insurance product to protect expatriate workers in the private sector. This product by the KSA government ensures that workers receive their due payments, including wages and potential return tickets, even if their employer defaults. The insurance is provided by insurance companies in KSA and covers a worker's entitlements as per the policy terms and conditions. The programme will pay the employee if their employer fails to do so after six months and covers up to SAR17,500 in unpaid wages and entitlements per month. The programme does not apply to government workers, domestic workers or other specified categories of workers. Workers can apply for compensation after completing a form and providing documentation. If an employee files a compensation claim, the employer will be notified and given 10 days to object. If no objection is raised, the employee will be compensated and the insurance company will seek reimbursement from the employer.

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Turkey

New workforce regulation – Effective 15 October 2024, new workforce regulation introduces key amendments for foreign employees and media professionals:

- foreign journalists with permanent-press cards and Presidential Communications Directorate approval are now exempt from work permits, simplifying the process and reducing delays;
- foreigners can now apply for a work permit exemption while they are legally in the country. Previously, they had to apply within 30 days of arrival. This update provides more flexibility for foreigners and helps employers by streamlining the hiring process; and
- up to three-year residency (previously six months) now offered to foreigners contributing significantly to the economy, culture, technology or education, aimed at attracting skilled individuals and driving growth.

Enhanced criteria for evaluating work permits – As published on 1 October 2024, the criteria for employment, financial adequacy and wage in work permit evaluations have been updated by the Ministry of Labor and Social Security, with new regulations introduced based on specific sectors, professions or job roles:

- until 1 January 2025, it was sufficient for businesses to have at least TRY100,000 as paid-in capital or TRY800,000 as gross sales, or US$150,000 as export amount;
- as of 1 January 2025, certain workplaces operating under the balance sheet principle must meet at least one of the following criteria: (i) have a paid-in capital of at least TRY500,000; (ii) net sales of at least TRY8 million; (iii) or exports amounting to at least US$150,000. For newly established workplaces, the paid-in capital must be at least TRY500,000;
- companies must employ five Turkish citizens per foreign employee. However, for businesses with net sales of at least TRY50 million last year, this rule is waived for up to five foreign employees, easing hiring for larger firms;
- employers must now pay higher salaries for foreign employees based on their positions (whether a senior executive, pilot, engineer, architect, other managers, jobs requiring expertise or mastery, household employees or other roles) as per the determined thresholds;

- exceptions to employment, financial adequacy and wage criteria are defined for certain groups;
- sector-specific rules have been updated for industries like IT, education, aviation, high-tech, healthcare and tourism. For instance, in some IT workplaces and roles, fulfilling of employment and financial adequacy criteria is not required; and
- financial and employment criteria are regulated for work permit applications for foreigners opening a new business or becoming a partner. However, these criteria do not apply if the foreign partner's capital share is at least US$100,000.

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United Arab Emirates

Potential amendment to the Abu Dhabi Global Market Employment Law – In September 2024, the Abu Dhabi Global Market Authority (**ADGM**) unveiled proposed amendments to the ADGM Employment Regulations 2019, inviting public feedback on these significant changes. If approved, these updates are expected to take effect in the fourth quarter of 2024.

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North America

Canada

Mandatory new vacation pay requirements in Ontario – In Ontario, employers are now required to specify in employment agreements how vacation pay will be paid, if it is not paid as a lump sum prior to the start of vacation. As most employers pay vacation pay in the form of continued salary while an employee takes their corresponding vacation time, employment agreement templates for new hires should be amended to ensure compliance. For existing employees, the easiest fix is likely through an updated vacation policy, although legal assistance should be sought in that regard.

This is also a good time to remind employers of some of the following key principles of vacation pay in Canada, including the following:

- all employees have a right to statutory vacation time and vacation pay, depending on their length of service;
- vacation time and vacation pay are separate and distinct entitlements;
- statutory vacation pay can never be waived by the employee. If it is not used, it must carry forward until it is paid out; and
- vacation pay is calculated as a percentage of wages.

It is also important for US-based employers to note that US-style PTO (paid time off) policies rarely meet the requirements of Canadian legislation.

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United States of America

Federal court blocks new overtime rule – A recent US Department of Labor (DOL) rule raised the minimum salary thresholds at which certain white-collar employees are exempt from minimum wage and overtime pay requirements under the Fair Labor Standards Act.

The rule included the following increases:

- Effective 1 July 2024:
    - minimum salary increased from US$684 per week to US$844 per week;
    - highly compensated employee (HCE) exemption increased from US$107,432 per year to US$132,964 per year.
- Effective 1 January 2025:
    - minimum salary increases from US$844 per week to US$1,128 per week; and
    - HCE exemption increases from US$132,964 per year to US$151,164 per year.

On 15 November 2024, a federal court vacated the rule nationwide holding that the DOL exceeded its authority. Therefore, the 1 July 2024 increases are now nullified and revert to the previous thresholds. The 1 January 2025 increases will not take effect.

The DOL can appeal the decision but, with the incoming Trump administration, an appeal is unlikely and the DOL may even repeal the rule entirely. Employers who previously adjusted employee salaries and exemption status due to the 1 July 2024 increase should seek counsel on how to move forward.

Changes in labour law enforcement – The National Labor Relations Board (**NLRB**) (the agency responsible for enforcing US labour law) has recently issued several administrative decisions and memorandums which significantly alter the application and enforcement of various labour laws. Examples include:

- Banning captive audience meetings:
    - Captive audience meetings occur when an employee is required to attend a meeting wherein the employer expresses their views on unionisation.
    - A recent NLRB decision banned mandatory captive audience meetings regardless of whether the employer supports or opposes unionisation.
    - the NLRB ruled that such meetings constitute an unfair labour practice.
- Enforcement of non-compete provisions:
    - The NLRB General Counsel (responsible for investigating and prosecuting unfair labour practices) issued a memorandum taking the position that non-compete agreements in employment contracts violate US labour law except in limited circumstances.
    - NLRB administrative judges have relied on the memorandum in refusing to enforce overly broad non-compete and non-solicitation provisions.

The incoming administration is expected to appoint a new General Counsel and NLRB board members. As such, employers can expect reversal on many of these recent changes. Employers should pay close attention and seek counsel regarding new decisions and guidance from the NLRB.

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In conversation with...

Roberto Ramiro is a Partner at Puyat Jacinto Santos Law (a member of Dentons) in the Philippines. He currently heads the Labour and Employment team and is also heavily involved in conflict resolution. Roberto is an arbitration practitioner, handling domestic and international commercial arbitration cases. In addition, he also has extensive experience in our Infrastructure and Energy practice having led several big-tickets transactions from conducting pre-feasibility studies, project developments, and preparation/drafting of contracts.

What excited you about joining Dentons?

I am truly excited about the global opportunities and possibilities that come with joining Dentons. Being part of the world's largest law firm opens doors to a diverse range of cross-border engagements and access to useful resources that can elevate our practice.

You provide regular support to clients in a range of industries. Are there any recurrent themes or patterns that stand out?

Yes, I have noticed a trend relating to greater emphasis on mental health and environmental sustainability in the workplace. For mental health, the openness and honesty of employees on this subject contributes to the development and growth of workplace management. For environmental sustainability, clients have been placing greater emphasis on the environmental impact of their actions, operations, and management.

What are you currently focusing on?

I'm currently focused on growing our labour and employment practice further. I'm also assisting in the development of policies which impact specific working classes in the industry.

What developments do you expect to see in the world of work in the near future?

Like everyone else, I've been seeing increased use of, and reliance on artificial intelligence, and it seems that legislation and policy have yet to keep pace on artificial intelligence regulation.

What do you enjoy doing outside of work?

I've recently taken up golf. I'm aiming to break 100 next year - wish me luck!

News And Events

Safe Company certification for Dentons Paz Horowitz

We received Ecuador's "Safe Company" certification in November 2024, recognising our leadership in gender equality and zero-tolerance for violence against women. This honour positions us as pioneers in promoting workplace safety and equality, both internally and nationwide.

Dentons Australia national Employment & Safety expertise complimented with addition of Partner Jackie Hamilton and two special counsel

In October 2024, Dentons' national Australian Employment & Safety expertise elevated threefold, with the addition, from Holding Redlich, of Partner, Jackie Hamilton and Special Counsel, Lara Hues and Christie Toy to its Brisbane office.

Between them, Jackie, Lara and Christie have vast experience in public sector employment law, spanning some 50 years that has been acquired during their employment at both Crown Law and Holding Redlich. Over this period, they have worked exclusively in advising and representing State Government departments and entities in employment matters and will bring a wealth of knowledge to Dentons.

Australian Events

- AI at Work: Examining the Risks & Rewards for Employee Engagement, Workplace Relations & Compliance: Hosted in the Sydney office by Persephone Stuckey-Clarke, this roundtable event provided clients a thorough and accessible exploration of the realities of AI adoption, including the risks and benefits, for the workplace.
- HRD Employment Law Masterclasses: The national team spoke at the annual HR Summit across the country on "Staying in the loop – key changes to the Closing Loophole Acts" in November. These Employment Law masterclasses were attended by HR professionals across various sectors.
- HR Hacks: Thriving and Surviving in the Modern Workplace: 30 mins with Dr Stephanie Wescott and Professor Steven Roberts - In this episode of HR Hacks, Dentons Employment & Safety and Accredited Specialist in Workplace Relations Partner, Paul O'Halloran speaks with two researchers from Monash University, Dr Stephanie Wescott and Professor Steven Roberts about their recent published research into influencer Andrew Tate. Their publication "The problem of anti-feminist 'manfluencer' Andrew Tate in Australian schools: women teachers' experiences of resurgent male supremacy" explores the recent trends of sexual harassment, sexism and misogyny towards female teachers from boys in schools.
- IR Insights webinar series: This monthly webinar series offering tips, tricks and insights on a range of current topics. This quarter's topics are "Restraints of Trade & Misuse/Trespass of Confidential Information/Intellectual Property " (23 October 2024), "The Gender Pay Gap – Trends, Traps and Opportunities" (27 November 2024) and "Year in review - What we learnt and what is yet to come" (18 December 2024). These are now available via podcast – please view here https://www.dentons.com/en/insights/podcasts/dentons-ir-insights-podcast-australia. Please contact us if you want to join the invitation list.

Bolivia hosts series of workshops

Throughout the last week of November 2024, the Employment and Labour team hosted a series of workshops for its clients, focusing on strategies for managing human resources and retaining talent during an economic downturn, such as the one Bolivia is currently facing. Juan Larrouy, Senior Partner at Dentons Rattagan Arocena in Buenos Aires, Argentina, joined the sessions to share his insights and experience. Juan discussed the key challenges that employers encountered during previous economic crises, the strategic advice provided by Dentons to navigate these challenges, and how companies have successfully managed to overcome them. His contributions were invaluable and enriching for both the employment and labour team and the clients in attendance.

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