



## A GLOBAL GUIDED TOUR FOR US MULTINATIONAL EMPLOYERS: **TOP TAKEAWAYS FOR YOUR COMPANY TO ACTION NOW CHECKLIST**

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The pandemic has posed unprecedented challenges for US multinational employers. In addition to keeping employees safe and maintaining business continuity, it is difficult to keep track of the rapidly changing legal environment for employers both in the US and beyond. Given the complexity, the goal of our tour was to help employers understand the major trends shaping the future of work in different areas of the world and to provide an update on key legal changes.

This checklist provides the top 3 to-dos for each jurisdiction included on our tour to help you prioritize where to focus your attention.

Click on the region to quick jump to the page.



# The Americas

**Key Americas trends:** hyperpolarized political climate; quickly evolving health and safety rules; economic challenges aggravated by the pandemic; and increased concerns with data protection and security.

## CANADA

- ✓ Keep up with changing return to work, occupational health and safety and other COVID-related laws (Follow our blog: [Canadian Labour and Employment Law](#))
- ✓ Update employment agreements (particularly termination provisions) for compliance as we're seeing an uptick in employee-friendly decisions from adjudicators (Read more [here](#) and [here](#))
- ✓ Review independent contractor relationships (Read more [here](#))

## COLOMBIA

- ✓ Comply with temporary Work From Home Act, which requires employers to provide notice to employees and labor risks administrators (Read more [here](#))
- ✓ Anticipate the termination of the sanitary emergency by August 31, 2021 and revisit the terms of the teleworking regulations
- ✓ Update payroll systems to implement electronic payroll requirements (Read more [here](#))

## ARGENTINA

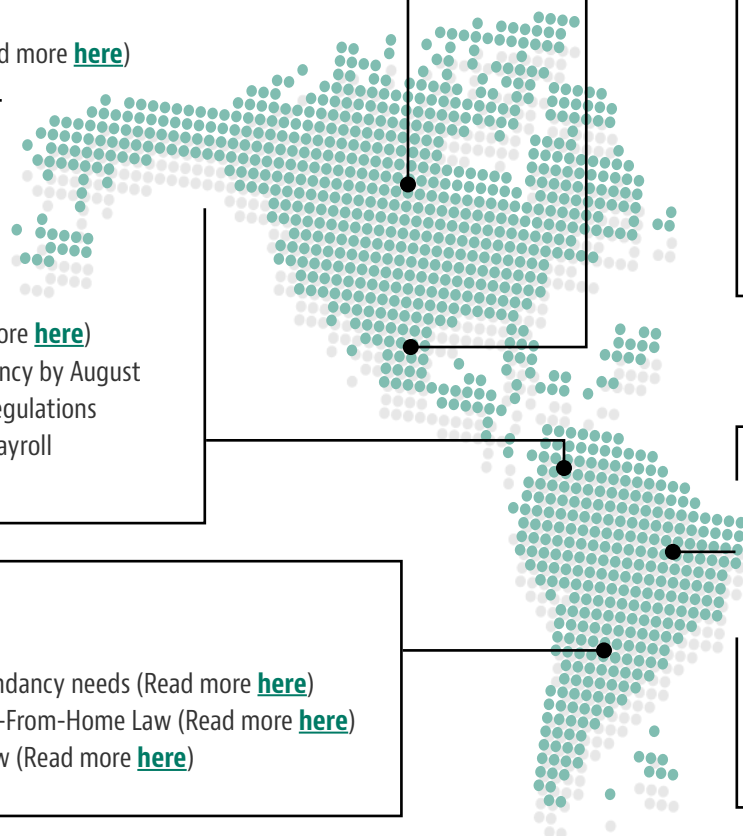
- ✓ Seek alternatives to deal with restructuring/ redundancy needs (Read more [here](#))
- ✓ Implement changes to comply with the new Work-From-Home Law (Read more [here](#))
- ✓ Comply with recent changes to data protection law (Read more [here](#))

## MEXICO

- ✓ Comply with the new teleworking regulations for remote work (e.g. formalize the arrangement in writing, provide required expense reimbursements, and more) (See more [here](#) and [here](#))
- ✓ Verify compliance with rights of freedom of association, collective bargaining and other labor rights under the USMCA (See more [here](#))
- ✓ Comply with the new subcontracting regulations (See more [here](#) and [here](#))

## BRAZIL

- ✓ Revisit terms of the employment engagement documents considering the new and current reality (Read more [here](#))
- ✓ Revisit HR related practices and provide training, in view of the pending antitrust investigation (Read more [here](#))
- ✓ Review data processing practices in view of new data protection law (Read more [here](#))



# Asia Pacific

**Key APAC trends:** increased focus on employee mental health and well-being; greater emphasis on equal pay for equal work; sexual harassment complaints continue in wake of the #MeToo movement; tightening of immigration rules to protect local workforces.

## CHINA

- ✓ Be aware of an increased focus on sexual harassment prevention (Read more on the new Civil Code effective January 1, 2021 [here](#))
  - Draft company policies
  - Provide training for management and the general employee population
  - Designate anti-harassment personnel
  - Set up channels to receive complaints
  - Implement complaint handling procedures
- ✓ Include appropriate personal data language in employment contracts or other documentation
- ✓ Review the concrete, documented steps taken to protect confidential information in light of the new guidance on trade secrets (Read more [here](#))

## PHILIPPINES

- ✓ Review the 2020 guidelines for private sector workplaces to establish a mental health workplace policy and program (Read more [here](#))
- ✓ Adhere to the Safe Spaces Act (implement an anti-sexual harassment policy and form a committee on decorum and investigation)
- ✓ Follow the DOLE advisory on release of final pay and certificate of employment requirements (Read more [here](#))

## JAPAN

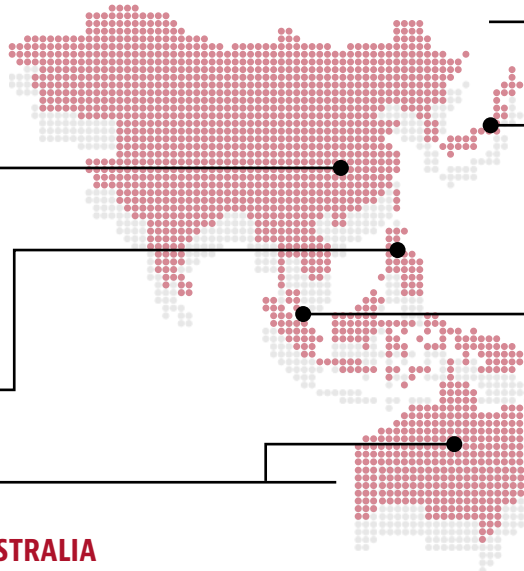
- ✓ Know that equal work for equal pay continues to be a hot topic — review treatment of fixed / part-time employees (Read more [here](#))
- ✓ Revisit policies and training, and grievance and investigation processes, in relation to power harassment as well as sexual harassment (Read more [here](#))
- ✓ Keep an eye on the Promotion of Female Participation and Career Advancement / elderly employees employment (Read more [here](#))

## SINGAPORE

- ✓ Understand that the Singapore government has reiterated that employers should consider locals for job openings and maintain a strong Singaporean core. This is reflected in the tightening of immigration policies as well as inclusion of an express guideline to maintain a strong Singapore core in managing excess manpower (Read more [here](#))
  - Review workforce composition and requirements
  - Review hiring policies
  - Be prepared for a longer application process for work passes for foreigners
- ✓ Note the rising number of discrimination and breach of fair consideration complaints. In general, there is greater scrutiny by labor authorities and agencies
- ✓ Review the Tripartite Advisory on mental health and well-being at workplaces released on November 17, 2020 (Read more [here](#))

## AUSTRALIA

- ✓ Monitor home working hours and ensure remote workplaces are safe (Read more [here](#) and [here](#))
- ✓ Conduct training for your officers on whistleblowing obligations and rights (Read more [here](#))
- ✓ Have and give good reasons for terminating employment; document continuing conduct and performance issues and give clear warnings



# Europe

**Key European trends:** EU proposal on pay transparency; focus on the gender and ethnicity pay gap; new whistleblowing directive; digital transformation in HR; new remote work regulations.

## FRANCE

- ✓ Be sure to consider alternatives before any workforce reduction
- ✓ Pay attention to compliance / diversity issues and gender pay quota reforms
- ✓ Revisit work from home policies / employment terms (employment agreements may need to be updated if the place of work is changed permanently; be mindful of working conditions regulations regarding remote work, e.g. working time limits)

## SPAIN

- ✓ Comply with new provisions governing equality plans, transparency and equal pay (Read more [here](#))
- ✓ Watch for trend guaranteeing employment rights for the individuals working in the delivery end of digital platforms (independent contractor classifications)
- ✓ Adhere to new regulation on remote working (Read more [here](#))

## UK

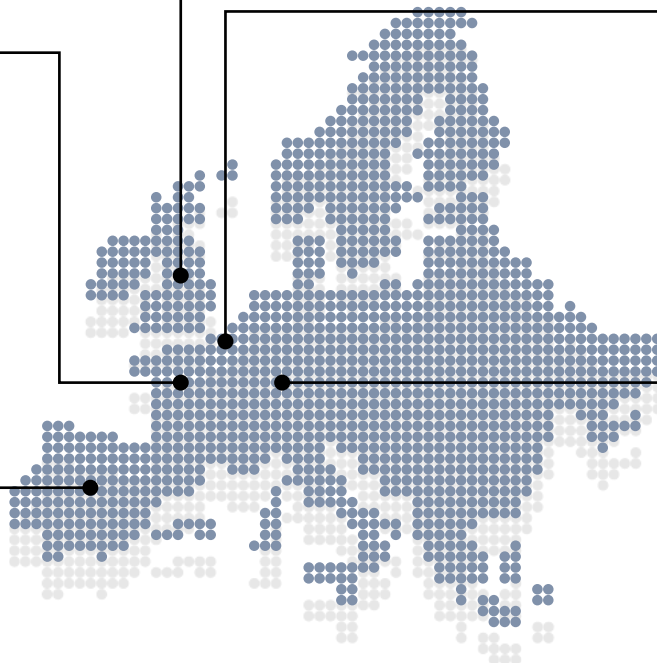
- ✓ Audit workforce contracts and policies
- ✓ Keep attention on inclusion and diversity issues — be proactive rather than reactive (Read more [here](#))
- ✓ Risk assess contingent worker misclassification (Read more [here](#) and [here](#))

## NETHERLANDS

- ✓ Take caution regarding increased litigation concerning bullying allegations (Netherlands Institute for Human Rights)
- ✓ Comply with mandatory offer of fixed hours for on-call workers after 12 months
- ✓ Revisit working from home policies and arrangements in employment contracts

## GERMANY

- ✓ Monitor expected legislation to implement the European Working Time Directive into binding national law (in particular with regard to documentation requirements)
- ✓ Evaluate compliance with new legal requirements on the remuneration of Executive Board members in listed companies
- ✓ Watch out for recent and upcoming case law re work from home (e.g. health and safety requirements, insurance coverage, etc.)



# Middle East and Africa

**Key MEA trends:** increased focus on inclusion and diversity (compliance, gender-based violence and harassment, and black economic empowerment); COVID-related labor issues (remote work and data privacy, vaccination policies, and workforce reductions).

## TURKEY

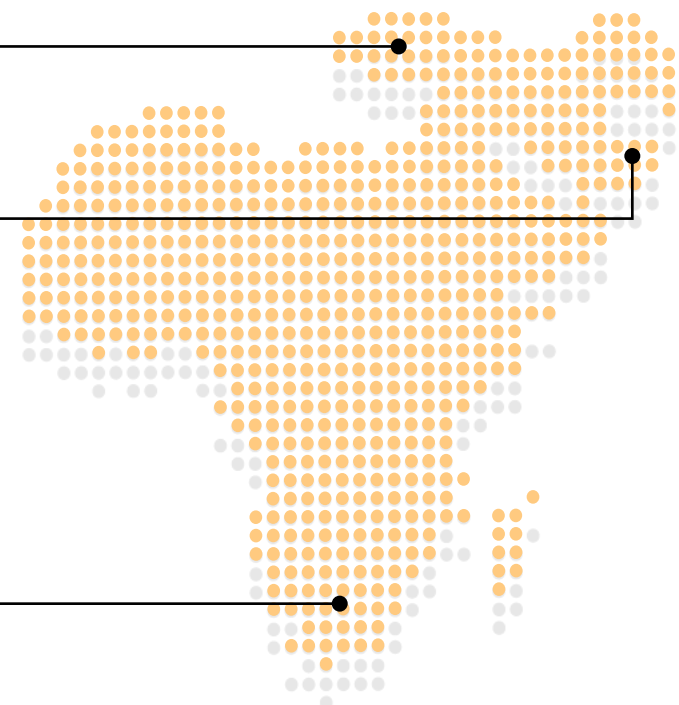
- ✓ Comply with the requirements of the regulation on remote working (Read more [here](#))
- ✓ Closely monitor vaccination processes; abide by the rules regarding processing of health data
- ✓ Keep an eye on the termination ban and preferably use mutual termination agreements to minimize risks

## UNITED ARAB EMIRATES

- ✓ Prepare return to work and flexible working policies
- ✓ Implement workplace vaccination policies
- ✓ Review inclusion and diversity policies and monitor compliance with local laws (Read more [here](#))

## SOUTH AFRICA

- ✓ Conduct due diligence around current data protection and privacy programs to ensure compliance with law on storage and protection of employee data (Read more [here](#))
- ✓ Limit avoidable legal risks associated with limited term employment contracts (Read more [here](#))
- ✓ Ensure compliance with workplace violence and harassment codes and assess policies around violence committed outside the workplace (Read more [here](#))





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