



# Dernières nouvelles

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### COMMENT: Building a CV

There is a lot of advice available for anyone wishing to design and put together a curriculum vitae (CV) – but very little for someone completing their education or starting their career on how to build up a good CV to secure eventually their dream job.

So much will depend on how ambitious an individual is – but here I shall assume they want to get to a senior position in a private sector, multinational organisation. There are those who want careers in medicine, the clergy, or even government (if they choose to retire early and pretend they are working), and for them I can offer little advice except “never get caught”. Let’s start at age 18 (or thereabouts).

Yes there are people who have been successful in recent times without first obtaining a degree, but most of those are entrepreneurs. If you want to start your own business, formal education can actually be a

hindrance rather than a help, as what you need is to think differently from other people, not the same as everyone else. But in the corporate world a good degree is essential – a necessary, but not sufficient, starting point for success. But at age 18 there are so many key decisions that youth and inexperience leave a person ill equipped to make. Taking the advice of others can be equally dangerous – unless the advice is to research the kind of fields that naturally interest the individual and follow a degree that leaves them with the greatest longer-term options. Some degrees will always be a sound decision – like mathematics or the law – others (like sociology, classics or a first degree in business studies) will be a lot more risky.

Which universities will make an offer is often not in a person’s control – except it may be better to repeat a year of studies rather than accept a lowly institution. Universities

specialize and may not be, in the worst case, entirely worthless institutions in the subject that a person has chosen. But generally there is no substitute for a “blue chip” institution or at least those ranked in a country’s top third of academic bodies. Of course, a bad choice can turn into a good one if the institution later grows in reputation and that lowly degree takes on another complexion. Likewise, a chance to study abroad is much respected in many countries such as China and India. Even in Europe a non-German scholar would do well to attend a German university if they got the chance.

Grade of degree used to be all important when – under the GPA or English classification systems – top grades were rare. Now after an era of general slippage in standards it is difficult to determine academic brilliance. If intelligence was evenly distributed in a population, then its academic elite would naturally account for 12–15% of the population. But in many advanced economies today, over 40% of an age cohort attends university. This will inevitably reduce standards as the more brilliant student will have to be taught at the pace of the duller ones. The answer for some Polish and Canadian students whom I have employed, or interviewed, is to study at the same time for two degrees – although to do so can dangerously raise stress levels and affect mental health throughout an individual’s subsequent career.

So what about the dos and don’ts of post-graduate life and how to get that killer post that sets a CV on fire for the rest of its progression? That will have to wait until my next fortnightly comment piece.

## **INDIA: Cutting employee benefit costs**

The Indian government is trying to ease the burden on employers and make the country a more attractive place to invest. One proposed move in this direction is a reduction of the employers’ contribution to the Employee Provident Fund from 12% to 10%. This will be discussed at a forthcoming meeting of the Central Board of Trustees of the national fund.

Prime Minister Narendra Modi has also had second thoughts about the new maternity allowance for working mothers. The government’s 2017 budget set its own contribution at only 17% of the costs of the benefit relative to all working mothers. The reason for this is probably that around 85% of working mothers are either not in work or work in the informal sector and do not therefore qualify for paid maternity leave. Nevertheless, it has now been decided by Modi’s Cabinet to restrict the benefit to mothers on the birth of their first child.

Although the unrepealed Maternity Benefit Act 1961 entitles women to be paid in full whilst on maternity leave, the government is restricting its own contribution to Rs5,000 (US\$77.35), paid in three installments. Arguably women had superior benefits to that prior to the latest legislation – as the National Food Security Act 2013 entitled them to Rs6,000 (US\$92.81). Although all employers with 10+ employees in the formal sector will be obliged to pay the new maternity benefit for 26 weeks, it is likely to be a very different outcome in practice, with women finding it harder to obtain employment or offered minimal benefits when maternity leave is taken.

## INDIA: Regeneration of trade unions

Recent dismissals and retrenchments (redundancies) in India's IT service sector has led to the growth of specialist sector unions such as the 'Forum for IT Employees' and the 'New Democratic Labour Front'. These unions are backing legal challenges to lay-offs, especially when they are based on potentially false reclassifications of employee performance scores or by ignoring the "last in, first out" retrenchment rule.

The IT sector in India employs around 4.5 million people and its turnover is US\$150bn. However, cuts in outsourcing budgets and tighter immigration policies in western countries are undermining this heavily export-orientated sector. Ironically, too, companies in the USA, UK, Australia, and Singapore are automating many lower-level IT jobs and reducing stand-alone solutions in favour of new cloud-based systems. Major Indian IT companies are also maturing into true multinationals and employing greater numbers of people in the countries where they operate – rather than rely on Indian-based workers.

What unions and the courts find hard to appreciate is that however well an individual performs, if the demand for their skills begins to dwindle then the acquisition of new – or higher level – skills may be hard to achieve and seldom gained quickly. It may be cheaper and quicker to hire those who are more suitably educated or already trained. But many employers are unprepared for IT employees to be represented by trade unions. Labour relations has never been a big concern across the industry and collective bargaining has not been the basis for setting pay or determining working conditions. However, Article 19 of the Constitution of

India gives every employee the right to belong to a union, and the Trade Union Act 1926 gives unions a right to represent their members and bargain with employers on their behalf. A question too about whether it is lawful for employees to join or form unions in the IT sector was recently resolved by a response to a petition to the government of Tamil Nadu. They confirmed that union organisation at a company level is lawful – which means, of course, that they may organize strikes in accordance with the Industrial Disputes Act 1947.

The emergence of trade unions in the IT sector moves against the general downward trend in trade union membership and influence. Although there are officially 20,000 trade unions in India, they account for less than 15% of the workforce. Trade union leaders no longer have a strong voice in political affairs and are often ignored in news reports. But just like the emergence of women and white-collar workers to dominate unions in Western Europe, new sectors are opening up to Indian unions. One task being encouraged by state governments is the organisation of informal workers. If unions can tap into this vast, poorly paid group and give them a voice, their popular and political standing would increase substantially.

## NAMIBIA: Twin track economy

Namibia's economy expanded by only 0.2% last year, largely because of drought and the sharp downturn in the construction and commodities sectors. Unemployment is consequently running at 30.3% in urban areas and 39.2% in rural areas.

However, things are not entirely how they appear. Recent offshore gas and oil exploration has already located a large gas

field and the USA is currently looking for a location for an expanded embassy. 5% of Namibia's population are already Chinese nationals and Namibia has China's only space tracking station in Africa. Most importantly of all, Namibia has the second largest uranium mine in the world, a facility owned and run by China. A rapidly expanding port in Walvis Bay is also Chinese-owned and serves a vast hinterland that will become more urbanised in coming years. The west too is taking a close interest in the country, with its stock exchange already trading stocks in BAT, Anglo American, and Barclays Bank.

Over 30 years ago China helped Namibia's nationalist movement gain independence from South Africa and the relationship since then has been called "all weather friends". But what is developing is so typical of the third world – a twin track economy where external investment is favouring a small political elite and barely touching the population. When Husab Uranium Mine reaches full production next year, Namibia's economy will grow by 5%. It remains uncertain, however, whether unemployment in its native population will decline.

## **SRI LANKA: Economic renaissance**

Sri Lanka's economy has long depended on remittances from its diaspora working in mainly unskilled and semi-skilled jobs around the world. However, demand for such personnel – especially in the Middle East – is falling and this is already being reflected in the country's trade deficit, which widened sharply from US\$548m to US\$743m over the year to February 2017. The importance of overseas remittances is so important that Sri Lanka has its own Minister of Foreign

Employment – Thalatha Atukorale. Cognizant of the growing crisis, she has recently been visiting countries in the Far East with potentially higher demand, such as South Korea. Sri Lanka Foreign Employment Bureau has also been seeking to streamline its services and win favour with foreign governments by introducing stricter checks to ensure that its workers do not overstay in their host country after their contract ends.

Fortunately for Sri Lanka its strategic importance in one of the world's busiest sea lanes has recently made it the focus for rivalry between China and India. India has long neglected its smaller neighbour and deep suspicions persist on both sides over issues of economic cooperation. This again came to a head in April when employees of the Ceylon Petroleum Corporation went on strike about the development of a part-Indian-funded oil farm. Relations with China and the USA have also posed a difficult balancing act, especially given its increasing reliance on Chinese investment for Colombo Port City and other major projects.

The answer for Sri Lanka could be to significantly improve its graduate manpower levels. However, although 61% of students qualify for university entrance each year, only 17.2% of them gain admission. There is not only a dearth of university places, but increasing graduate unemployment is making more students from poorer backgrounds seek jobs in the private sector without undertaking university studies. The mismatch between university courses and employer demands is further encouraging this trend. Throughout the educational system, a low emphasis on English language skills is having a huge impact on the



country's potential to trade successfully and take advantage of its strategic position.

A case in point is Sri Lanka's newly regained duty free access to the European Union after a seven-year hiatus. This will mainly benefit the country's leading garment export industry, but longer term it could offer an opportunity to attract overseas manufacturing investment. One way to achieve this is through 'collaborative robots' being pioneered by several companies such as Ceylon Biscuits Limited. These allow huge productivity gains through robots working alongside humans and performing major lifting and precise positioning operations.

## **SWEDEN: Policing the workplace**

Sweden's Justice Ministry is clamping down further on the employment of illegal foreign workers by giving additional powers to the police to undertake random raids on workplaces. The extended role for the police is necessary because the Immigration Ministry does not have its own inspectors. However, the police will only focus their raids on high-risk sectors such as hospitality and cleaning.

This change will require an amendment to the Aliens Act (2005) and public consultation will be open until the 28<sup>th</sup> of July 2017. If passed by parliament, the new powers will become effective on the 1<sup>st</sup> of March 2018. New penalties will also be introduced with fines of up to 89,600 Skr (US\$10,300) per illegal employee for longer violations and imprisonment of up to one year for employers who are persistent offenders. Police checks on migrants in Sweden have long been on the decline. There were just 19,000 last year and over 12,000 people are currently being sought by the

'Migrationsverket' (Migration Agency). The denial of food and lodging to those who have their asylum applications rejected is driving more illegals underground and the police fear this could be leading to exploitation by unscrupulous employers as well as greater gang-related crime.

## **UNITED KINGDOM: EU drivers beware**

UK Fleet managers should make their vehicle users aware that the Road Vehicles Registration and Licensing (Amendment) Regulations 2017 came into force on the 6<sup>th</sup> of May.

This enables the UK Driver and Vehicle Licensing Agency (DVLA) to provide equivalent agencies across the European Union with vehicle keeper and contact details in the case of traffic offences abroad. Such offences include failure to stop at a red light, driving under the influence of alcohol or drugs, speeding, and using a mobile phone whilst driving.

The DVLA has been reluctant in the past to pursue this power out of fears that it could lead to European Court of Human Rights (ECHR) challenges. Particular problems, for instance, exist in France where offenders are treated as guilty before being proven innocent, not allowed to contact their lawyer before being interviewed by the police, and not allowed to provide a proper voluntary statement. Many police forces in Eastern Europe are also corrupt and may use the threat of a costly foreign prosecution to elicit a bribe.

## USA: Employee or not

The law around employment status is gradually becoming clearer, although – in many States – there is a long way to go. One area of uncertainty is over “joint employment” status. This may particularly arise in franchising arrangements, although it might also apply in respect to agency workers and subcontracted staff. So far a total of 17 states have passed laws defining joint employment. Alabama and New Hampshire Bills also await the final passage. Although the laws differ to some extent, they do provide much greater clarity than existing common law definitions.

The other problem area for employers is that old nut: “when is a contractor independent and when must they be treated as an employee?” This type of uncertainty particularly comes to fore when determining benefits, dealing with a termination of contract, or when handling workplace accidents. The Commonwealth Court of Pennsylvania is one of Pennsylvania's two intermediate appellate courts. The court has recently been deliberating on the issue of responsibility to an injured worker (*Hawbaker v WCAB*). This was covered by the Construction Workplace Misclassification Act, but it does illustrate very well the necessity for the user of independent contractors to ensure that work is done on the basis of an independent contractor contract, and that the contractor provides their own tools, has to rectify mistakes without additional compensation, and is free to work for other clients.

## Pay, Tax and Benefit Trends

**BULGARIA:** The Ministry of Tourism has reported an estimated shortage of approximately 20,000 seasonal workers, to cover for the expected increased tourism this summer. This shortage is mainly due to the fact that wages for basic jobs in the sector remain around 300 euros (US\$335) per month. Although nationals generally prefer to work in Western Europe in order to gain higher wages, those from Ukraine, Belarus, and Moldova have traditionally met the shortfall. However, such low rates are progressively losing their attractiveness for such workers and a rise in tourism is necessitating that pay rates rise by possibly as much as 25%.

**CANADA:** Manitoba's government is planning to raise the province's minimum wage each year in line with the rate of consumer price inflation. Bill 33, now before the legislature, would see the minimum wage increased on the 1<sup>st</sup> of October every year. However, the government leaves itself the option of freezing the minimum wage in the event of an economic downturn. The bill would increase the minimum wage this Autumn to \$11.15 (\$US8.3) an hour.

**FINLAND:** Over the year to Q1 2017, gross monthly regular pay rose by 0.8% in the private sector, but real spending power fell by 0.6%.

**GLOBAL:** The energy company Royal Dutch Shell has decided to introduce a worldwide minimum standard of 16 weeks' paid maternity leave. The new policy will be introduced immediately, but will be fully implemented by the 1<sup>st</sup> of January 2018.

**LATVIA:** Average gross monthly private-sector pay rose over the year to Q1 2017 by 7.1% to 881 euros (\$US991). The sharpest increase in the sector was in mining and quarrying (9.7 %), as well as trade (9.2 %). Compared with other Baltic states, Latvia's statutory minimum wage grew by just 2.7% over the year compared with Lithuania (8.6%) and Estonia (9.3%).

**MONTENEGRO:** In April 2017, average gross monthly earnings in Montenegro were 769 euros (\$US865), whilst average net earnings without tax and social security contributions were 512 euros (\$US576). Utilities (11.1%) saw the sharpest increase in gross average earnings.

## Other Global HR News in Brief

**ARGENTINA:** A government resolution (137-E/2017) has been issued allowing visa-free business travel for nationals of countries that are members of the Organization for Economic Cooperation and Development (OECD) and UAE. This allows business visitors to stay visa-free for up to 90 days in Argentina.

**AUSTRALIA:** A number of companies have responded to the Australian government's proposal to introduce more draconian anti-bribery restrictions, including a much lower burden of proof. Most respondents to date have warned that this would reduce the willingness of companies to do business abroad – particularly in the Middle East. Of particular concern is the new offence of "reckless bribery" where no proof would be necessary that a bribe had actually influenced a foreign official in making their decision.

**AZERBAIJAN:** The Azerbaijan parliament has recently been considering a number of amendments to its Labour Code. These include the introduction of flexible fixed-term contracts and service-related notice periods ahead of collective redundancies. Currently the only fixed-term period allowed is five years. Moreover, all workers must be given two months notice of a collective redundancy. In future, notice would range from two weeks for employees with less than one year's service to nine weeks after ten year's service. It is likely that compensation will amount to one month's salary – with up to three months for those who have not been able to find work.

**CANADA:** In British Columbia, The Employment Standards Act goes beyond common law dismissal rights so that an employee on probation cannot be dismissed without notice after they have completed three months service, even if this is permitted by their individual contract terms. This is because the Act dictates that reasonable notice must be given to all employees after three months service. A recent decision by the British Columbia Supreme Court (*Ly v British Columbia [Interior Health Authority]*) has added another requirement – namely that employers must be able to demonstrate that they have acted in good faith when assessing an individual's abilities, even during their probation. This means that for any dismissal to be safe, a dismissal decision must be made on objective grounds and based on a valid and genuine performance appraisal.

**FRANCE:** Since 2016, if you send any employee to France (even from another EU state) and the employee remains on the home payroll, then you have been required

to first check to see if their home country has a social security agreement with France. If it does not, then they will be required to pay social security in France for the duration of their assignment and submit a “prior detachment declaration” to the Labour Inspectorate. A new Decree number 2017-751 now makes it necessary to pay a 40-euro fee for handling the declaration.

**GHANA:** Following many reports of unfair treatment, the government has placed a temporary ban on all employment agencies from recruiting Ghanaians to work in foreign countries.

**GLOBAL:** A recent article in the medical journal “the Lancet” provides the results from a 25-year study of healthcare access and quality around the world. The data is based on treatment effectiveness relative to mortality rates for 30 potentially fatal conditions. As such, it is a useful tool for multinational companies in assessing the likely incidence of death in service, long-term sickness absence, and the necessity of private healthcare insurance provision. The study provides an index of overall relative healthcare quality for all countries around the globe – ranking them from Andorra and Iceland at the top of the index to the Central African Republic where healthcare provision is at its poorest. Germany ranked 20<sup>th</sup> in the world, just ahead of the UK, with the USA in 34<sup>th</sup> position.

**JAPAN:** Measures have just come into force to relax the visa requirements for nationals of five Central Asian countries: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. Multiple entry visas for short-term and business purposes are now more

easily available and the maximum validity period of visas extended from 3 to 5 years.

**PAKISTAN:** Although business travel to Pakistan is generally unsafe at the best of times, it could soon become even more precarious for the unwitting foreigner. The religious affairs committee of Pakistan's senate has approved a draft law making it an offence to eat or drink in public during Ramadan. If approved by parliament, it will mean that all hotels and restaurants will stop serving refreshments in common areas during daylight hours – no matter what the outside temperature. The penalty for anyone breaking the fast in public will be a fine and up to three months imprisonment.

**RUSSIAN FEDERATION:** Extensive criminal and civil penalties exist in Russia for individuals who seek to bribe officials or adopt any other corrupt practices. However, corporate entities are only covered by the Administrative Offences Code. The code places a number of obligations on companies, including a duty to introduce and maintain measures to prevent corruption. Nevertheless, there is now a political determination to add a further layer of criminal liability for companies and, to that end, the state Duma (parliament) has before it a draft law (750443-6) that would establish bribery and corruption as a corporate criminal offence – thus creating scope for senior management of a company to be imprisoned unless every possible step is made to maintain the integrity of its operations. The draft law has been bogged down for two years, but remains a significant potential threat facing companies present in the Russian market, where it remains common for officials to covertly require



inducements to give their official stamps of approval.

**SWEDEN:** Until recently, work and residence permits could take up to seven months to process. However, the Swedish Migration Agency has now introduced a streamlined system for applications sponsored by employers with a fast track certificate. This will reduce the processing time to 10 days for initial applications and 20 days for renewals. However, employers must ensure that applications include supporting comments from a trade union confirming that the offer is compliant with established collective agreements and labour standards.

**SWEDEN:** The Swedish Social Affairs Ministry has announced that from the 1<sup>st</sup> of January 2019, sick pay in Sweden will be paid by employers from the first day of absence. The final details of the scheme will be subject to a national collective agreement, but it is proposed that employers may offset the extra cost by reducing sick pay by 20% during the first week of absence. They will, however, remain responsible for sick pay during the first two weeks of absence up until responsibility is taken over by the Försäkringskassan (social insurance agency).

**UKRAINE:** A new regulation on labour inspection has just come into force in Ukraine. It gives central and local government inspectorates additional powers to undertake planned or surprise visits of business premises, based on complaints from employees, law enforcement authorities, and other state bodies – including the courts.

The inspectors now have a wide-ranging right to read documents, examine work processes, and interview staff. Small breaches will result in a “remedy order” which gives a deadline for rectification, but major breaches will result in both a remedy order and immediate penalty. Employers should be wary of individuals impersonating inspectors in order to charge spot fines. Therefore checks with the inspectorate head office and careful examination of ID documents are essential.

**UNITED KINGDOM:** A ruling by the UK Employment Appeals Tribunal has reinforced existing case law and made it much harder in the future for employees to challenge restrictions on claims for backpayments in respect to the treatment of overtime hours during annual holiday periods. Employees will only be able to claim for up to two years in arrears and only if there are no gaps of three months or more between underpayments and overtime was obligatory when requested. Claims will also be restricted to 20 days for a full-time worker and not to other days established to cover public holiday periods. (*Bear Scotland v Fulton and Baxter*)

**USA:** A new three-page questionnaire (Form DS-5535) must now be completed by all those wishing to visit or emigrate to the USA. This seeks such details as travel and employment history for the last 15 years, social media names/email addresses for the last 5 years, and other personal information.

## Dates for your diary:

**July 1<sup>st</sup> 2017:** **California** employers will be obliged to inform their employees about domestic violence protection rights

**August 8<sup>th</sup> 2017:** General elections in **Kenya**

**October 22<sup>nd</sup> 2017:** Federal elections in **Germany**

**January 1<sup>st</sup> 2018:** **New York** paid family leave law

**March 1<sup>st</sup> 2018:** **Israel** data security regulations come into force

**April 4<sup>th</sup> 2018:** First report under Equality Act 2010 (Gender Pay Gap Information) Regulation 2017 submission by **United Kingdom** employers

**May 25<sup>th</sup> 2018:** Final effective date for **EU** General Data Protection Regulations

**March 31<sup>st</sup> 2019:** **Brexit** negotiation deadline

## Travel Warnings

**ALBANIA:** National elections will be held on the 25th of June 2017. Visitors should remain vigilant as the political atmosphere is likely to remain changeable.

**ANGOLA:** Presidential elections are scheduled on the 23rd of August 2017. Visitors should avoid political gatherings and demonstrations.

**BRAZIL:** Trade unions have issued a call for a new general strike to shut down Brazil's largest cities on the 30th of June.

**BURKINA FASO:** Visitors should avoid travel to the northern part of the Sahel region and exercise caution in the rest of the country - due to continuing threats to safety and security, including terrorism.

**CENTRAL AFRICAN REPUBLIC:** Visitors are advised to avoid traveling to this country due to an unpredictable security situation, the activities of armed groups and violent crime.

**CHAD:** Travelers should avoid all travel to the border regions, particularly the Lake Chad region, and exercise extreme caution elsewhere in the country due to ongoing tensions and potential terrorist activity.

**EUROPE:** The airlines Med-View (Nigeria), Mustique Airways (St. Vincent and the Grenadines), Aviation Company Urga (Ukraine) and Air Zimbabwe (Zimbabwe) have been banned by the

European Commission from operating within the airspace of the European Union due to safety deficiencies.

**INDIA:** Further sporadic violence has been reported in Piplia Mandi, Madhya Pradesh and police have been deployed to contain the situation. Travelers in the area should avoid large gatherings.

**PORTUGAL:** A strike of flight personnel at Portugália Airlines will take place on the 10th and 20th of June.

**QATAR:** Saudi Arabia, the United Arab Emirates, Bahrain and Egypt have all closed their airspace to Qatari aircraft with effect from June the 6th. Travelers should expect delays and cancellations at airports across these regions.

**USA:** Bogoslof, Alaska's most active volcano, which has been active for the past six months in the Alaskan Aleutian Island, erupted again over the weekend. The volcano remains at a heightened state of unrest and in an unpredictable condition.

**VENEZUELA:** United Airlines will end its daily flight service to Venezuela in July.

**YEMEN:** Conflicts over the Aden airport in Yemen started in February. Now tensions have grown. The airline Yemenia has temporarily suspended its flights to Aden due to security issues.

## FedEE News

**PUBLIC HOLIDAYS IN INDIA:** We have responded to member feedback by now providing details of [local public holiday entitlements](#) across India.

**EMPLOYMENT LAW PROGRAMME:** The latest addition to our new-style video training modules will cover employment law in Germany. It will be posted online by the end of this week. The next two additions will cover the USA and Nigeria.

**ROUND TABLE MEETING:** Just one place remains for the FedEE Fellow's round table meeting in London, UK on June 16<sup>th</sup>. For further details about this event or FedEE Fellowship please contact Jane Gulliver on [membershipservices@fedee.com](mailto:membershipservices@fedee.com)

**LUGGAGE TAGS:** Please contact us for a full-sized [flag](#) to display outside your office and also for our new extrasafe FedEE [luggage tags](#).

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