

International Employment Law Changes Key developments for 2020

January 2020

Contents

<u>Belgium</u>	<u>2</u>
<u>England and Wales</u>	<u>4</u>
<u>France</u>	<u>6</u>
<u>Germany</u>	<u>7</u>
<u>Hong Kong</u>	<u>8</u>
<u>Italy</u>	<u>9</u>
<u>People's Republic of China</u>	<u>10</u>
<u>The Netherlands</u>	<u>12</u>
<u>Singapore</u>	<u>13</u>
<u>Spain</u>	<u>14</u>

Simmons & Simmons has set out a high-level overview of the key employment law trends and developments that are expected in the next 12 months in Belgium, England & Wales, France, Germany, Hong Kong, Italy, the Netherlands, the People's Republic of China, Singapore and Spain.

Belgium

- **No tax shift, but indexation:** In the past, net salary has systematically increased on 1 January because of the tax shift. The last step came into effect on 1 January 2019. There will be no new tax shift in 2020, but there will be the annual adjustment of the salary in line with inflation (indexation). As a result, net salary will increase slightly (by +/- 10 euros).
- **Bonus plans and CBA 90:** What are your company's targets for 2020? Have you already thought about a profit premium plan, warrants or a non-recurring result related bonus plan which covers the entire calendar year 2020 and must be submitted by 30 April 2020 at the latest? We are of course available to help you develop such plans. The CBA 90 bonus is a benefit related to *uncertain collective* results of the company or a group of companies or a defined group of employees, based on objective criteria which, is expected from social security and tax contributions up to a certain amount. In 2020 you should take into account the new maximum exemption of 3.413 EUR gross for the social security aspect and 2.968 EUR net for the fiscal aspect.
- **Employment plan for older employees:** Employers (employing more than 20 employees and/or where the multi-annual plan has come to an end) must draw up an employment plan for older employees in order to maintain or increase the number of workers that are 45 years old and older. In this respect, the employer should provide information each year to the works council (or in its absence, the trade union delegation, the committee for prevention and protection at work, or the employees themselves).
- **Prevention action plan:** Employers should, in consultation with the members of the management and the committee for prevention and protection at work (CPPW), draw up an annual action plan to promote well-being at work during the following year of service (2021). This annual action plan is based on the global prevention plan of the company, and should be drawn up in writing setting out: (i) the priority objectives within the framework of the prevention policy for the next year of service, (ii) the means and methods to achieve these objectives, (iii) the tasks, obligations and means of all persons involved and (iv) the adjustments to be made to the global prevention plan.
- **EFI & Wage gap:** The EFI (Economic and Financial Information) report is a document with information about the company's economic and financial condition. This report must be delivered to the works council each year two weeks before the special EFI meeting. Companies must draw up an analysis report about their remuneration structure every two years concerning the last two tax years. This obligation rests on employers who usually employ at least 50 employees on average. This report must be transferred to the works council or, in its absence, to the trade union delegation. A company whose tax year ended on 31 December 2019 has until the end of March 2020 to draw up the report and to discuss it with the works council (or with the trade union delegation).
- **Social Elections 2020:** Election day is set between 11 and 24 May 2020 when the social elections for employee representatives in the works council and/or in the committee for prevention and protection at work (CPPW) will take place. Employers must therefore follow a very strict procedure which has already started between 13 December and 26 December 2019 and runs until June 2020.
- **GDPR:** The Belgian data protection authority (DPA) was more active in 2019 and they have announced that they will focus on SMEs in Belgium to boost knowledge of and enforce the GDPR rules for the year to come.
- **Removal of increased cost deduction for bicycles:** The increased deduction of 120%, once introduced to encourage the use of the bicycle for commuting between home and work, will be abolished in corporate income tax. However, the costs remain 100% deductible. This removal will take effect on 1 January 2020 and will apply from assessment year 2021, linked to a taxable period commencing on 1 January 2020 at the earliest. When you file your tax declaration in 2020, you will therefore still be able to deduct the costs incurred at 120%.

Belgium (cont'd)

- **Deductibility for company cars:** The deductibility of company cars has been amended: (i) the specific favourable regime for electric cars with a 120% deduction in corporation tax has disappeared and (ii) the existing CO2 scales will be replaced by a formula. This new calculation takes into account both the CO2 emissions of the car and the fuel type.
- **Compensation paid by foreign-related companies:** Previously, as an employer, your active cooperation was not necessarily required when a payment or grant was made entirely without your intervention. However, from the 2019 income year onwards, these allowances must appear on a Belgian tax form and you must deduct a withholding tax.
- **Transposition of the posting of workers directive:** The Posted Workers Directive (Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services) needs to be transposed in Belgian legislation by 30 July 2020.

England and Wales

- **Brexit:** Following the UK general election, Brexit has returned to the forefront of the agenda for 2020. The UK will leave the EU on 31 January 2020 and likely with a transitional period until 31 December 2020. Brexit has already had, and continues to have, a significant impact on workplaces in the UK and across Europe. Attracting and retaining the right talent in the right locations will continue to be challenging. The new Government plans to introduce a new points-based immigration system, although it remains unclear how this will operate. There will of course be a new relationship post-Brexit between UK and EU law – although at this stage, there have been no proposals for substantive changes to UK employment law. For more information, see our list of [Top 10 Brexit Employment Issues](#).
- **Workers’ rights under the new Conservative Government:** The new Government insists that workers’ rights will be “protected and enhanced” and that the removal of the guarantees set out in the previous draft EU (Withdrawal Agreement) Bill is not a sign that they will be reduced. The Queen’s speech set out details of legislation that the new Government intends to introduce in the next Parliamentary session, including a new Employment Bill. The new Bill will include a new single, enforcement body for enforcing workers’ rights, the right to a more predictable contract, and other measures to support families (such as rights to leave and pay for parents of babies that require neonatal care after birth) – all of which were anticipated by the Good Work Plan and its consultations of July 2019.
- **Harassment and NDAs:** This hot topic firmly holds its place on the agenda for 2020. There has been a plethora of consultations, reports and guidance notes published throughout 2019, including most recently the EHRC guidance aimed at preventing the misuse of confidentiality clauses (or NDAs) in discrimination/harassment cases. Many employers have been reviewing their contracts and templates in light of this. In its consultation of July 2019, the Government considered the introduction of a mandatory duty on employers to protect workers from harassment and the outcome is awaited (likely delayed by the reprioritisation of Brexit). Also, in July 2019, the Government published its response to a separate consultation on NDAs and confirmed that it will legislate so that limitations in confidentiality clauses are clearly set out and cannot prevent disclosures to the police, regulated health professionals and legal professionals.
- **Consultancy arrangements:** Following consultation, the Government plans to reform the IR35 rules applicable to the use of personal service companies (PSC) in the private sector. The reform will mean that affected businesses will need to determine whether an individual worker engaged via a PSC is a deemed employee and if so, account for tax and NICs on their payments. Affected businesses are currently reviewing their arrangements and future-proofing their documents in preparation. Implementation is anticipated in April 2020, but remains subject to the passing of the Finance Bill, which was delayed due to the General Election and cancellation of the Autumn Budget. There is some uncertainty around this as the Prime Minister Boris Johnson promised to review the rules during his election campaign.
- **Parental rights:** We anticipate various developments in 2020, including:
 - the introduction of parental bereavement leave in April 2020, giving employees who lose a child (under 18) the right to two weeks’ leave and statutory bereavement pay. The Government intends to introduce supporting regulations;
 - the extension of the redundancy protection period for six months once a mother has returned to work. The Government also plans to afford the same protection to those taking adoption leave and to extend redundancy protection for those returning from shared parental leave, although it will consult further on the design of this protection;
 - the Government response to its consultation on “Proposals to support families”, including its review of parental leave and pay entitlements, neonatal leave and the transparency of flexible working;
 - an appeal to the Supreme Court in the cases of *Capita and Hextall* re the decision that the practice of paying different rates of pay for mothers on maternity leave and fathers on shared parental leave (SPL) is not unlawful direct sex discrimination. Permission to appeal is currently awaited.

England and Wales (cont'd)

- Litigation:** The number of employment tribunal claims continues to rise, according to Ministry of Justice statistics. We predict various employment litigation trends for 2020, including a continued increase in the volume of harassment claims as workers continue to call out inappropriate behaviour, and discrimination claims due to a heightened awareness of diversity issues, particularly in relation to gender and sexual orientation, but also around what amounts to a philosophical belief. Recent cases in relation to transgender issues and ethical veganism are obvious examples. There have been a series of significant whistleblowing detriment claims over the past year, examining the extent of the protection, which show little sign of waning. Business protection claims will also remain a focus: we await the Supreme Court judgment in *Morrison v Skelton* re whether an employer can be held liable for the actions of an employee who leaked personal data. See our wider predictions for disputes in 2020 [here](#).
- Transgender issues and gender recognition:** We predict an increasing focus on transgender issues and gender recognition with recent high-profile cases, such as that of Maya Forstater (whose belief that gender is biologically determined at birth and immutable thereafter was not protected) and the case of doctor, David Mackereth, whose objection to transgenderism was also not protected. The case of the “gay cake”, brought by a customer against a Christian bakery that refused to make a cake with the slogan “Support Gay Marriage” has also been referred to the European Court of Human Rights.
- Regulated people in the Financial Services sector:** The Senior Managers & Certification Regime (SMCR) was extended to all other regulated firms in the financial services sector, including asset managers, from 09 December 2019. This year, firms subject to the extension will need to get to grips with the management of SMCR in practice. For more information see our Extension Toolkit [here](#). We expect to see continued focus from the regulator on improving culture in financial services, and further developments regarding how firms can measure and manage culture risk.
- Data Subject Access Requests:** This year is expected to be another big year for data subject access requests (DSARs), since the new GDPR rules were introduced in May 2018. The volume of DSARs is expected to increase, with employers facing the challenges of the short time frame to respond, large volumes of data and complex redaction process. We are developing a new DSAR Toolkit to respond to these challenges (see [here](#) for more information). The ICO is also currently consulting on new draft guidance on subject access rights, which it is hoped will provide further clarity around where a DSAR is “manifestly unfounded or excessive”.

France

After almost three years of intensive reforms, the French President recently indicated that there would be no major reform until the presidential elections in May 2022. There will, however, be some hot topics in 2020:

- **Gender Pay Gap:** Companies with between 50 and 250 employees must publish their first gender pay gap Index before 01 March 2020. New law, which came into force on 01 January 2019, requiring companies with at least 50 employees to publish an Index relating to their gender pay gap before 01 March each year. A transitional timetable is in place for the first publication, depending on the number of employees: companies with 50 and 250 employees must publish their first Index before 01 March 2020. Companies with more than 250 employees will also have to publish their Index for 2019 on 01 March 2020 at the latest (even though they were already required to publish an Index for 2018 on 01 March 2019, or 01 September 2019, depending on their headcount).
- **Scale of damages for unfair dismissal:** this has been in force since 2017 and is giving rise to a lot of litigation. Some Appeal Courts have considered this scale to be invalid, but in July 2019 the Supreme Court stated the scale was compliant with convention n°158 of the International Labour Organisation. Some Appeal Courts still resist and we are waiting for clarification from the Supreme Court this year.
- **Harassment and discrimination and related investigations:** the above scale of damages does not apply if a dismissal is found to be null and void and therefore the minimum amount of damages awarded could exceed six months' salary. The main grounds for an annulment of dismissal are sexual and/or moral harassment (bullying) and discrimination. Significant increases in litigation based on these grounds have consequently increased investigations to now be conducted by lawyers. Although this is not mandatory by law, it has become usual practice and is highly recommended for employers. This should continue to be a hot topic in 2020.
- **Reform of State pensions:** the Government has launched a reform of State pensions, currently under discussion with resistant trade unions. The Government aims at merging the various State pension schemes (currently more than 40 apply to different professions) and changing retirement conditions. This will impact the age of voluntary redundancy: currently, the earliest legal age to retire at a full pension rate is 62 at the earliest; the Government wishes to encourage people to work beyond that by introducing a decreased pension rate before a certain age ("balance age": initially 65 but currently under discussion with trade unions) and then applying the increased pension rate after the "balance age". Since December 2019, national trade unions have called for a general and unlimited strike. Public transport services have been affected. Employees and employers have had to find solutions to try and minimise the impact of these strikes on the running of businesses. This will continue to preoccupy employers in 2020 as strikes and protests have been announced throughout the whole legislative process.

Germany

- **New Law for skilled worker immigration (*Fachkräfteeinwanderungsgesetz*):** From 1 March 2020, a new Act will make it easier for skilled employees from “third countries” to find a job and to work in Germany. Third countries are all countries outside the European Union (EU), the European Economic Area (EEA) and Switzerland. Skilled workers hold a university degree and/or qualified vocational training with qualifications accredited in Germany. The intention is to reduce the shortage of skilled workers in the long term.
- **Higher minimum wage:** From 1 January 2020, the statutory minimum wage increased €0.16 to €9.35 per hour. In addition, the intention is to make apprenticeships more attractive having introduced a minimum wage for trainees as of 1 January 2020 of €515.00 per month in the first year of apprenticeship applying to those who begin in 2020, with certain exceptions allowable for employers and trade unions to agree to. It is envisaged this could increase to €620.00 per month in the future.
- **ECJ ruling on recording working time:** It remains to be seen how the German legislator will structure the obligation to record working hours for employees in the future. Currently, German law only stipulates that the employer is obliged to record the working time of the employees in excess of the regular working time per workday. This concerns the working time going beyond eight hours per workday, as well as working on Sundays and on public holidays. Another obligation to record working time currently exists for marginal employment and for certain economic sectors mentioned under sec. 2a of the Act to Combat Illegal Employment.
- **Digital certificate on the incapacity to work:** On 8 November 2019, the Federal Council approved an Act to reduce bureaucracy. Currently, the employee informs the employer on his incapacity to work by way of a paper certificate. From 1 January 2022, an electronic certificate will be introduced. This certificate will be issued directly from the employee’s health insurance to the employer.

Hong Kong

- **Proposed extension of statutory maternity leave:** On 27 December 2019, the Employment (Amendment) Bill 2019, which proposes to extend the statutory maternity leave period from 10 weeks to 14 weeks, was published. It is proposed that pay for the additional four weeks of maternity leave will be at 80% of the employee's wages, subject to a cap of HK\$36,822 per employee and subsidised by the Government. The bill also proposes to amend the definition of "miscarriage" so that a female employee who suffers a miscarriage at or after 24 weeks of pregnancy will be entitled to statutory maternity leave (currently, female employees are only entitled to sick leave if they have a cessation of pregnancy before 28 weeks). The bill is expected to come into force in late 2020 or early 2021.
- **Amendments to anti-discrimination legislation:** The Discrimination Legislation (Miscellaneous Amendments) Bill 2018 aims to implement certain of the recommendations of the Equal Opportunities Commission following its review of the four anti-discrimination ordinances. Key proposed changes include: protection from discrimination on the basis of breastfeeding; prohibiting discrimination on grounds of imputed race; expanding the protection from discrimination and harassment by association with a race; and broadening the scope of harassment protection. The bill is expected to come into effect in 2020.
- **Review of data protection laws:** The Hong Kong Government has announced that it is considering amendments to the Personal Data Protection Ordinance (PDPO) following several recent high-profile data breaches. The proposed changes include, among other things, mandatory data breach notifications, new associated penalties and sanctions and altering the definition of personal data. For more information, see our article on the Government's proposals [here](#).
- **Changes to occupational retirement schemes:** The Occupational Retirement Schemes (Amendment) Bill 2019 was gazetted on 4 April 2019. It is aimed at ensuring that Occupational Retirement Schemes (known as ORSO schemes) are only used by employees, and not more broadly as an investment or tax saving vehicle. The key proposals include requiring ORSO schemes to satisfy a new "employment-based criterion"; abolishing the existing criterion for granting ORSO exemption certificates; and increasing the powers of inspection, investigation and enforcement of the relevant regulator. There is currently no date for when the bill will come into effect.

Italy

- **Retirement:** Currently in Italy, employees can retire when they reach the age of 67, and those who reach retire before the end of 2021 can do so if they reach “quota 100”, namely 100 years between social security contributions and the person’s age (e.g. a person who is 65 years old and has paid contributions for 35 years). However, the government is reviewing this scheme and considering whether to extend this requirement by four years and create a “quota 104” scheme which would work in the same way for future retirements. Currently there is no specific timeframe for the implementation of these or any other changes.
- **Working time:** It remains to be seen how Italy will implement the ECJ decision. The law currently requires that employees log work that is in excess of their contractually stipulated working time.
- **Paternity leave:** The 2020 Budget Law has raised mandatory paternity leave from five to seven days. The government is discussing the possibility of granting fathers one month paternity leave. However, this month would not be transferrable to new mothers, who currently receive five months paid maternity leave.

People's Republic of China

- State Council guidance on stabilizing employment:** In December 2019 the PRC State Council, one of the highest government authorities, issued an Opinion on Further Improving the Stability of Employment in mainland China. The Opinion is focused on providing certain incentives and benefits for employers who do not implement layoffs, such as refunding the statutory unemployment insurance contributions paid by the company, as well as re-stating and re-iterating the legal and procedural requirements for making layoffs. Companies considering staff reductions for financial or operational reasons are encouraged to consider solutions such as negotiating lower pay, adjusting working hours or providing unpaid leave to employees as alternatives to layoffs. Companies that do make layoffs must ensure that they meet the legal threshold to do so, consult with employees and labour unions at least 30 days in advance, and pay at least statutory severance as well as any areas of salary or social insurance contributions. The Opinion emphasizes the PRC government's concern regarding social stability and fear of rising unemployment at times of economic uncertainty (driven in part by the recent US-China trade war). It also indicates that employers, and especially foreign companies (for whom the bar, in practice, is often held higher) can expect increased regulatory scrutiny in connection with employment practices. This is significant in a jurisdiction which is already quite restrictive (compared with the US, UK and Hong Kong, for example, on an employer's right to terminate unilaterally).
- Social insurance contributions for foreign nationals:** In 2019 the government introduced changes allowing Hong Kong, Macau and Taiwan passport holders ("HMTs") to take up employment in mainland China without requiring a PRC work permit, as is required for other foreign nationals. Instead, HMTs are now able to do so using a Mainland Travel Permit, a document which many already hold but which previously only covered travel for business, family visits or tourism purposes. This avoids the sometimes time-consuming work permit application. The Ministry of Health and Social Security and the National Healthcare Security Administration have now jointly announced that, effective from 1 January 2020, all HMTs must participate in the PRC statutory social insurance system. This includes in principle each of the five main funds: pension, medical, unemployment, work injury and maternity. However, HMTs who continue to make equivalent contributions in their home jurisdiction may opt not to participate in the PRC pension and unemployment funds. This is an interesting development because under national level legislation, technically, foreign nationals are already required to participate in the PRC social insurance scheme, but in practice this was not always followed and cities such as Shanghai had a policy of allowing employer and employee to agree on whether or not to participate. The position is now clear for HMTs. It remains to be seen whether this will also be extended to cover other foreign nationals, although indications are that it will.
- Promotion of paid annual leave:** The National Development and reform Commission has issued a new policy promoting the use of paid annual leave. The policy requires employers to ensure that paid annual leave is correctly allocated and administered. It also mandates local branches of the Ministry of Human Resources and Social Security to supervise and inspect the practices of employers. Under PRC law, employees are entitled to a minimum of either 5, 10 or 15 days of paid annual leave per calendar year depending on their cumulative years of service during their working career (with all employers). The government sees paid leave periods as a boost to the economy, as employees tend to travel (both within and outside of China), although much of this travel tends to be around the very congested public holiday periods, such as Chinese new year. This initiative seems geared towards more "off-peak" travel and tourism. Companies risk penalties if they fail to comply with the requirements for paid annual leave, as well as pay-outs (at double the daily rate) for untaken leave if employees are prevented from taking their leave entitlements. Foreign companies should also take note that offering higher allocations of annual leave as part of an employment package is increasingly seen as an important incentive to potential hires in the China market.

People's Republic of China (cont'd)

- **Combining the national medical and maternity insurance funds:** The State Council announced in March 2019 that it would combine the statutory medical and maternity insurance funds, respectively, into a single fund. In a further announcement, from 1 January 2020, local government departments have been instructed to unify the two funds in terms of registration, contributions, collection and management of the two insurances. A number of cities and provinces (such as Shanghai, Beijing, Tianjin, Guangdong province and Jiangsu province) have already released implementing rules clarifying the practical formalities and implications. This development is aimed primarily at reducing the operation cost and increasing the management efficiency for these two different but related funds. For example, the medical expenses in relation to maternity (such as prenatal checks, surgery) will now be settled in the same way as normal medical expenses, instead of requiring the employee to pay first and then claim reimbursement afterwards from the maternity fund.

The Netherlands

- **Balanced labour market act (the “Act”)**: The Act came into force on 1 January 2020. Most companies are now familiar with the key changes flowing from the Act, such as the amendment of the transition payment and changes in relation to successive fixed-term employment agreements. However, other changes arising from the Act may need further attention:
 - **Unemployment insurance contribution rate (*WW-premie*)**: The Act allows employers to pay a lower unemployment insurance contribution rate (*WW-premie*) for employees on indefinite term employment agreements (for 2020: 2.94% versus 7.94% for fixed-term employment agreements). To receive this substantial 5% discount (for indefinite term employees), employers must meet certain administrative conditions. These conditions - amongst others - relate to:
 - explicitly including on the employee’s payslip that an indefinite term employment agreement (not being an on-call agreement) has been agreed upon;
 - maintaining copies of the indefinite term employment agreements that have been agreed upon; and
 - if fixed-term employment agreements are being extended, this must be done by way of i) entering into a new employment agreement or ii) agreeing to an addendum, and which in either case must be signed by both parties.

For employees who are already employed for an indefinite period prior to 1 January 2020, employers are given three additional months to arrange for the abovementioned documents/information to be available (i.e. ultimately prior to 1 April 2020). Proof of having an indefinite term employment agreement in place can alternatively also be provided by digital signature, e-mail or through an HR system. This leniency only applies to the employment agreements of employees who joined the company before 1 January 2020.

If an employer does not meet these conditions before 1 April 2020, but the employment agreement continues after 31 March 2020, the high unemployment insurance contribution rate will have to be (re)paid with retroactive effect from 1 January 2020.

- **Payrolling**: Under the Act, payrolling must be distinguished from temporary agency work (*uitzenden*). Payrolling also refers to assigning employees, but the formal employer (the payroll company) does not fulfil a so-called allocation function (i.e. recruitment and selection) and the employee is exclusively assigned to work for one hirer. In other words:
 - a company (hirer) recruits and selects an employee or appoints a third party to do this for them. This employee then enters into an employment agreement with the payroll company (formal employer);
 - the payroll company makes the employee exclusively available to work for the company (hirer);
 - the company (hirer) is responsible for the management and supervision of the activities performed by the employee.

As a result, payroll employees must be treated equally to the employees who work directly for the hirer and the more flexible regime of Dutch employment law (as applicable to temporary agency workers) will no longer apply.

- **Compensation of the transition payment in case of long-term illness**: From 1 April 2020, a new law will enter into force, allowing employers to receive compensation from the UWV (more or less) equal to the statutory transition payment if the employment agreement is terminated due to long-term illness. However, the exact amount to be compensated by the UWV can deviate from the amount that has actually been paid by the employer (e.g. for instance in case of dormant employment agreements that are now being terminated or when an extended obligation for the employer existed to continue to pay wages of the employee during the third year of sickness).
- **Extension of parental leave**: With effect from last year (1 January 2019), parental leave for partners was extended from two to five days, which must be taken within four weeks of childbirth and during which full salary is paid. From 1 July 2020, partners will also be allowed to take five weeks of additional parental leave. These weeks must be taken within six months following the birth. During these weeks they will receive payment up to 70% of their daily wage, which is a capped amount and which amount will be paid by the government.

Singapore

- **Enhancement of the Fair Consideration Framework:** Singapore's Ministry of Manpower announced enhanced penalties for companies that have engaged in discriminatory work practices in January 2020. From this date, companies who have been found to have engaged in workplace discrimination may be liable to a minimum debarment period of 12 months (up from six previously), during which they will be unable to apply for new work passes and renew existing work passes. In addition, the Ministry of Manpower has also stated that it will prosecute employers who make false declarations that they have considered all candidates fairly, and employers found guilty will be liable to a term of imprisonment of up to two years and/or a fine of up to SGD 20,000.
- **Changes to the Tripartite Guidelines for Fair Employment Practices:** In addition to age, race, gender, religion, marital status and family responsibilities, mental health condition is now a protected trait under the Tripartite Guidelines for Fair Employment Practices.

Spain

- **Working time:** Since March 2019, employers must keep records of their employees' working time. With the Work Inspectorate campaigns starting January 2020, compliance with this will intensify.
- **Paternity leave:** Paternity leave will progressively equal maternity leave, up to 16 weeks. From January 2020, paternity leave increased to 12 weeks and will reach 16 weeks in 2021. In addition to this, taking leave will be compulsory for both parents following childbirth (during the first four weeks in 2020 and during the first six weeks from 2021 onwards). This is a marked increase in comparison to the 15 days' paternity leave that was available only a few years ago.
- **New conciliation measures:** New regulations passed in 2019 recognising the right of employees to adapt their working time, without having to reduce their salaries, in order to allow a better work-life balance. In the absence of collective bargaining or an individual agreement, such adaptations will be dealt with individually, under a mutual agreement basis, and, in the event of rejection, the company decision must be duly justified.
- **Gender Equality plans:** Currently, a Gender Equality Plan is compulsory for companies with more than 250 employees. From 7 March 2020, this compulsory obligation will apply to companies employing between 151-250 employees. This threshold will be decreasing on an annual basis reaching over 50 employees by 7 March 2022.
- **Retirement:** In 2020, retirement age is set at 65 years, having a contribution period of 37 years or more; or 65 years and 10 months, having a contribution period lower than 37 years. In 2021, this will increase to 65 years, with a contribution period of 37 years and 3 months or more; or 66 years with a contribution period lower than 37 years and 3 months.

For additional information on our firm, please visit our website at [simmons-simmons.com](https://www.simmons-simmons.com).

© Simmons & Simmons LLP and its licensors. All rights asserted and reserved. This document is for general guidance only. It does not contain definitive advice.

Simmons & Simmons LLP is a limited liability partnership registered in England & Wales with number OC352713 and with its registered office at CityPoint, One Ropemaker Street, London EC2Y 9SS, United Kingdom. It is authorised and regulated by the Solicitors Regulation Authority and its SRA ID number is 533587. The word "partner" refers to a member of Simmons & Simmons LLP or one of its affiliates, or an employee or consultant with equivalent standing and qualifications. A list of members and other partners together with their professional qualifications is available for inspection at the above address.