

INTERNATIONAL LABOUR AND EMPLOYMENT COMPLIANCE HANDBOOK

Author Guide

[A] Aim of the Publication

As more and more companies invest overseas, the need for readily available, accurate and detailed knowledge of labour and employment laws in multiple jurisdictions becomes an essential resource for employers and their counsel. Now, this one-of-a-kind publication provides exactly such a tool. With over 20 countries – all of them among the world’s most important commercial jurisdictions and labour markets – the Handbook is becoming, as it expands with new chapters on more jurisdictions added regularly, the preeminent, indispensable source of information on labour and employment laws worldwide.

For each category the chapter provides detailed coverage of applicable laws, with the addition of such practical features as checklists of do’s and don’ts; step-by-step compliance measures with mandatory standards and procedures and recordkeeping requirements; specific applicable fines and penalties; and much more. Thoroughly practical in orientation, the Handbook is easy to understand for lawyers and non-lawyers alike, and is sure to be greatly welcomed by business executives and human resources professionals as well as corporate counsel and business lawyers.

Each country chapter, written by a distinguished legal practitioner in that country, is based on a standard outline (see below) that allows users to compare the legal landscape and analyse solutions to employment problems in each jurisdiction.

[B] Contact Details

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[C] Outline

The outline should be followed very closely even if some headings are not applicable. In such a case please write a line or two of text explaining why such a topic is not applicable. Additional, country-specific heads are allowed—as long as they are unnumbered.

1. LEGAL FRAMEWORK: EMPLOYMENT LAWS

2. CONTRACTS OF EMPLOYMENT

- 2.1. Overview
- 2.2. Written Employment Contracts
- 2.3. Oral Contracts
- 2.4. Employee Handbooks
- 2.5. Job Descriptions
- 2.6. Offer Letters
- 2.7. Checklist of Do's and Don'ts

3. RECRUITING, INTERVIEWING, SCREENING AND HIRING EMPLOYEES

- 3.1. Overview
- 3.2. Recruiting
- 3.3. Employment Applications
- 3.4. Pre-Employment Inquiries
- 3.5. Pre-Employment Tests and Examinations
- 3.6. Background, Reference, and Credit Checks
- 3.7. Interviewing
- 3.8. Hiring Procedures
- 3.9. Fines and Penalties
- 3.10. Checklist of Do's and Don'ts

4. MANAGING PERFORMANCE/CONDUCT

- 4.1. Overview
- 4.2. Coaching and Counseling
- 4.3. Written Evaluations
- 4.4. Warnings and Suspensions
- 4.5. Checklist of Do's and Don'ts

5. TERMINATION OF EMPLOYEES FOR PERFORMANCE OR DISCIPLINARY REASONS

- 5.1. Overview
- 5.2. Separation/Severance Pay
- 5.3. Fines and Penalties
- 5.4. Checklist of Do's and Don'ts

6. LAYOFFS, REDUCTIONS IN FORCE, AND/OR REDUNDANCIES AS A RESULT OF JOB ELIMINATIONS OR OTHER RESTRUCTURING

- 6.1. Overview
- 6.2. Reductions in Force/Layoffs/Job Eliminations

6.3. Fines and Penalties

6.4. Checklist of Do's and Don'ts

7. LABOUR AND EMPLOYMENT LAW RAMIFICATIONS UPON ACQUISITION OR SALE OF A BUSINESS

7.1. Overview

7.2. Acquisition of a Business

7.3. Acquisition Checklist

7.4. Sale of a Business

7.5. Sale Checklist

8. USE OF ALTERNATIVE WORKFORCES: INDEPENDENT CONTRACTORS, CONTRACT EMPLOYEES, AND TEMPORARY OR LEASED WORKERS

8.1. Overview

8.2. Independent Contractors

a. Definition

b. Creating the Relationship

c. Compensation

d. Other Terms and Conditions

8.3. Contract Workers

8.4. Leased Workers

8.5. Checklist of Do's and Don'ts

9. OBLIGATION TO BARGAIN COLLECTIVELY WITH TRADE UNIONS: EMPLOYEES' RIGHT TO STRIKE AND A COMPANY'S RIGHT TO CONTINUE BUSINESS OPERATIONS

9.1. Overview of Unions' Right to Organize

9.2. Right of Employees to Join Unions

9.3. How Employees Select Unions

9.4. Pre-Election Campaigning

9.5. Unfair Labour Practices

9.6. Relocation of Work/Shutdown of Business

9.7. Checklist of Do's and Don'ts

10. WORKING CONDITIONS: HOURS OF WORK AND PAYMENT OF WAGES—BY STATUTE OR COLLECTIVE AGREEMENTS

10.1. Overview of Wage and Hours Laws

10.2. Minimum Wage

10.3. Overtime

10.4. Meal and Rest Periods

10.5. Deductions from Wages

10.6. Garnishment

10.7. Exemptions to Wage and Hour Laws

10.8. Child Labor

10.9. Recordkeeping Requirements

- a. Information That Must Be Maintained
- b. Records That Must Be Retained
- c. Failure to Maintain Required Records

10.10. Reductions in Compensation Caused by Economic Downturn

10.11. Checklist of Do's and Don'ts

11. OTHER WORKING CONDITIONS AND BENEFITS—BY STATUTE, COLLECTIVE AGREEMENTS, OR COMPANY POLICY

11.1. Health and Other Insurance

11.2. Pension and Retirement Benefits

11.3. Vacation and Holiday Payments on Termination

11.4. Leaves of Absence

- a. Personal Leave
- b. Medical or Sick Leave
- c. Bereavement Leave
- d. Family Leave
- e. Pregnancy Leave
- f. Maternity Leave
- g. Injury at Work

11.5. Checklist of Do's and Don'ts

12. WORKERS' COMPENSATION

12.1. Overview

12.2. Checklist of Do's and Don'ts

13. COMPANY'S OBLIGATION TO PROVIDE SAFE AND HEALTHY WORKPLACE

13.1. Overview of Safety and Environmental Laws and Regulations

13.2. Requirements

13.3. Rights of Employees

13.4. Rights of Employer

13.5. Specific Standards

13.6. Injury or Accident at Work

13.7. Workplace Violence

13.8. Fines and Penalties

13.9. Checklists of Do's and Don'ts

14. IMMIGRATION, SECONDMENT AND FOREIGN ASSIGNMENT

14.1. Overview Laws Controlling Immigration

14.2. Recruiting, Screening and Hiring Process

14.3. Obligation of Employer to Enforce Immigration Laws

- 14.4. Fines and Penalties
- 14.5. Secondment/Foreign Assignment
- 14.6. Checklist of Do's and Don'ts

15. RESTRICTIVE COVENANTS AND PROTECTION OF TRADE SECRETS AND CONFIDENTIAL INFORMATION

- 15.1. Overview
- 15.2. The Law of Trade Secrets
- 15.3. Restrictive Covenants and Non-Compete Agreements
- 15.4. Checklist of Do's and Don'ts

16. PROTECTION OF WHISTLEBLOWING CLAIMS

- 16.1. Overview
- 16.2. Checklist of Do's and Don'ts

17. PROHIBITION OF DISCRIMINATION IN THE WORKPLACE

- 17.1. Overview of Anti-Discrimination Laws
- 17.2. Age Discrimination
- 17.3. Race Discrimination
- 17.4. Sex Discrimination/Sexual Harassment
- 17.5. Handicap and Disability Discrimination
- 17.6. National Origin Discrimination
- 17.7. Religious Discrimination
- 17.8. Military Status Discrimination
- 17.9. Pregnancy Discrimination
- 17.10. Marital Status Discrimination
- 17.11. Sexual Orientation Discrimination
- 17.12. Retaliation
- 17.13. Constructive Discharge
- 17.14. Checklist of Do's and Don'ts

18. SMOKING IN THE WORKPLACE

- 18.1. Overview
- 18.2. Checklist of Do's and Don'ts

19. USE OF DRUGS AND ALCOHOL IN THE WORKPLACE

- 19.1. Overview
- 19.2. Checklist of Do's and Don'ts

20. AIDS, HIV, SARS, BLOODBORNE PATHOGENS

20.1. Overview

20.2. Checklist of Do's and Don'ts

21. DRESS AND GROOMING REQUIREMENTS

21.1. Overview

21.2. Checklist of Do's and Don'ts

22. PRIVACY, TECHNOLOGY AND TRANSFER OF PERSONAL DATA

22.1. Privacy Rights of Employees

22.2. Checklist of Do's and Don'ts

23. WORKPLACE INVESTIGATIONS FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT, FRAUD, THEFT, AND WHISTLEBLOWING

23.1. Overview

23.2. Checklist of Do's and Don'ts

24. AFFIRMATIVE ACTION/NONDISCRIMINATION REQUIREMENTS

24.1. Overview

24.2. Checklist of Do's and Don'ts

25. RESOLUTION OF LABOR, DISCRIMINATION AND EMPLOYMENT DISPUTES: LITIGATION, ARBITRATION, MEDIATION AND CONCILIATION

25.1. Internal Dispute Resolution Process

25.2. Mediation and Conciliation

25.3. Arbitration

25.4. Litigation

25.5. Fines, Penalties and Damages

25.6. Checklist of Do's and Don'ts

26. EMPLOYER RECORDKEEPING, DATA PROTECTION, AND EMPLOYEE ACCESS TO PERSONNEL FILES AND RECORDS

26.1. Overview

26.2. Personnel Files

26.3. Confidentiality Rules

26.4. Employee Access

27. REQUIRED NOTICES AND POSTINGS

27.1. Overview

27.2. Checklist of Do's and Don'ts