

DETAILED CONTENTS

	<i>Main Volume</i>	<i>Supple- ment</i>
Foreword	ix	xiii
Preface.....	xi	xv
Outline of Topics	xiii	xvii
Summary Contents.....	xix	xxiii
Finding List of Countries, International Entities, and Special Topics	cxvii	cclvii

Part 1. The European Union and Selected Member and Applicant Countries

THE EUROPEAN UNION (IA)	1-1	1-1
Introduction.....	1-1	1-1
A. Terminology	1-4	1-6
B. Evolution of European Union Social and Labor Law.....	1-6	1-7
1. Foundation of the European Communities (1945–1973)	1-6	—
2. Social Action—The First Phase (1973–1987).....	1-8	—
3. Social Action—The Second Phase (1987–1997)	1-9	—
4. From Harmonization to Coordination (1997–2014).....	1-12	—
5. Latest Developments [New Topic]	—	1-7
a. Decreasing Emphasis on Legislation.....	—	1-7

European Union (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
b. Balancing Worker Security with Labor Market Flexibility	—	1-8
c. Stimulating Growth and Shoring Up the Euro.....	—	1-8
d. Addressing Youth Unemployment.....	—	1-9
e. Shifting the Strategic Focus to Investment.....	—	1-9
f. The Five Presidents' Report and the Proposed European Pillar of Social Rights	—	1-10
C. EU Institutions.....	1-14	1-14
1. European Commission.....	1-14	—
2. European Council	1-16	—
3. Council of the European Union	1-17	—
4. European Parliament.....	1-20	—
5. Court of Justice of the European Union	1-21	1-14
D. Bases for EU-Level Action.....	1-23	1-15
1. EU Legislation	1-23	1-15
a. Legal Acts of the Union.....	1-23	1-15
b. The Principle of Primacy.....	1-25	—
c. Interpretative Techniques: Direct Effect; Indirect Effect; and State Liability	1-26	—
i. Direct effect	1-26	—
ii. Indirect effect.....	1-31	—
iii. State liability.....	1-32	—
iv. Summary.....	1-34	—
2. General Principles of EU Action.....	1-34	—
3. The Social Policy Provisions	1-38	—
a. Article 151 TFEU.....	1-38	—
b. Article 152 TFEU.....	1-39	—
c. Article 153 TFEU.....	1-39	—
d. Article 156 TFEU.....	1-43	—
e. Article 157 TFEU.....	1-43	—

	<i>Main Volume</i>	<i>Supple- ment</i>
4. Legislative Intervention by the Social Partners	1-45	—
a. Articles 154 and 155 TFEU	1-45	—
b. Impact on EU Legislative Process.....	1-47	—
5. Employment Title	1-48	—
E. Charter of Fundamental Rights of the EU.....	1-50	1-16
1. Legal context.....	1-50	1-16
a. Evolution	1-50	—
b. Legal Scope	1-52	—
i. Application to EU’s institutions and bodies.....	1-53	—
ii. Application to Member States.....	1-53	—
iii. Right to vary Charter protections	1-56	—
iv. Distinction between rights and principles.....	1-59	—
2. Substance	1-59	—
3. Impact of the Charter on EU Employment and Social Law	1-65	1-18
a. <i>BECTU</i> Case	1-66	—
b. <i>Viking Line</i> Case.....	1-67	—
c. <i>Küçükdeveci</i> Case.....	1-72	—
F. Social Policy Agenda and Modernizing Labor Law.....	1-78	—
1. Implementation of the Social Policy Agenda.....	1-78	—
2. Modernizing Labor Law	1-80	—
3. Renewed Social Agenda	1-85	—
4. Addressing the Informal Economy	1-87	—
G. Class or Group Actions.....	1-88	—
H. Extraterritorial Application of EU Employment Laws.....	1-89	—

European Union (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
I. Individual Employment.....	1-90	1-22
A. Contract Formation and Termination.....	1-90	—
1. Individual Employment Conditions.....	1-90	—
2. Individual Dismissal	1-91	—
B. Atypical Workers.....	1-92	1-22
1. Part-Time Work Directive	1-92	—
a. Substantive Provisions.....	1-92	—
b. Case Law	1-95	—
i. Covered part-time workers	1-95	—
ii. Equal treatment in employment conditions.....	1-97	—
iii. Legal or administrative obstacles.....	1-103	—
2. Fixed-Term Work Directive	1-104	1-22
a. Substantive Provisions.....	1-104	—
b. Case Law	1-107	1-22
i. Equal treatment in employment conditions.....	1-107	—
ii. Duty to prevent abuse arising from use of successive fixed-term contracts.....	1-120	1-22
iii. Non-retrogression principle.....	1-133	—
3. Temporary Agency Work Directive.....	1-139	1-28
a. Background	1-139	—
b. Substantive Provisions.....	1-140	—
c. Case Law [New Topic].....	—	1-28
4. Framework Agreement on Telework.....	1-147	—
C. Privacy.....	1-148	1-32
1. Data Protection Directive.....	1-149	1-33
a. Substantive Provisions.....	1-149	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Transfer of Data Outside the EU—from Safe Harbor to Privacy Shield [Amended Heading]	1-151	1-33
i. <i>Schrems</i> ruling [new topic]	—	1-33
ii. Subsequent developments [new topic]	—	1-36
c. Requirements for Whistleblowing Systems	1-153	—
d. Case Law	1-154	—
2. Data Protection Package	1-156	1-41
D. Choice of Law for Individual Employment Contracts	1-159	—
1. Rome Convention	1-159	—
2. Rome I Regulation	1-160	—
3. Case Law	1-161	—
II. Collective Bargaining	1-164	—
III. Representation by Entities Other Than Unions	1-166	1-44
A. Information and Consultation Rights	1-166	—
B. The Directives	1-167	1-44
1. European Works Council Directive	1-167	—
a. Background and Substantive Provisions	1-167	—
b. Case Law	1-174	—
2. Employee Information and Consultation Directive	1-178	1-44
a. Substantive Provisions	1-178	—
b. Case Law	1-180	1-44
IV. Redundancy and Transfers of Undertakings	1-183	1-46
A. Collective Redundancy	1-183	1-46
1. Background and Substantive Provisions	1-183	1-46
2. Case Law	1-186	1-49

European Union (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
a. Scope of the Directive	1-186	1-49
b. Collective Redundancies Procedures	1-192	1-54
c. Enforcement Procedures	1-197	—
B. Transfers of Undertakings	1-197	1-59
1. Transfers of Undertakings Directive.....	1-197	—
2. Case Law (Before Amendment of Directive).....	1-199	—
a. Event of a Transfer	1-199	—
b. Safeguarding Employees’ Acquired Rights.....	1-205	—
3. Consolidated Directive.....	1-208	—
4. Case Law under the Consolidated Directive [Amended Title]	1-212	1-59
a. Event of a Transfer	1-212	1-59
b. Designating the Transferor	1-219	—
c. Safeguarding Employees’ Acquired Rights.....	1-221	—
d. Protection Against Dismissal	1-225	—
e. Status and Function of Employees’ Representatives.....	1-228	—
C. Insolvency Directive	1-231	—
1. Background and Substantive Provisions.....	1-231	—
2. Case Law.....	1-236	—
a. Scope of Claims	1-236	—
b. Time Limits for Guarantee Periods.....	1-242	—
c. Ceilings on Liability	1-243	—
d. Time Limits for Filing Applications	1-243	—
e. Conditioning Payment on Registration as a Job- Seeker	1-245	—
f. Protection of Occupational Pension Benefits	1-246	—

	<i>Main Volume</i>	<i>Supple- ment</i>
g. Measures Necessary to Avoid Abuses	1-249	—
h. Guarantee Obligation for Employee-Owners	1-250	—
i. Cross-Border Insolvencies	1-251	—
V. Wages, Hours, and Leave	1-253	1-61
A. Wages.....	1-253	—
B. Hours	1-253	1-61
1. Working Time Directive.....	1-253	1-61
a. Background and Substantive Provisions	1-253	1-61
b. Case Law	1-256	1-62
i. Working hours, rest periods, derogations, and the opt-out	1-257	1-62
(a) On-call workers.....	1-257	—
(b) Maximum working hours	1-262	1-62
(c) Rest periods.....	1-268	—
ii. Four weeks of paid annual leave	1-274	1-64
(a) Preconditions	1-274	—
(b) Relationship to maternity leave.....	1-278	—
(c) Part-time employees	1-279	—
(d) Rolled-up vacation pay	1-280	—
(e) Calculating annual leave pay	1-282	1-64
(f) Relationship to sick leave.....	1-283	—
(g) Leave entitlement during suspension of work and salary obligations pursuant to social plan.....	1-289	—

European Union (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
(h) Right to allowance in lieu on termination of employment	1-290	1-66
2. Review of the Working Time Directive.....	1-291	—
C. Leave	1-297	1-68
1. Pregnancy and Maternity Leave.....	1-297	1-68
a. Pregnancy and Maternity Directive	1-297	—
b. Case Law	1-299	1-68
i. Protection against dismissal	1-299	—
ii. Relationship to annual leave.....	1-310	—
iii. Maternity leave pay	1-310	—
iv. Rights of fathers.....	1-314	—
v. Surrogacy [new topic].....	—	1-68
c. Revision of the Pregnancy and Maternity Directive.....	1-317	—
2. Parental Leave.....	1-319	1-70
a. Parental Leave Directive	1-319	—
b. Case Law	1-322	1-70
i. Relationship to maternity leave.....	1-322	—
ii. Acquired rights	1-323	—
iii. Period of leave	1-327	—
iv. Protection from dismissal or discrimination and right to return to equivalent work.....	1-330	1-70
v. Leave entitlement for fathers [new topic]	—	1-72
VI. Antidiscrimination	1-333	1-73
A. Gender Equality.....	1-333	1-73
1. Equal Pay	1-336	—
a. Equal Value.....	1-336	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Definition of Pay	1-339	—
i. Substantive provisions.....	1-339	—
ii. Case law.....	1-339	—
c. Pay Discrimination	1-341	—
i. Legal context	1-341	—
ii. Case law.....	1-343	—
(a) Indirect discrimination	1-344	—
(b) Equal pay in relation to pregnancy or maternity leave.....	1-350	—
d. Pensions.....	1-356	—
i. Occupational pensions as an element of pay	1-356	—
ii. Protocol no. 33 and retroactivity.....	1-357	—
2. Equal Treatment as Regards Access to Employment, Vocational Training, Promotion and Working Conditions	1-361	1-73
a. The Equal Treatment Guarantee	1-361	—
b. Case Law	1-363	1-73
i. Direct effect	1-364	—
ii. Direct discrimination	1-364	—
iii. Indirect discrimination	1-365	—
iv. Discrimination linked to gender reassignment	1-367	—
v. Burden of proof	1-371	—
vi. Pregnancy-related discrimination	1-375	1-73
vii. Genuine and determining occupational requirement.....	1-381	—

European Union (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
viii. Discrimination related to parental leave [new topic].....	—	1-74
3. Harassment, Sexual Harassment, Instruction to Discriminate, and Victimization.....	1-383	—
4. Affirmative Action	1-385	—
a. Substantive Provisions.....	1-385	—
b. Case Law	1-385	—
5. Equal Treatment in Social Security	1-389	—
a. Social Security.....	1-389	—
i. Background and substantive provisions.....	1-389	—
ii. Case law.....	1-390	—
b. Occupational Social Security.....	1-392	—
i. Background and substantive provisions.....	1-392	—
ii. Case law.....	1-393	—
6. Strategy for Equality between Women and Men (2010–2015)	1-396	—
B. Employment Equality Beyond Gender [Amended Heading]	1-397	1-75
1. Race Equality Directive	1-399	—
a. Background and Substantive Provisions	1-399	—
b. Case Law	1-404	—
2. Employment Equality Framework Directive (Amended Heading).....	1-407	1-75
a. Overview	1-407	—
b. Religion or Belief.....	1-412	—
c. Disability	1-414	1-75
i. Substantive provisions	1-414	—
ii. Case law.....	1-415	1-75

	<i>Main Volume</i>	<i>Supple- ment</i>
(a) The concept of disability, reasonable accommodation, and discrimination in the context of disability.....	1-415	1-75
(b) Discrimination based on association with disabled person and prohibition of disability-based harassment	1-423	—
d. Age	1-429	—
i. Substantive provisions.....	1-429	—
ii. Case law.....	1-431	—
(a) Direct discrimination	1-431	—
(b) Indirect discrimination	1-433	—
(c) Justifiable differences in treatment	1-434	—
(d) Retirement and invalidity benefits.....	1-451	—
(e) Public security and the protection of health	1-451	—
(f) Genuine and determining occupational requirement	1-453	—
e. Sexual Orientation Discrimination.....	1-455	—

European Union (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
VII. Occupational Safety and Health and Workers' Compensation	1-463	—
A. Occupational Safety and Health	1-463	—
1. Background.....	1-463	—
2. Framework Directive on the Safety and Health of Workers at Work.....	1-464	—
a. Substantive Provisions.....	1-464	—
b. Case Law	1-472	—
B. Workers' Compensation	1-473	—
VIII. Pensions and Benefits	1-473	—
IX. Immigration.....	1-475	1-79
A. Free Movement of Persons	1-475	—
1. Free Movement of Workers Regulation.....	1-475	—
2. Citizens Directive.....	1-476	—
B. Workers Posted Abroad	1-479	1-79
1. Posted Workers Directive.....	1-480	—
2. Case Law.....	1-482	1-79
3. Additional Measures to Address Social Dumping	1-491	1-82
C. Asylum and Immigration.....	1-494	—

**EMPLOYMENT AND CORPORATE LAW
ISSUES APPLICABLE IN
RESTRUCTURING OF
COMPANIES IN THE EU (IA).....**

Introduction.....	2-1	2-1
I. Merger or Division of Companies	2-1	—
A. Merger of Companies: Structure, Procedure, and Corporate Law Effects	2-3	2-1
1. European Union	2-3	2-1
a. Structure of a Merger [Substitute Text]	—	2-2
b. Procedure [Substitute Text]	—	2-3
i. Merger by acquisition.....	2-6	2-3

	<i>Main Volume</i>	<i>Supple- ment</i>
(a) Merger plan.....	2-6	2-3
(b) Resolution of the general shareholders' meeting.....	2-7	2-4
(c) Management report.....	2-8	2-4
(d) Experts' report	2-8	2-5
(e) Rights of the shareholders to information.....	2-9	2-5
ii. Merger by formation of a new company.....	2-9	2-6
c. Corporate Law Effects [Substitute Text]	—	2-6
2. Germany.....	2-10	2-7
a. Structure of a Merger [Substitute Text]	—	2-7
b. Procedure.....	2-11	2-7
i. Content of the merger agreement.....	2-11	2-7
(a) Mandatory information concerning direct consequences for employees	2-12	—
(1) Consequences for employment agreements.....	2-12	—
(2) Consequences for collective bargaining agreements and works agreements.....	2-12	—
(3) Consequences for employee representation.	2-12	—

ECLI (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
(b) Information on planned measures.....	2-12	—
(c) Sample merger agreement language (based on a hypothetical example).....	2-13	—
(d) Legal consequences of insufficient information.....	2-13	—
ii. Submission of the merger agreement to the works councils.....	2-14	—
iii. Notarization	2-15	—
iv. Entry into the commercial register	2-15	—
v. Publication.....	2-16	—
c. Corporate Law Effects.....	2-16	—
d. Cross-Border Mergers	2-17	2-7
3. France.....	2-19	2-8
a. Structure of a Merger	2-19	—
b. Procedure.....	2-20	2-8
i. Hearing the works councils of the companies involved	2-20	—
ii. Filing the merger plan with the commercial court.....	2-20	—
iii. Right of creditors to object	2-21	—
iv. Rights of bondholders.....	2-21	—
v. Appointment of one or more independent experts.....	2-22	—
vi. Resolution of the general shareholders' meeting	2-23	2-8

	<i>Main Volume</i>	<i>Supple- ment</i>
vii. Preparation and filing of the declaration of legality	2-23	2-8
viii. Entry into the commercial register	2-24	—
c. Corporate Law Effect	2-24	—
d. Cross-Border Mergers	2-24	2-8
4. United Kingdom	2-25	2-9
a. Structure of a Merger	2-25	—
i. Merger by absorption.....	2-25	—
ii. Merger by formation of a new company.....	2-26	—
b. Procedure.....	2-26	2-9
i. Formulating the merger plan	2-26	—
ii. Approval of the merger plan by the creditors or members.....	2-27	2-9
iii. Ratification of the merger plan by the court.....	2-27	—
(a) Drafting the proposed terms of merger	2-27	—
(b) Publication of the draft terms	2-28	—
(c) Directors’ explanatory report.....	2-29	—
(d) Expert’s report.....	2-29	—
(e) Supplementary accounting statement	2-29	—
(f) Inspection of documents	2-30	—
(g) Approval of the articles of the new transferee company	2-30	—

ECLI (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
(h) No allotment of shares to transferor or transferee company	2-30	—
(i) Circumstances in which a meeting of the members of the transferee company is not required	2-31	—
(j) Circumstances in which no meetings are required	2-32	—
c. Corporate Law Effects.....	2-33	—
i. The merger becomes binding upon court ratification.....	2-33	—
ii. A merger by formation of a new company must be registered.....	2-34	—
iii. Application of the Enterprise Act 2002	2-34	—
d. Cross-Border Mergers	2-35	2-9
B. Division of Companies: Structure, Procedure, and Corporate Law Effects	2-36	2-10
1. European Union	2-36	2-10
a. Structure of a Division [Substitute Text]	—	2-10
b. Procedure [Substitute Text]	—	2-11
i. Division by acquisition....	2-37	2-11
(a) Division plan.....	2-37	2-11
(b) Resolution of the general shareholders’ meeting.....	2-37	2-11
(c) Management report.....	2-38	2-12

	<i>Main Volume</i>	<i>Supple- ment</i>
(d) Expert examination.....	2-38	2-12
(e) Rights of the shareholders to information.....	2-39	2-13
ii. Division by formation of new companies	2-39	2-13
c. Corporate Law Effects [Substitute Text]	—	2-14
2. Germany.....	2-40	2-14
a. Structure of a Division	2-41	2-14
i. Split-up	2-41	—
ii. Spin-off.....	2-41	—
iii. Disincorporation	2-41	2-14
iv. Combination of division transactions	2-42	—
b. Procedure.....	2-42	2-14
i. Split-up and spin-off.....	2-42	—
(a) Content of the division plan.....	2-42	—
(b) Submission of the plan to the works council.....	2-43	—
(c) Approval by the general shareholders' meeting.....	2-43	—
(d) Notarization	2-43	—
(e) Entry in the commercial register.....	2-43	—
ii. Disincorporation	2-44	—
(a) Disincorporation plan.....	2-44	—
(b) Disincorporation report.....	2-44	—
(c) Expert examination.....	2-44	—
c. Corporate Law Effects.....	2-44	—

ECLI (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
3. France.....	2-45	—
a. Structure of a Division	2-45	—
i. Division	2-45	—
ii. Disincorporation/ incorporation.....	2-45	—
b. Procedure.....	2-45	—
i. Division	2-45	—
ii. Disincorporation/ incorporation.....	2-45	—
c. Corporate Law Effects.....	2-46	—
i. Division	2-46	—
ii. Disincorporation/ incorporation.....	2-46	—
4. United Kingdom	2-46	2-15
a. Structure of a Company Division	2-46	—
b. Procedure.....	2-47	2-15
c. Corporate Law Effects.....	2-48	2-15
C. Employment Law Implications of Mergers and Divisions.....	2-49	2-15
1. European Union	2-49	—
a. Transfers of Undertakings Directive	2-50	—
i. Requirements of the Transfers of Undertakings Directive	2-52	—
(a) Object of the transfer	2-52	—
(b) Transfer to another owner.....	2-53	—
(c) Forms of transfer	2-53	—
(d) Covered employees	2-53	—
(e) Geographical scope of the Directive.....	2-54	—

	<i>Main Volume</i>	<i>Supple- ment</i>
ii. Legal consequences of a transfer	2-54	—
(a) Effect on individual contracts	2-54	—
(1) Transfer of employment relationships.....	2-54	—
(2) Employees’ right to object to the transfer of employment....	2-55	—
(3) Protection against unlawful dismissal.....	2-55	—
(4) Liabilities	2-56	—
(b) Effect on collective agreements	2-56	—
(c) Effect on supplementary company or inter- company pension plans	2-57	—
(d) Effect on employee representatives.....	2-57	—
(e) Information and consultation duties.....	2-58	—
b. Information and Consultation Directive.....	2-59	—
c. European Works Council Directive	2-61	—
2. Germany.....	2-61	2-15
a. Transfer of Undertakings.....	2-62	2-15
i. Requirements	2-62	—

ECLI (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
(a) Object of the transfer	2-62	—
(b) Transfer to another owner.....	2-63	—
(c) Transfer by means of a legal transaction.....	2-63	—
(d) Covered employees	2-63	—
ii. Legal consequences of a transfer of undertakings.....	2-64	2-15
(a) Effect on individual contracts	2-64	—
(1) Transfer of employment relationships ...	2-64	—
(2) Employees' right to object to the transfer of employment....	2-64	—
(3) Protection against unfair dismissal.....	2-65	—
(4) Liabilities	2-65	—
(b) Effect on collective agreements	2-66	2-15
(1) Works agreements.....	2-66	2-15
(2) Collective bargaining agreements.....	2-67	—
(c) Effect on benefit plans.....	2-68	—
(1) Pension plans	2-68	—

	<i>Main Volume</i>	<i>Supple- ment</i>
(2) Stock option plans	2-68	—
(d) Effect on works councils	2-69	—
(e) Information and consultation duties	2-70	—
iii. Cross-border transfers of undertakings	2-72	—
b. Co-determination of the Works Councils	2-73	—
c. Implementation of the Information and Consultation Directive	2-74	—
d. Impacts on Company Co-determination	2-75	2-16
i. Company co- determination levels	2-75	2-16
(a) One-third co- determination (500 to 2,000 employees) [substitute text]	—	2-16
(b) Parity co- determination (more than 2,000 employees)	2-75	—
(c) Co-determination for groups	2-76	—
(d) Co-determination in the coal and steel industry (coal and steel companies with more than 1,000 employees)	2-76	—
ii. Co-determination effects of a merger	2-77	—

ECLI (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
(a) Effects on the transferor.....	2-77	—
(b) Effects on the transferee(s)	2-78	—
iii. Co-determination effects of a division.....	2-78	—
(a) Split-up.....	2-79	—
(b) Spin-off	2-79	—
(c) Disincorporation	2-80	—
3. France.....	2-80	2-17
a. Transfers of Undertakings	2-80	—
i. Requirements	2-81	—
(a) Object of the transfer	2-81	—
(b) Transfer to another owner.....	2-81	—
(c) Forms of transfer....	2-81	—
(d) Covered employees	2-82	—
ii. Legal consequences of a transfer	2-82	—
(a) Effect on individual contracts	2-82	—
(1) Transfer of employment relationships ...	2-82	—
(2) Employees' right to object to the transfer of employment....	2-83	—
(3) Protection against unfair dismissal.....	2-84	—
(4) Liabilities	2-84	—
(b) Effect on collective agreements	2-85	—

	<i>Main Volume</i>	<i>Supple- ment</i>
(c) Effect on pension plans	2-86	—
(d) Effect on employees' representatives.....	2-86	—
b. Obligation to Inform and Consult the Works Council [Substitute Text]	—	2-17
c. Implementation of the Information and Consultation Directive.....	2-88	—
4. United Kingdom	2-88	2-18
a. Transfers of Undertakings	2-89	2-18
i. Requirements	2-89	2-18
(a) Object of the transfer	2-89	2-18
(b) Covered employees	2-91	—
ii. Legal consequences of a merger for employees	2-92	—
(a) Effect on individual contracts	2-92	—
(1) Transfer of the employment contract.....	2-92	—
(2) Employees' right to object to the transfer of employment....	2-92	—
(3) Protection against dismissal.....	2-93	—
(4) Liabilities	2-94	—
(b) Effect on collective agreements	2-94	—
(c) Effect on trade union membership...	2-95	—
(d) Effect on benefit plans	2-96	—

ECLI (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
(1) Pension plans..	2-96	—
(2) Stock option plans	2-96	—
(e) Information and consultation duties.....	2-97	—
b. Implementation of the Information and Consultation Directive.....	2-98	—
c. Consulting the European Works Council	2-99	—
D. EU Data Privacy Law	2-99	2-20
1. Data Protection Directive and the Future of EU Data Protection Regulation.....	2-99	2-20
2. Data Privacy Issues	2-101	2-24
a. Collection and Processing of Personal Data [Amended Heading] [Substitute Text]	—	2-24
i. Definition of data.....	2-102	2-25
ii. Lawful Processing of Data.....	2-102	2-25
(a) Principles	2-102	2-25
(b) Personal data	2-103	2-27
(c) Sensitive category data.....	2-104	2-29
(d) Automated individual decisions.....	2-105	2-30
iii. Employee rights.....	2-105	2-31
(a) Right to information.....	2-105	2-32
(b) Right to access	2-105	2-34
(c) Right to rectification	2-106	2-35
(d) Right to object.....	2-106	2-35
(e) Right to restrict processing	—	2-37

	<i>Main Volume</i>	<i>Supple- ment</i>
(f) Right to data portability.....	—	2-38
(g) Right to object.....	—	2-39
iv. Recordkeeping	—	2-40
v. Data protection impact assessments.....	—	2-41
vi. Data protection officer.....	—	2-43
vii. Breach notification	—	2-44
viii. Liability and sanctions.....	—	2-46
b. Transfer of Personal Data to Third Countries	2-107	2-49
i. Law applicable to transfers within the EU [substitute text]	—	2-49
ii. Transfer of data outside the EEA [amended heading] [substitute text].....	—	2-50
(a) Adequacy decisions.....	—	2-51
(b) EU–U.S. Privacy Shield	—	2-51
(c) Standard contractual clauses.....	—	2-52
(d) Binding corporate rules.....	—	2-56
(e) Derogations.....	—	2-64
(f) Co-determination rights of the works council.....	—	2-71
c. Data Transfer and Due Diligence [Substitute Text].....	—	2-72
i. Within the EU	2-114	—
ii. Outside the EU.....	2-115	—
d. Workplace Monitoring	2-116	2-72
i. Monitoring and supervision by the employer	2-116	—

ECLI (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
(a) Monitoring versus personal rights.....	2-117	—
(b) Examples.....	2-118	—
(1) Business e-mail	2-118	—
(2) Private e-mail	2-118	—
(3) E-mail forwarding	2-119	—
(c) Informing employees of workplace monitoring.....	2-119	—
(d) Monitoring use of the internet	2-120	—
(e) Special groups of employees	2-120	—
(1) Professional duty of confidentiality: doctors, lawyers, journalists, etc.	2-120	—
(2) Scholars	2-121	—
ii. Legal consequences of wrongful use	2-121	—
iii. Co-determination right of the works council	2-121	—
iv. France and the U.K.	2-122	2-72
II. Change of Company Form.....	2-123	—
A. Structure, Procedure, and Corporate Law Effects.....	2-123	—
1. Germany.....	2-124	—
a. Procedure.....	2-124	—
i. Draft of a transformation resolution	2-124	—
ii. Transformation report, transformation resolution, and registration	2-125	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Legal Implications of the Change of Form.....	2-125	—
c. Cross-Border Transformations.....	2-125	—
2. France.....	2-126	—
a. Procedure.....	2-126	—
i. Varying requirements based on company form...	2-126	—
(a) Transformation of a general partnership	2-126	—
(b) Transformation of a limited partnership	2-127	—
(c) Transformation of a limited liability company	2-127	—
ii. Special procedure for company that does not have statutory auditor	2-128	—
iii. Publication	2-128	—
b. Legal Implications	2-128	—
3. United Kingdom	2-128	—
a. Structure of a Company Transformation	2-128	—
b. Procedure.....	2-129	—
i. Formulating the plan and application to the court	2-129	—
ii. Information to be circulated	2-129	—
iii. Approval of the plan by the creditors or members.....	2-130	—
iv. Ratification of the plan by the court	2-130	—
c. Legal Consequences of a Transformation	2-130	—
B. Employment Law Implications of a Transformation	2-130	—

ECLI (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Germany.....	2-130	—
a. No Change of Co-determination Rights	2-131	—
b. Expansion of Co-determination Rights	2-131	—
c. Loss of Co-determination Rights	2-131	—
2. France.....	2-132	—
3. United Kingdom	2-132	—
a. Basic Principle.....	2-132	—
b. Varying the Terms of Employment	2-132	—
c. Dismissals.....	2-132	—
III. Mass Dismissals (Collective Redundancies).....	2-133	2-73
A. European Union.....	2-133	—
1. Application of the Collective Redundancies Directive	2-134	—
2. Information and Consultation Procedure	2-135	—
3. Announcement of the Dismissals ...	2-137	—
4. Carrying Out the Planned Dismissals	2-137	—
B. Germany	2-137	2-73
1. Application of the Collective Redundancies Provisions	2-138	—
a. Number of Dismissals	2-138	—
b. Total Number of Employees.....	2-138	—
c. Number of Intended Dismissals.....	2-138	—
d. Date of the Dismissals.....	2-139	—
2. Right of the Works Council to Be Involved.....	2-139	2-73
a. Information and Consultation Procedure.....	2-140	2-73
3. Announcement to the Employment Office	2-141	—
4. Carrying Out the Planned Dismissals	2-143	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Legal Effect of Filing the Announcement	2-143	—
i. Extension of the period....	2-143	—
ii. Consent of the employment office	2-143	—
iii. Release period.....	2-144	—
b. Legal Effect of an Omitted Announcement	2-144	—
5. Co-determination Rights	2-145	—
6. Protection Against Unfair Dismissal.....	2-145	2-73
C. France	2-147	2-74
1. Application of the Collective Redundancies Provisions	2-147	2-74
a. Number of Dismissals	2-147	—
b. Grounds for Dismissal [Substitute Text]	—	2-74
2. Information and Consultation Procedures.....	2-148	2-74
a. Competence of the Employee Representatives [Substitute Text]	—	2-74
b. Information Rights	2-148	2-75
c. Consultation Rights [Substitute Text]	—	2-76
d. Labor Administration Intervention	2-150	—
3. Involvement of an Auditor	2-150	—
4. Announcement of Dismissals	2-150	2-76
5. Duty to Draw Up a Social Plan.....	2-152	—
6. Duty to Seek a Buyer in Case of Closure of an Establishment	2-153	—
7. Protection Against Unfair Dismissal.....	2-153	—
D. United Kingdom	2-155	2-77
1. Definitions.....	2-155	2-77
2. Information and Consultation Procedures.....	2-156	2-78

ECLI (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
a. Consultation Period	2-157	—
b. Subject Matter of the Consultation	2-158	—
c. Failure of the Employer to Consult	2-159	—
3. Notice Requirements [Amended Heading] [Substitute Text]	—	2-78
4. Employee Entitlements	2-160	—
5. Protection Against Unfair Dismissal	2-160	—
IV. Insolvency	2-161	—
A. European Union	2-161	—
1. Scope of the Directive	2-162	—
2. Guarantee Institutions	2-163	—
3. Employee Claims	2-164	—
a. Limits on Protection	2-164	—
b. Social Security Contributions...	2-164	—
B. Germany	2-165	—
1. Insolvency Benefits	2-165	—
a. Requirements for a Claim to Insolvency Benefits	2-165	—
i. Employee and employer	2-165	—
ii. Occurrence of insolvency	2-165	—
b. Scope of Benefits	2-166	—
c. Procedure	2-166	—
2. Company Pension Plans	2-167	—
3. Rejection of Petition for Insolvency	2-168	—
4. Dismissals and Insolvency	2-168	—
a. Three-Month Notice Period	2-168	—
b. Other Provisions to Simplify Dismissal	2-168	—
i. Procedure with agreement of the works council	2-169	—
ii. Procedure without agreement of the works council	2-170	—

	<i>Main Volume</i>	<i>Supple- ment</i>
c. Employee Claims	2-170	—
C. France	2-170	—
1. Rights of Employees During Bankruptcy	2-171	—
2. Insurance System Against the Risk of Insolvency	2-172	—
a. <i>Association pour la gestion du régime d'assurance des créances des salariés (AGS)</i>	2-173	—
b. Type and Maximum Amount of the Claims Guaranteed by AGS	2-173	—
3. Itemization and Examination of Employee Claims	2-175	—
4. Dismissals During Insolvency	2-175	—
D. United Kingdom	2-176	—
1. Forms of Insolvency.....	2-176	—
2. Employees' Rights to Payment.....	2-177	—
a. Automatic Termination of Employment	2-179	—
b. No Automatic Termination of Employment	2-179	—
c. Adopting Contracts of Employment	2-179	—
d. Effect of a Transfer of an Undertaking	2-180	—
3. Protection of Pension Plan Contributions.....	2-181	—
4. Notice of Dismissal.....	2-181	—
V. International Joint Ventures	2-182	—
A. Forms of International Joint Ventures.....	2-182	—
1. Contractual Joint Ventures	2-182	—
2. Equity Joint Ventures	2-183	—
B. Structure of the Contract	2-183	—
1. Memorandum of Understanding.....	2-184	—
a. Purpose	2-184	—
b. Legal Status	2-184	—
c. Choice of Law	2-184	—

ECLI (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
d. Content	2-184	—
2. Additional Agreements	2-185	—
a. Contractual Joint Ventures.....	2-185	—
b. Equity Joint Ventures.....	2-185	—
C. Employment Law Implications	2-185	—
1. Rationalization Strategies	2-185	—
2. Secondment Agreements.....	2-186	—
3. Transfer of Business Operations.....	2-186	—
VI. The European Corporation (<i>Societas Europea</i> or <i>SE</i>).....	2-186	—
A. Purpose of the Statute	2-187	—
B. Concept and Organization	2-189	—
1. Characteristics and Administration	2-189	—
2. Form of Establishment.....	2-190	—
a. Merger of Companies.....	2-191	—
b. Establishment of a Holding Company	2-191	—
c. Establishment of a Joint Subsidiary.....	2-191	—
d. Transformation Into an SE	2-191	—
e. Companies with Head Offices Outside the EU	2-192	—
C. Employee Involvement in the Establishment of an SE.....	2-192	—
1. Overview	2-192	—
2. Step-by-Step Analysis of Obligations.....	2-193	—
a. Starting Point.....	2-193	—
b. Formation of a Negotiating Body	2-193	—
c. Practical Problems to Be Expected When Conducting Negotiations.....	2-194	—
d. Agreement on Employee Involvement	2-195	—
e. Standard Rules.....	2-196	—

	<i>Main Volume</i>	<i>Supple- ment</i>
f. Employee Participation in the Administrative or Supervisory Body	2-197	—
g. Approval of the Employee Involvement Agreement by the General Meeting	2-199	—
D. Implications for Existing Involvement Rights.....	2-199	—
E. Employee Participation in the Event of a Reorganization of the SE.....	2-201	—
VII. Proposed Legislation on The European Private Company (<i>Societas Privata</i> <i>Europaea</i> or <i>SPE</i>)	2-201	—
BELGIUM (IA)	3-1	3-1
Introduction.....	3-1	3-1
A. Overview	3-1	3-1
B. Employment	3-3	3-1
C. Status of Unions	3-5	3-2
D. Management of Employment-Related Benefits.....	3-7	—
E. Sources of Belgian Labor Law	3-7	—
1. National Sources of Labor Law	3-8	—
2. Regional Sources of Labor Law	3-10	—
3. Other Domestic Sources of Labor Law	3-10	—
4. European Sources of Labor Law.....	3-12	—
5. International Sources of Labor Law	3-13	—
F. Resolution of Employment Disputes.....	3-14	—
1. Collective Disputes	3-14	—
2. Individual Disputes	3-15	—
G. Labor Law Enforcement.....	3-15	—
1. Social Inspection System.....	3-16	—
2. Administrative and Criminal Penalties	3-18	—
H. Class or Group Actions.....	3-21	—

Belgium (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
I. Extraterritorial Application of Belgian Labor and Employment Laws and Jurisdiction of Belgian Courts	3-22	—
I. Individual Employment.....	3-23	3-3
A. Contract Formation.....	3-23	3-3
1. Distinction Between Employment and Independent Contractors	3-23	—
2. Form.....	3-26	—
3. Language.....	3-26	—
4. Types of Contracts	3-27	3-3
a. Contracts of an Unlimited Duration.....	3-28	—
b. Contracts for a Specific Project or a Limited Duration.....	3-28	—
c. Temporary Contracts	3-29	3-3
d. Part-Time Employment Contracts.....	3-30	3-4
i. Applicable law and definition.....	3-30	—
ii. Formal requirements.....	3-31	—
iii. Work schedule	3-31	3-4
iv. Part-time system	3-32	—
v. Priority over full-time employment	3-32	3-4
vi. Publication	3-32	—
vii. Prohibited discrimination	3-32	—
e. Seasonal Employment.....	3-33	—
f. Employment of Students and Student Internships [Amended Heading]	3-33	3-5
g. Trainee Contracts and Apprenticeship Contracts	3-33	—
h. Service Vouchers	3-33	3-5
i. Flexi-jobs [New Topic].....	—	3-6
5. Content.....	3-34	—
6. Trial Period (Probation)	3-34	—

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Employment Relationship	3-34	3-6
1. Categories of Employees	3-34	—
2. Payroll Documents.....	3-35	3-6
3. Work Regulations.....	3-36	—
C. Termination.....	3-36	3-6
1. Modalities of Termination.....	3-37	—
2. Procedure for Termination	3-37	3-6
a. Uniform (Dismissal) Law of December 26, 2013	3-37	—
b. Notice Requirements for Blue-Collar Workers as of January 1, 2014	3-39	3-6
i. Blue-collar workers hired on or after January 1, 2014.....	3-39	3-6
ii. Blue-collar workers hired prior to January 1, 2014...	3-40	—
(i) Blue-collar workers hired on or before December 31, 2011	3-40	—
(ii) Blue-collar workers hired on or after January 1, 2012	3-40	—
c. Notice Requirements for White-Collar Workers as of January 1, 2014	3-41	3-7
i. Employees hired on or after January 1, 2014	3-41	3-7
ii. Employees hired prior to January 1, 2014.....	3-42	3-8
iii. Notice for older employees	3-42	—
d. Notice Procedures	3-42	—
e. Termination Without Sufficient Notice	3-43	—
3. Dismissal for Serious Cause	3-44	—

Belgium (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
4. Unilateral Modification of Essential Elements of the Employment Contract Tantamount to Breach of Contract.....	3-45	—
5. Protection Against Dismissal	3-46	—
a. Service in the Armed Forces	3-46	—
b. Pregnancy and Maternity.....	3-47	—
c. Candidates and Members of the Works Council or Committee for Prevention and Protection at Work	3-47	—
d. Members of the Union Delegation	3-49	—
e. Termination During a Period of Incapacity Due to Illness or Accident	3-49	—
6. Dismissal Without Cause	3-50	—
a. Abusive Dismissal of Blue-Collar Workers (<i>Willekeurig ontslag – licenciement arbitraire</i>)	3-50	—
b. Manifestly Unreasonable Dismissal	3-50	—
7. Special Severance Indemnities.....	3-51	3-8
a. Blue-Collar Workers.....	3-51	3-8
b. Sales Representatives	3-52	—
c. Executive Personnel	3-52	—
8. Mandatory Outplacement	3-53	3-9
D. Privacy	3-54	—
1. Employer Monitoring and Surveillance.....	3-54	—
2. Personal Controls.....	3-57	—
E. Employee Duty of Loyalty, Trade Secrets, and Covenants Not to Compete.....	3-57	3-9
1. Employee Duty of Loyalty.....	3-57	—
2. Trade Secrets and Intellectual Property.....	3-58	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Trade Secrets	3-58	—
b. Intellectual Property Other Than Trade Secrets	3-58	—
i. Discoveries and inventions made by the employee during the employment contract	3-58	—
ii. Literary and artistic works	3-59	—
iii. Software computer programs	3-59	—
3. Covenants Not to Compete	3-60	3-9
a. Blue- and White-Collar Employees	3-60	3-9
i. Ordinary noncompetition clause: validity	3-60	3-9
ii. Special non-competition clause	3-62	—
iii. Consequences of employee breach	3-63	—
b. Commercial Representative/ Sales Representative	3-64	3-10
4. Enforcement	3-65	—
F. Litigation and Dispute Resolution	3-66	3-10
1. Competent Court	3-66	—
2. Arbitration	3-66	3-10
3. Settlement Agreements	3-67	—
G. Choice of Law for Individual Employment Contracts	3-67	—
II. Collective Bargaining	3-69	—
A. Unions	3-69	—
1. Introduction	3-69	—
2. Legal Status of Unions	3-70	—
3. Industrial Relations at the Enterprise Level; Union Delegation	3-72	—
B. Collective Bargaining Process	3-74	—

Belgium (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Bargaining Level.....	3-74	—
a. National and Sectoral Levels....	3-74	—
b. Enterprise Level.....	3-74	—
2. The Parties	3-74	—
3. The Institutions	3-75	—
a. National Labor Council (<i>Nationale Arbeidsraad - Conseil National du Travail</i>)	3-75	—
b. Joint Committees (<i>Paritair Comité - Commission Paritaire</i>)	3-75	—
c. Joint Subcommittees	3-76	—
4. Contents	3-76	—
C. Strikes	3-76	—
III. Representation by Entities Other Than Unions	3-78	—
A. Works Councils (<i>Ondernemingsraad - Conseil d'entreprise</i>)	3-78	—
1. Formation and Composition	3-78	—
2. Functions and Competences	3-80	—
B. European Works Council.....	3-81	—
C. European Company (<i>Societas Europea</i>)	3-82	—
IV. Redundancy and Transfers of Undertakings	3-83	3-10
A. Redundancy	3-83	3-10
1. Collective Dismissal	3-83	3-10
2. Closing of an Enterprise	3-85	3-11
3. Information and Consultation Prior to Collective Dismissal and/or Closing of an Enterprise	3-86	—
a. Sources of Law	3-86	—
b. Employer Obligations.....	3-87	—
c. Incentives for Compliance with Information and Consultation Requirements.....	3-89	—

	<i>Main Volume</i>	<i>Supple- ment</i>
4. Worker Protection Against Collective Dismissal	3-90	—
a. Scope of Protection	3-90	—
b. Conditions of the Protection.....	3-91	—
c. Substance of the Protection.....	3-92	—
i. Worker whose contract has been terminated with notice	3-92	—
ii. Worker whose contract has been terminated without notice	3-93	—
5. Garden Leave [New Topic]	—	3-11
B. Transfers of Undertakings	3-93	—
1. Contractual Transfer of an Enterprise	3-94	—
2. Information and Consultation	3-95	—
a. Timing	3-96	—
b. Content	3-97	—
c. Measures to Promote Employment	3-97	—
C. Bankruptcy	3-97	—
V. Wages, Hours, and Leave	3-98	3-12
A. Wages.....	3-98	3-12
1. Form and Time of Payment.....	3-98	3-12
2. Minimum Wage [Substitute Text]...	—	3-12
3. Adjustment to the Retail Price Index (<i>Index der</i> <i>consumptieprijzen - Indice des</i> <i>prix à la consommation</i>)	3-100	—
4. Wage Adjustment Margin	3-100	3-12
5. Deductions	3-101	—
6. Payment of Salary Advances.....	3-101	—
7. Overtime Pay [Substitute Text].....	—	3-13
B. Hours	3-102	3-14
1. In General [Substitute Text].....	—	3-14
2. Lower Work Time Limits [Substitute Text].....	—	3-14
3. Higher Work Time Limits.....	3-102	3-14

Belgium (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
4. Overtime	3-103	3-15
5. Flex Time	3-103	3-16
6. Night Work.....	3-104	3-16
7. Telework [New Topic]	—	3-17
8. Donation of Time Off [New Topic]	—	3-17
9. Saving Time Off [New Topic].....	—	3-18
C. Leave	3-104	3-18
1. Annual Holiday (Vacation)	3-104	—
2. Legal Holidays	3-106	—
3. Short Leave	3-107	—
4. Time Credit or Reduced Working Time Option	3-107	3-18
a. Full-Time and Half-Time Work Credit Option	3-109	—
b. One-Fifth Time Reduction Option.....	3-109	—
c. Reduction for Older Workers ...	3-109	3-19
i. Workers aged 50 and over	3-109	—
ii. Landing paths option	3-110	3-19
d. Allowances	3-110	3-19
5. Educational Leave.....	3-111	3-19
6. Sick Leave.....	3-111	3-20
7. Pregnancy and Maternity Leave	3-112	3-20
8. Paternity Leave	3-113	3-21
9. Parental Leave.....	3-113	3-21
10. Family Medical Leave	3-113	3-21
VI. Antidiscrimination	3-114	3-22
A. Overview	3-114	3-22
B. Gender Discrimination	3-117	—
1. 2007 Gender Law.....	3-117	—
2. Equal Pay	3-118	—
3. Social Security	3-120	—
4. Pregnancy and Maternity	3-120	—
C. Age Discrimination	3-120	—
D. Violence and Moral and Sexual Harassment in the Workplace	3-121	—
1. Legal Framework	3-121	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Scope of Application.....	3-122	—
3. Preventive Measures	3-123	—
a. Minimum Preventive Measures.....	3-123	—
b. Employee Obligations	3-123	—
c. Psychological Support to Victims	3-123	—
d. Prevention Advisor and Person(s) of Trust	3-124	—
e. Obligations of the Employer When Acts of Violence or Moral or Sexual Harassment at Work Are Brought to Its Attention.....	3-125	—
f. Obligations of Management	3-125	—
g. Work Regulations	3-126	—
4. Remedial Measures.....	3-126	—
a. Complaints Procedure	3-126	—
b. Right to Initiate Proceedings— Cease-and-Desist Order.....	3-126	—
c. Protection Against Dismissal ...	3-127	—
d. Shift of the Burden of Proof	3-128	—
VII. Occupational Safety and Health and Workers' Compensation	3-128	3-22
A. Occupational Safety and Health	3-128	—
1. Committee for Prevention and Protection at Work	3-128	—
2. Service for Prevention and Protection at Work	3-129	—
3. Labor-Medical Service.....	3-130	—
B. Workers Compensation.....	3-131	3-22
1. Industrial Accidents	3-131	3-22
2. Occupational Diseases	3-132	3-22
VIII. Pensions and Benefits	3-133	3-22
A. Pensions.....	3-133	3-22
1. Social Security	3-133	3-22
2. Occupational Pension Plans.....	3-134	—
B. Health Care Benefits.....	3-135	—
C. Unemployment Benefits.....	3-135	3-23

Belgium (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Employment Incentives.....	3-136	—
2. The “Generation Pact”	3-137	—
3. Unemployment with Company Supplement	3-137	3-24
a. Workers Dismissed in the Course of a Collective Dismissal	3-138	3-24
b. Workers Dismissed Outside the Context of a Collective Dismissal	3-139	—
c. Re-employment	3-139	—
4. Temporary Unemployment or Reduction of Working Time for Blue-Collar or Clerical Workers	3-139	—
a. Reduction of Working Hours on a Collective Basis	3-141	—
b. Reduction of Working Time on an Individual Basis	3-141	—
5. Temporary Unemployment for White-Collar Employees.....	3-141	3-24
6. Back-to-Work Incentives for Older Workers	3-142	3-25
D. Stock Options—Tax and Social Security Treatment.....	3-142	—
1. Definitions and Scope	3-142	—
2. Date of Attribution	3-143	—
3. Valuation and Taxation.....	3-144	—
4. Social Security Contributions	3-146	—
E. Profit Participation Plans	3-147	3-25
1. Scope of Application.....	3-147	—
2. Conditions.....	3-147	3-25
3. Benefits	3-148	3-26
4. Tax Consequences.....	3-148	—
a. For the Company	3-148	—
b. For the Worker.....	3-148	—
5. Monitoring and Penalties	3-149	—
IX. Immigration.....	3-149	3-26
A. Work Permits and Authorizations to Employ Foreign Nationals.....	3-149	—

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Contractual Obligations Regarding Expatriate Employees	3-150	3-26
C. Tax Concessions for Expatriate Employees	3-151	—
D. Social Security and Expatriate Employees	3-151	—
E. Workers Posted Abroad	3-153	3-26
FRANCE (IA)	4-1	4-1
Introduction.....	4-1	4-1
A. The Labor Code.....	4-3	4-1
B. Other Sources of Labor Law	4-4	—
C. Dispute Resolution: Labor Courts.....	4-5	4-2
1. Jurisdiction, Functions, and Membership	4-5	4-2
2. Status of Employees’ Representatives Who Are Members of a Labor Tribunal	4-8	4-4
D. Class or Group Actions.....	4-8	4-4
E. Choice of Law and Extraterritorial Application of French Labor and Employment Laws.....	4-9	—
I. Individual Employment.....	4-10	4-5
A. Contract Formation.....	4-10	4-5
1. Contract for an Indefinite Period	4-12	4-5
a. In General.....	4-12	—
b. Trial Period.....	4-12	—
c. Generation Contract (<i>contrat de génération</i>).....	4-13	4-5
2. Contract for a Fixed Term.....	4-14	4-6
a. Contract for a Fixed Time Period	4-14	4-6
b. Contract for a Defined Purpose	4-17	—
3. Part-Time Work.....	4-18	—
4. Use of Temporary Employment Agencies.....	4-19	4-8
5. Work for Hire.....	4-21	4-8

France (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
6. Internship, Apprenticeship, and Professionalization Contracts	4-23	4-8
7. Teleworking [New Topic]	—	4-8
B. Contract Termination (Dismissal)	4-23	4-9
1. Legitimate Causes for Dismissal for Personal Reasons.....	4-25	—
a. Gross Negligence	4-26	—
b. Willful Misconduct.....	4-27	—
2. Procedures for Dismissal for Personal Reasons	4-27	4-9
a. Pre-Termination Meeting	4-27	4-9
b. Termination Letter	4-28	—
3. Notice Period	4-29	—
4. Indemnities.....	4-30	4-10
5. Dismissals Without Legitimate Reason.....	4-31	4-10
6. Failure to Comply with the Dismissal Procedure	4-31	4-11
7. Constructive Dismissal	4-32	—
8. Termination of the Employment Contract by the Courts	4-33	—
9. Agreed-Upon Termination: <i>La Rupture Conventionnelle Homologuée</i>	4-33	—
10. Flexibility in Case of Economic Difficulties: Partial Unemployment.....	4-34	4-12
C. Privacy	4-36	4-13
1. Employee Control and Supervision	4-36	—
2. Collection and Processing of Employee Data.....	4-37	—
3. Control of Employees' E-Mails and Internet Access.....	4-38	—
4. Professional Reporting (Whistleblowing) Procedures.....	4-39	4-13
D. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	4-41	—
1. Employee Duty of Loyalty.....	4-41	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Trade Secrets.....	4-42	—
3. Covenants Not to Compete	4-42	—
E. Choice of Law for Individual Employment Contracts	4-43	—
II. Collective Bargaining	4-46	4-16
A. Rights of Unions.....	4-47	4-16
1. Recognition of Unions	4-47	—
2. Forms of Representation	4-49	4-16
a. Union Delegates	4-49	4-16
b. Union Sections	4-50	—
3. Membership	4-51	—
B. Collective Bargaining Agreements	4-52	4-16
1. Types of Collective Bargaining Agreements	4-53	—
2. Negotiation of the Collective Bargaining Agreement	4-53	4-17
a. Negotiations at the Industry or Field of Activity Level.....	4-54	—
b. Negotiations at the Company Level.....	4-54	4-17
c. Negotiations at the Group of Companies Level.....	4-56	4-18
3. Signatory Parties	4-56	—
4. Effect of a Collective Bargaining Agreement.....	4-57	—
a. Effect on Employers	4-57	—
b. Effect of an Extended Agreement on Non-Signatory Employers.....	4-58	—
c. Effect on Individual Employment Contracts	4-59	—
5. Duration of the Collective Bargaining Agreement	4-61	4-19
a. Duration and Revision.....	4-61	—
b. Termination	4-61	4-19
C. Strikes and Other Industrial Action	4-62	—
1. Strikes	4-62	—
a. Obligation of Prior Notification and Negotiation....	4-63	—

France (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
b. Effect on an Individual Employment Contract	4-63	—
c. Effect on Third Parties.....	4-64	—
2. Limitations to the Right to Strike ...	4-64	—
3. Lockout	4-65	—
a. Defensive/Preventive Lockouts	4-65	—
b. Effect of a Lockout.....	4-66	—
D. Third-Party Resolution of Disputes.....	4-66	—
1. Conciliation.....	4-67	—
2. Mediation	4-67	—
3. Arbitration.....	4-68	—
III. Representation by Entities Other Than Unions	4-68	4-19
A. Forms of Employee Representation	4-70	4-19
1. Employees' Representatives	4-70	4-20
2. Workers' Council	4-71	4-20
a. Workers' Council's Right to Information.....	4-72	—
b. Workers' Council's Right to Consultation	4-74	4-20
i. Scope of consultation.....	4-74	4-20
ii. Consultation procedure....	4-76	4-21
iii. Workers' council's opinion	4-77	—
c. Board Participation.....	4-78	—
d. Workers' Council's Role in Managing Cultural and Welfare Activities	4-78	—
e. Other Rights of the Workers' Council	4-79	—
3. Health and Safety Committee	4-79	—
4. Joint Regional Interprofessional Committees (Commissions Paritaires Interprofessionnelles Regionals) [New Topic]	—	4-21
B. Establishment of Employee Representation	4-81	4-21
1. Elections and Status	4-81	4-21

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Extent of the Representation.....	4-82	—
C. Economic and Social Committee		
[New Topic]	—	4-22
1. Establishment of the <i>CSE</i>	—	4-22
2. Composition of the <i>CSE</i>	—	4-23
3. Elections and Status	—	4-24
a. Term of Service	—	4-24
b. Protected Status	—	4-24
c. Paid Working Time	—	4-24
4. Powers and Functions of the <i>CSE</i> ...	—	4-25
a. Companies Employing at Least 50 Employees.....	—	4-25
i. <i>CSE</i> 's Right to Information	—	4-25
ii. <i>CSE</i> 's Right to Consultation.....	—	4-26
(a) Scope of Consultation	—	4-26
(b) Consultation procedure	—	4-27
(c) <i>CSE</i> 's opinion	—	4-28
iii. Board participation	—	4-29
iv. <i>CSE</i> 's role in managing cultural and welfare activities.....	—	4-29
v. Other rights of the <i>CSE</i> ...	—	4-29
b. Companies Employing Fewer Than 50 Employees	—	4-30
5. Commissions.....	—	4-30
IV. Redundancy and Transfers of Undertakings	4-84	4-31
A. Redundancy	4-84	4-31
1. Amendment to the Regime of Dismissal for Economic Reasons [Amended Heading].....	4-84	4-31
a. The Assessment of the Economic Grounds for Dismissal [New Topic]	—	4-31

France (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Procedure for a Dismissal for Economic Reasons	4-86	4-32
a. Dismissal for Economic Reasons [Amended Heading]...	4-88	4-32
b. Collective Dismissal of Fewer Than 10 Employees Over a 30-Day Time Period	4-89	4-33
c. Collective Dismissal of More Than 10 Employees Over a 30-Day Time Period	4-90	4-33
i. Companies with more than 10 but fewer than 50 employees	4-90	—
ii. Companies with more than 50 employees	4-91	—
(a) Procedural requirements.....	4-91	—
(b) Content of employment safeguard plan	4-93	—
(c) Role of the labor authorities.....	4-94	—
(d) Legal challenges.....	4-95	—
d. Strategic Workforce Planning...	4-96	—
e. Obligation to Seek a Buyer in Case of a Proposed Site Closure [Substitute Text].....	—	4-34
f. Outplacement Obligations.....	4-97	—
i. Redeployment leave.....	4-97	—
ii. Occupational security agreements.....	4-98	—
g. Hiring Priority	4-99	4-35
3. Employment Retention Agreements	4-99	4-36
B. Transfers of Undertakings	4-101	4-36
1. Effect on the Individual Employment Contract: Successorship.....	4-101	4-36

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Effect on Collective Relationships.....	4-102	—
a. Employee Representation.....	4-102	—
b. Collective Bargaining Agreements.....	4-103	—
3. Effect on Financial Obligations	4-103	—
4. Transfer of a Small or Medium-Sized Enterprise [New Topic]	—	4-36
V. Wages, Hours, and Leave	4-104	4-38
A. Wages.....	4-104	4-38
1. Minimum Wage.....	4-104	—
2. Overtime Pay	4-105	4-38
3. Annual Negotiation.....	4-106	—
4. Social Security Costs and Other Taxes	4-106	—
B. Hours	4-107	4-38
1. Working Time Calculations	4-107	—
2. Work Schedules	4-110	—
3. Overtime	4-111	4-38
a. Overtime Schedules.....	4-111	4-38
b. Annual Cap on Overtime.....	4-111	—
4. Part-Time	4-112	—
5. Weekly Breaks	4-112	4-39
6. Holidays	4-113	—
7. Night Work.....	4-113	4-39
8. Duration of Workweek for Management.....	4-114	—
C. Leave	4-115	4-40
1. Paid Annual Leave	4-115	4-40
a. Reference Year.....	4-116	4-40
b. Calculation of Paid Annual Leave	4-116	—
c. Vacation Period	4-116	4-41
d. Protected Groups	4-117	—
e. Savings Plan for Paid Leave.....	4-117	—
2. Maternity and Parental Leave	4-117	—
a. Maternity Leave	4-117	—

France (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
b. Paternity Leave.....	4-118	—
c. Parental Leave.....	4-118	—
3. Business Creation Leave.....	4-119	—
4. Mobility Leave.....	4-120	—
5. Educational Leave.....	4-120	—
6. Redeployment Leave.....	4-121	—
D. Professional Education.....	4-122	4-41
1. Continuing Professional Education.....	4-122	—
a. Professional Training Programs.....	4-122	—
b. Right to Professional Education.....	4-123	—
c. Personal Training Account.....	4-123	—
d. Professionalization Period.....	4-124	—
2. Integrated Work and Training Programs.....	4-124	—
a. Professionalization Agreements.....	4-124	—
b. Other Integrated Work and Training Programs.....	4-125	—
VI. Antidiscrimination.....	4-125	4-41
A. Disabled.....	4-127	—
B. Age.....	4-129	—
C. Gender.....	4-129	—
1. Prohibited Discrimination.....	4-129	—
2. Permissible Discrimination.....	4-130	—
3. Pregnancy.....	4-131	—
a. Protection of Job Applicants ...	4-131	—
b. Protection Against Dismissal ...	4-131	—
4. Equal Compensation.....	4-131	—
D. Nationality.....	4-132	—
E. Race.....	4-132	—
F. Members of Trade Unions.....	4-132	—
G. Harassment.....	4-132	4-41
VII. Occupational Safety and Health.....	4-135	—
A. Prevention of Accidents and Professional Illnesses.....	4-135	—

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Workers' Compensation	4-136	—
VIII. Pensions and Benefits	4-138	4-42
A. Social Security	4-138	4-42
1. In General	4-138	—
2. Retirement Benefits	4-138	—
a. Basic Pension System.....	4-139	—
b. Mandatory Supplementary Pensions.....	4-143	—
3. Health Care Benefits	4-144	—
4. Unemployment Insurance	4-145	4-42
B. Employee Profit Sharing	4-147	4-42
1. Profit-Sharing Plans.....	4-147	4-42
2. Stock Options and Share Allocations	4-149	4-43
IX. Immigration.....	4-150	—
A. EU/EEA/Swiss Citizens	4-150	—
B. Non-EU/EEA/Swiss Citizens	4-151	—
1. Short-Stay Visa	4-151	—
2. Long-Stay Visa.....	4-151	—
3. Residence Permit	4-152	—
4. Work Permits	4-152	—
a. Salaried Employee Permit.....	4-153	—
b. Skills and Talent Permit.....	4-154	—
c. EU Blue Card	4-154	—
d. Expatriate Employee Permit....	4-155	—
e. Scientific Activity Permit	4-155	—
5. Employing Illegal Immigrants	4-155	—
GERMANY (IA)	5-1	5-1
Introduction.....	5-1	—
A. Partnership of Labor and Industry	5-2	—
B. Sources of German Labor Law.....	5-2	—
1. National Sources of Labor Law	5-2	—
2. International Sources of Labor Law	5-3	—
I. Individual Employment.....	5-5	5-1
A. Contract Formation.....	5-8	5-1
1. The Concept of "Employee"	5-8	5-1

Germany (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
2. Placement.....	5-9	—
3. Prohibited Transfers or Loans of Employees.....	5-10	5-2
B. Terms and Conditions.....	5-11	5-3
1. Employment Agreements.....	5-11	5-3
2. Obligation to Work.....	5-13	5-3
3. General Terms and Conditions.....	5-14	5-4
4. Employer and Employee Liability.....	5-17	—
5. Limited-Duration Employment Agreements.....	5-18	5-4
6. Part-Time Employment.....	5-21	—
7. Employment of Children and Apprenticeships.....	5-22	—
C. Termination of Employment (Dismissal).....	5-23	5-5
1. Notice Requirements.....	5-23	5-5
2. Statutory Protection Against Termination.....	5-26	5-7
a. Application of the Termination Protection Statute.....	5-26	5-7
b. Alternatives to Termination.....	5-27	—
c. Participation by a Works Council; Supplementing the Record.....	5-28	—
3. Grounds for Termination.....	5-29	5-8
a. Ordinary Terminations.....	5-29	5-8
i. Terminations for reasons relating to the employee's conduct.....	5-29	—
ii. Terminations for personal reasons.....	5-31	—
iii. Contractual limitations....	5-33	—
b. Extraordinary Terminations.....	5-33	5-8
4. Special Protection Against Termination for Specific Groups of Employees.....	5-35	5-9
5. Dispute Resolution: Appeal to the Labor Courts.....	5-37	—

	<i>Main Volume</i>	<i>Supple- ment</i>
D. Privacy	5-40	5-9
1. Constitutional Right of Self-Determination	5-41	—
2. General Right of Privacy	5-41	5-9
3. Federal Law on Data Protection	5-42	5-9
a. Collection, Processing, and Use of Personal Data	5-42	5-9
b. Video Surveillance	5-43	—
c. Individual Privacy Rights	5-44	—
d. Data Protection Officer.....	5-45	—
e. Transmission of Data Outside the European Economic Area...	5-45	—
f. Relation of Federal Data Protection Act to Other Data Protection Legislation.....	5-46	—
4. Works Council Statute	5-46	—
E. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	5-47	5-10
1. Employee Duty of Loyalty.....	5-47	—
2. Confidentiality and Trade Secrets...	5-48	—
a. Confidentiality of Operational and Business Secrets	5-49	—
b. Employee Liability for Breach.....	5-49	—
c. Specific Duties of Confidentiality.....	5-50	—
3. Non-competition	5-50	5-10
a. Restrictions on Competition During the Employment Relationship.....	5-51	5-10
b. Non-competition Obligations After Termination of the Employment Relationship	5-53	5-10
i. Form and content of a post-termination non-compete agreement.....	5-53	5-10
ii. Consequences of a noncompliant non-compete agreement.....	5-54	5-11

Germany (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
iii. Termination of a non- compete agreement	5-55	—
iv. Set-off of other employment income	5-56	—
v. Consequences of breach of a non-compete agreement.....	5-56	5-11
F. Applicable Law for Individual Employment Contracts	5-57	—
II. Collective Bargaining	5-59	5-11
A. Relationship Between Unions and Employers' Associations	5-60	5-11
1. Unions and Associations of Unions.....	5-60	—
2. Employers' Associations.....	5-61	5-11
B. Rights of Unions.....	5-63	5-12
1. Union Recognition.....	5-64	—
2. Jurisdictional Disagreements	5-66	—
3. Membership	5-66	5-12
4. Union Rights in the Facility.....	5-67	—
C. Collective Bargaining Agreements	5-68	5-12
1. Types of Agreements.....	5-68	—
2. Principle of Most Favored Treatment	5-69	—
3. Structure of Bargaining	5-69	—
4. Coverage of Agreements.....	5-70	5-12
a. Scope	5-70	—
b. Overlapping Collective Bargaining Agreements	5-71	5-12
c. Application of Collective Bargaining Agreements to Union and Nonunion Members.....	5-72	—
d. Extension by Law of a Collective Bargaining Agreement	5-73	5-13
e. Labor Union's Right to Injunctive Relief for Violation of Collective Bargaining Agreements.....	5-74	—

	<i>Main Volume</i>	<i>Supple- ment</i>
5. Duration of the Agreement	5-75	—
a. Specified Contractual Term.....	5-75	—
b. Post-Termination Effectiveness.....	5-75	—
6. “Labor Peace” and No-Strike Obligations.....	5-75	—
D. Strikes and Other Industrial Action	5-76	5-14
1. Legal Basis.....	5-76	—
2. The Strike Vote.....	5-76	—
3. Legality of Strikes and Lockouts	5-76	5-14
4. Conduct in Industrial Action.....	5-79	5-15
5. Civil Servants and Public Sector Employees.....	5-79	—
E. Third-Party Resolution of Disputes.....	5-80	—
1. Rights Arbitration	5-80	—
2. Mediation/Interest Arbitration After the Agreement Expires	5-81	—
III. Representation by Entities Other Than Unions	5-82	5-16
A. Works Councils.....	5-82	5-16
1. Establishment of a Works Council.....	5-83	—
a. Procedure.....	5-83	—
b. Size	5-85	—
c. Representation of Young People and Apprentices	5-86	—
d. Multiple Works Councils.....	5-86	—
2. Powers of a Works Council.....	5-88	—
a. Right to Information.....	5-89	—
b. Rights to Be Heard and to Advise (Consultation)	5-91	—
c. Approval and Veto Rights.....	5-92	—
d. Rights of Co-determination.....	5-93	—
i. In general	5-93	—
ii. Changes in the business and “social plans”	5-96	—
(a) Implementation agreement.....	5-96	—
(b) Social plan.....	5-97	—

Germany (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
3. Rights and Obligations of Works Council Members.....	5-98	5-16
a. Rights	5-98	5-16
b. Protection Against Termination	5-100	5-16
c. Obligations	5-100	—
B. European Works Councils	5-101	—
C. Co-determination in Corporate Governance.....	5-102	5-16
1. Co-determination Statute of 1976 [Substitute Text].....	—	5-16
2. <i>Montan</i> Co-determination Statute of 1951 [Substitute Text].....	—	5-20
3. Co-determination Extension Statute of 1956 [Substitute Text] ...	—	5-21
4. One-Third Representation Act of 2004	5-107	—
5. European Company Representation Statute of 2004 [Substitute Text] ...	—	5-22
6. Cross-Border Merger Co-determination Statute of 2006 [Substitute Text].....	—	5-23
IV. Redundancy and Transfers of Undertakings	5-109	5-24
A. Redundancy	5-109	5-24
1. Termination for Operational Reasons	5-109	5-24
a. Reason for Termination	5-110	5-24
i. Entrepreneurial decision.....	5-110	—
ii. Reduced amount of work—reduced employment opportunities	5-110	—
iii. Implementation of entrepreneurial decision.....	5-111	5-24
iv. Principle of last resort.....	5-111	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. No Possibility of Further Employment	5-112	—
c. Social Selection	5-112	5-24
i. Determining the group of comparable employees	5-113	5-24
ii. Applying the selection criteria.....	5-113	5-25
iii. Excluding certain employees from the selection	5-114	—
iv. Judicial review	5-114	—
2. Mass Reductions in Force.....	5-115	5-25
B. Transfers of Undertakings	5-118	5-27
1. Successor Liability.....	5-118	5-27
a. Defining a Transfer of Undertaking	5-118	—
b. Effects of a Transfer	5-120	5-27
2. Notification and Right to Object....	5-122	—
3. Terminations	5-124	—
V. Wages, Hours, and Leave	5-124	5-27
A. Wages.....	5-124	5-27
1. General Rules.....	5-124	—
2. Overtime Pay	5-126	—
3. Commission	5-126	—
4. Bonuses	5-127	5-27
B. Minimum Pay and Other Minimum Terms and Conditions.....	5-129	5-28
1. Extension by Law of Collectively Bargained Terms and Conditions....	5-129	5-28
2. Minimum Pay [Amended Heading].....	—	5-28
3. Minimum Pay for Temporary Workers	5-130	5-30
4. Minimum Terms and Conditions under the Employee Posting Act....	5-130	5-30
C. Working Hours	5-132	5-30
1. Hours of Work.....	5-132	5-30
2. Work on Sundays	5-133	—

Germany (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
3. Penalties	5-134	—
4. Part-Time Employees.....	5-134	—
5. “On-Demand” Arrangements.....	5-135	—
6. Job Sharing	5-135	—
7. Protection of Children.....	5-135	—
D. Leave	5-136	5-31
1. Official Holidays.....	5-136	—
2. Vacation	5-137	5-31
a. Accrual	5-137	5-31
b. Scheduling.....	5-138	—
c. Carry-over	5-138	—
d. Compensation.....	5-139	—
3. Continuation of Pay During an Illness	5-140	5-31
4. Maternity Leave	5-142	5-32
5. Parental Leave.....	5-143	5-32
6. Nursing Care Leave [Substitute Text]	—	5-34
a. Short-Term Leave [Substitute Text]	—	5-34
b. Nursing Care Leave [Substitute Text]	—	5-34
c. Family Nursing Care Leave.....	—	5-35
d. Government Loan, Termination Protection	—	5-36
7. Job Protection for Soldiers.....	5-147	—
8. Educational Leave.....	5-148	—
VI. Antidiscrimination	5-148	5-36
A. Constitutional Provisions.....	5-148	—
B. Statutory Provisions.....	5-149	5-36
1. General Equal Treatment Statute	5-149	5-36
a. What Constitutes Discrimination.....	5-150	5-37
b. Employer’s Organizational Duties	5-155	—
c. Employee Rights	5-155	—
2. Disabled Employees	5-157	5-40
a. Categories of Disability.....	5-157	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Mandatory Employment and Compensation Payments	5-158	5-40
c. Representation	5-159	—
d. Termination	5-159	5-41
3. Genetic Diagnostics Statute	5-162	—
4. Gender Equality in Corporate Management [New Topic].....	—	5-41
5. Pay Transparency and Equality [New Topic]	—	5-42
VII. Occupational Safety and Health and Workers' Compensation	5-162	5-44
A. Occupational Safety and Health	5-162	5-44
B. Workers' Compensation	5-163	—
VIII. Pensions and Benefits	5-164	5-44
A. Pensions.....	5-164	5-44
1. Statutory Pension Insurance.....	5-165	5-44
2. Company Pension Plans.....	5-166	5-45
a. Type of Promise.....	5-167	5-45
b. Implementation.....	5-167	—
i. Direct pension promise....	5-167	—
ii. Direct insurance.....	5-168	—
iii. Traditional pension fund.....	5-168	—
iv. New pension fund.....	5-168	—
v. Support fund	5-169	—
c. Vesting.....	5-169	5-46
d. Pension Increases	5-170	5-46
e. Insolvency Protection.....	5-170	5-46
B. Health, Nursing Care, and Unemployment Insurance.....	5-171	5-47
1. Statutory Health Insurance.....	5-171	5-47
2. Nursing Care Insurance	5-172	5-47
3. Unemployment Insurance	5-172	5-47
a. Employer/Employee Contributions	5-172	5-47
b. Employee Benefits	5-172	—
C. Fringe Benefits	5-173	—
1. Capital-building Payments.....	5-174	—

Germany (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
2. Accident Insurance	5-174	—
3. Company Cars.....	5-175	—
IX. Immigration.....	5-175	5-48
A. Residence Titles.....	5-176	5-48
1. Forms of Title.....	5-176	5-48
a. Visas	5-176	—
b. Residence permit	5-177	—
c. EU blue card.....	5-177	—
d. Settlement permit	5-178	—
e. Permit for permanent residence.....	5-179	—
2. Employer Obligations	5-179	—
B. Residence Titles for Employment	5-180	5-51
1. Approval Requirements and Process	5-180	5-51
2. Exceptions from Approval Requirement.....	5-183	5-52
ITALY (IA)	6-1	6-1
Introduction.....	6-1	6-1
A. The Constitution	6-1	—
B. The Civil Legal System	6-3	—
1. The Courts.....	6-3	—
a. The Constitutional Court.....	6-3	—
b. Other Courts	6-4	—
2. The Ministry of Labor.....	6-5	—
a. Regulatory Bodies	6-5	—
b. Labor Office Supervisory Functions	6-6	—
c. Settlement and Enforcement Functions	6-6	—
d. Administrative Appeals	6-7	—
C. The Civil Code.....	6-7	6-1
1. Ministry of Employment and Social Security [New Topic].....	—	6-1
D. Other Sources of Labor Law	6-11	—
E. Structure of Dispute Resolution System for Labor Law	6-12	—
1. Judicial Resolution.....	6-12	—
2. Extrajudicial Resolution	6-12	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Conciliation	6-12	—
b. Arbitration	6-13	—
I. Individual Employment.....	6-15	6-2
A. Contract Formation.....	6-15	6-2
1. Requirements for a Writing	6-15	—
2. Probationary Period	6-15	—
3. Types of Employment Contracts.....	6-16	6-2
a. Fixed-Term Employment Contracts [Substitute Text]	—	6-2
b. Part-Time Employment	6-20	6-5
c. Apprenticeship	6-21	6-6
i. Apprenticeships for young persons	6-21	—
ii. Apprenticeships for employees registered with mobility lists	6-24	—
d. Consulting Agreements and Project Work [Amended Heading]	6-24	6-7
e. Consulting Agreement with VAT Number Holder	6-26	—
f. Casual Work	6-27	6-8
g. Job Sharing	6-27	—
h. Staff Leasing.....	6-28	6-9
i. Smart Work [New Topic].....	—	6-10
4. Hiring Procedures	6-29	—
5. Certification of Employment Agreement.....	6-30	—
B. Contract Performance.....	6-31	6-12
1. Classification of Employees and Changing Job Duties.....	6-31	6-12
2. Transfer from One Workplace to Another	6-33	—
3. Disciplinary Measures	6-33	—
C. Termination of Employment.....	6-35	6-13
1. Employees.....	6-35	6-13
a. Reasons for Dismissal	6-35	—
b. Dismissal Due to Employee's Conduct	6-36	—

Italy (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
c. Dismissal for Redundancy/ Economic Reasons	6-36	—
d. Employer Withdrawal.....	6-38	—
e. Employee Entitlements	6-39	—
f. Challenging a Dismissal.....	6-40	—
i. Time limitations.....	6-40	—
ii. Optional conciliation procedure	6-40	—
g. Remedies for Wrongful Termination	6-41	6-13
2. Executives (Dirigenti).....	6-44	6-14
3. Exceptions.....	6-45	—
4. Resignation by a Worker.....	6-46	6-15
D. Privacy	6-48	6-16
1. Collection of Employee Data.....	6-48	—
2. Employee Control and Supervision	6-51	6-16
E. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	6-53	—
1. Employee Duty of Loyalty.....	6-53	—
2. Trade Secrets.....	6-54	—
3. Covenants Not to Compete	6-54	—
F. Choice of Law for Individual Employment Contracts	6-55	—
II. Collective Bargaining	6-57	—
A. Union Rights and Organization	6-59	—
1. Union Recognition.....	6-60	—
2. Employer and Union Organizational Structures.....	6-61	—
a. Organizational Structure of Employers’ Associations.....	6-61	—
b. Union Organizational Structures.....	6-61	—
i. Union confederations.....	6-62	—
ii. Cross-sector and independent unions	6-63	—
iii. Temporary coalitions	6-64	—
c. Company-Level Trade Union		

	<i>Main Volume</i>	<i>Supple- ment</i>
Delegations	6-64	—
i. Membership and election.....	6-65	—
ii. Rights to office space and to post information	6-66	—
iii. Representatives' rights.....	6-66	—
iv. Role of delegation.....	6-67	—
3. Union Membership	6-67	—
4. Anti-Union Activities.....	6-69	—
B. Collective Agreements.....	6-69	—
1. Scope of Agreements	6-69	—
a. Interconfederation Agreements.....	6-70	—
b. National Agreements (Framework Agreements).....	6-70	—
c. Provincial and Plant Agreements.....	6-71	—
2. Identity of the Signatory Parties	6-72	—
3. Effect of the Agreement	6-73	—
a. Application to All Workers of Signatory Employer.....	6-73	—
b. Application to Nonsignatory Employers.....	6-74	—
4. Duration	6-75	—
5. Terms and Conditions	6-76	—
6. Conflicting Provisions	6-77	—
a. Conflicts Between Collective Agreements and National Legislation	6-77	—
b. Conflicts Between Agreements.....	6-77	—
C. Strikes and Other Industrial Action	6-78	—
1. The Right to Strike and Its Limits	6-78	—
a. Types of Strikes	6-79	—
b. Strikes in the Essential Public Services Sector	6-81	—
2. Lockouts.....	6-81	—

Italy (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
III. Representation by Entities Other Than Unions	6-82	—
A. Works Councils.....	6-82	—
B. European Works Councils	6-84	—
C. Unofficial Committees	6-86	—
IV. Redundancy and Transfers of Undertakings	6-86	6-16
A. Redundancy	6-86	6-16
1. Mass Layoffs.....	6-86	6-16
a. Scope of Application [Amended Heading] [Substitute Text]	—	6-16
b. Procedure to Be Followed	6-87	6-17
c. Selection Criteria.....	6-88	—
d. Employer's Costs.....	6-89	6-17
e. Rights of Employees	6-90	6-17
f. Exit Incentives	6-90	—
g. Sanctions	6-91	6-18
h. Special Provisions for Executives.....	6-92	—
2. Salary Integration Fund [Amended Heading].....	6-92	6-18
a. In General	6-92	6-18
b. Utilizing CIGS in the Event of a Restructuring or Reorganization.....	6-94	6-21
i. Consultation with workers' representatives	6-95	6-21
ii. Filing formalities	6-95	6-22
iii. Duration	6-96	—
iv. Employee benefits	6-96	6-22
v. Method of payment.....	6-96	6-22
vi. Employer contributions ...	6-97	6-23
c. CIGS Program Followed by Mass Layoffs	6-97	—
3. Solidarity Contracts—Work Furlough [Amended Heading]	6-98	6-23

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Transfers of Undertakings	6-99	—
1. The Notice.....	6-100	—
2. The Contents of the Notice	6-100	—
3. The Consultation Process.....	6-101	—
4. The Protection Granted by Article 2112 of the Civil Code.....	6-102	—
5. Sanctions	6-103	—
V. Wages, Hours, and Leave	6-103	—
A. Wages.....	6-103	—
1. In General	6-103	—
2. Minimum Wage.....	6-104	—
3. Overtime Pay	6-104	—
4. 13th and 14th Month Salaries	6-104	—
5. Severance Pay	6-105	—
B. Hours	6-106	—
1. Overtime	6-106	—
2. Night Work.....	6-107	—
C. Leave	6-108	—
1. Day of Rest	6-108	—
2. Annual Vacation.....	6-108	—
3. Public Holidays.....	6-109	—
4. Personal Circumstances Causing Job Interruptions	6-109	—
a. Accident or Illness.....	6-110	—
b. Pregnancy, Childbirth, and Childcare	6-110	—
c. Adoption.....	6-112	—
d. Military Service.....	6-113	—
e. Elected Officials	6-113	—
VI. Antidiscrimination	6-113	6-24
A. Gender Discrimination	6-113	—
B. Disabled Workers and Other Protected Groups	6-117	6-24
1. Compulsory Hiring	6-117	6-24
2. Protected Categories of Workers.....	6-117	—
3. Calculation of the Employer's Workforce	6-118	—
4. Fulfillment.....	6-119	6-25

Italy (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
VII. Occupational Safety and Health and Workers' Compensation	6-119	—
A. Occupational Safety and Health	6-119	—
B. Workers' Compensation	6-121	—
1. Accident	6-121	—
2. Illness	6-122	—
VIII. Pensions and Benefits	6-122	6-25
A. Pensions	6-123	—
1. Compulsory Pension Schemes	6-123	—
a. Contributions	6-123	—
b. Types of Plans and Benefit Eligibility	6-124	—
i. For individuals who started work prior to January 1, 1996	6-125	—
ii. For individuals who started work on or after January 1, 1996	6-126	—
c. Pension Benefits	6-126	—
d. Other Provisions	6-127	—
2. Complementary Pension Plans	6-127	—
a. Collective Pension Plans (<i>Fondi Chiusi</i>)	6-127	—
b. Individual Pension Plans (<i>Fondi Aperti</i>) and Life Insurance	6-129	—
c. Features Common to All Complementary Pension Plans	6-130	—
B. Disability Benefits	6-130	—
C. Unemployment Benefits	6-131	6-25
1. New Social Insurance Provision for Unemployment [New Topic]	—	6-25
2. Consultants' Unemployment [New Topic]	—	6-27
3. Additional Benefits [New Topic]	—	6-27
IX. Immigration	6-133	—
A. EU Citizens	6-133	—

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Non-EU Citizens	6-135	—
1. Stay for Three Months or Less.....	6-136	—
2. Stay for Longer Than Three Months	6-136	—
C. Work Permits	6-137	—
1. EU Citizens	6-137	—
2. Non-EU Citizens.....	6-137	—
SPAIN (IA)	7-1	7-1
Introduction.....	7-1	7-1
A. Sources of Labor Law	7-3	—
1. National (Central Government) Sources of Labor Law	7-3	—
2. International Sources of Labor Law	7-5	—
a. European Union.....	7-5	—
b. ILO	7-6	—
c. OECD	7-6	—
B. Labor Authorities.....	7-6	7-1
1. Ministry of Employment and Social Security	7-6	7-1
2. Regional Authorities	7-7	—
a. Provincial Employment Directorate	7-7	—
b. Office of Labor Inspection	7-8	—
c. Mediation, Arbitration, and Conciliation Service	7-8	—
C. The Courts	7-8	—
D. Class or Group Actions.....	7-10	—
E. Extraterritorial Application of Spanish Labor and Employment Laws and Choice of Law	7-11	—
I. Individual Employment.....	7-12	7-2
A. Contract Formation.....	7-12	7-2
1. Terms and Conditions	7-12	7-2
2. Requirements for a Writing	7-15	—
3. Trial Period	7-16	—
4. Duration	7-17	—

Spain (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
5. Availability Contracts	7-20	—
6. Private Employment Offices	7-22	—
7. Youth Training Programs	7-22	—
B. Contract Termination.....	7-23	—
1. Dismissal for Objective Reasons	7-24	—
a. Procedure.....	7-25	—
b. Appeals.....	7-26	—
c. Remedies	7-26	—
i. Remedies for unfair dismissal	7-26	—
ii. Remedies for void dismissal	7-27	—
d. Statute of Limitations	7-28	—
2. Disciplinary Dismissal	7-28	—
a. Procedure.....	7-29	—
b. Uncontested Dismissal	7-29	—
c. Contested Dismissal	7-29	—
d. Special Rules for Sales Representatives.....	7-31	—
3. Termination of the Employment Contract by the Employee.....	7-31	—
a. Geographical Mobility of Employees	7-31	—
b. Material Changes in Employment Conditions.....	7-32	—
c. Serious Infringement of the Employer's Contractual Obligations	7-32	—
d. Voluntary Resignation	7-33	—
4. Other Causes for Termination	7-33	—
C. Privacy	7-34	7-2
1. Constitutional Protections.....	7-34	—
a. Limits	7-34	—
b. Employees' Actions.....	7-35	—
2. Protection of Personal Data	7-35	—
3. Employer Control of Employees' IT Systems (Particularly Internet Use and E-mail)	7-36	7-2

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Monitoring Employees' Use of IT Systems	7-37	7-2
b. Disciplinary Measures.....	7-38	—
D. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	7-39	—
1. Employee Duty of Loyalty.....	7-39	—
2. Trade Secrets.....	7-39	—
3. Covenants Not to Compete	7-40	—
a. Unfair Competition	7-40	—
b. Exclusivity	7-40	—
c. Post-Employment Non-Competition.....	7-41	—
E. Choice of Law for Individual Employment Contracts	7-42	—
II. Collective Bargaining	7-44	7-3
A. Union Rights.....	7-45	—
1. The Union Recognition Process	7-45	—
2. Most-Representative Trade Unions	7-45	—
3. Internal Union Activities.....	7-47	—
4. Union Membership	7-47	—
5. Workplace Rights of Union Members and Officers.....	7-48	—
a. General Rights.....	7-48	—
b. Rights of Union Delegates	7-49	—
6. Collection of Union Membership Fees	7-50	—
B. Collective Bargaining	7-50	7-3
1. Scope of Bargaining.....	7-51	—
a. "Framework" Agreements	7-51	—
b. Collective Bargaining Agreements.....	7-51	—
2. Negotiation Procedure	7-52	—
3. Scope and Extension.....	7-53	—
4. Duration and Modification.....	7-54	7-3
C. Strikes and Other Industrial Actions.....	7-54	—
1. Strikes	7-54	—
2. Lockouts.....	7-56	—
D. Third-Party Resolution of Disputes.....	7-57	—

Spain (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Conciliation.....	7-57	—
2. Mediation and Arbitration.....	7-58	—
3. Employment Collective Conflict Proceeding	7-60	—
III. Representation by Entities Other Than Unions	7-61	—
A. Employee Representatives.....	7-61	—
1. Structure of Representation	7-62	—
a. Employee Delegates	7-62	—
b. Works Councils	7-63	—
2. Election Process	7-65	—
a. Candidates	7-65	—
b. Electorate.....	7-65	—
c. Calling an Election	7-65	—
d. Voting Process	7-66	—
e. Vacancies	7-67	—
3. Rights and Protections	7-67	—
a. Rights of Employee Representatives.....	7-67	—
b. Protection of Employee Representatives.....	7-70	—
B. Additional Forms of Employee Representation	7-71	—
1. Temporary or Supplemental Representatives	7-71	—
2. European Works Council	7-71	—
3. Employees' Involvement in the European Public Limited Company	7-72	—
IV. Redundancy and Transfers of Undertakings	7-73	7-3
A. Redundancy	7-73	7-3
1. Types of Collective Dismissals	7-73	—
a. Termination Due to Force Majeure.....	7-73	—
b. Termination Due to Economic, Technical, Organizational, or Production Reasons	7-74	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Requirements for a Collective Dismissal.....	7-75	7-3
a. Procedural Requirements	7-75	—
b. Additional documentation	7-77	—
c. Negotiation	7-78	—
3. Intervention of the Labor Authorities	7-79	—
4. Execution of the Dismissals.....	7-79	—
5. Severance	7-80	—
6. Severance Payment Guarantees	7-80	7-3
7. Additional Obligations.....	7-81	—
a. Outplacement	7-81	—
b. Payments to the Public Treasury	7-81	—
B. Transfers of Undertakings	7-81	—
V. Wages, Hours, and Leave	7-83	7-4
A. Wages.....	7-83	7-4
B. Hours	7-83	—
1. Working Time	7-83	—
2. Night Work.....	7-84	—
3. Overtime	7-85	—
C. Leave	7-85	7-4
1. Vacation	7-85	—
2. Holidays	7-86	7-4
3. Pregnancy, Maternity, Nursing, and Paternity Leave.....	7-86	7-4
4. Parental Leave.....	7-88	—
5. Family Care Leave	7-89	—
6. Reduction of Working Time Due to Legal Custody or Family Care....	7-89	—
7. Reduction of Working Time to Take Care of Minors Affected by Cancer or Another Serious Illness	7-90	—
VI. Antidiscrimination	7-91	—
A. Overview	7-91	—
1. Constitutional and Statutory Protection	7-91	—

Spain (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
2. Direct/Indirect Discrimination	7-92	—
3. Harassment.....	7-92	—
4. Enforcement.....	7-92	—
B. Equality Between Women and Men	7-93	—
C. Employment Access for the Disabled.....	7-96	—
VII. Occupational Safety and Health and Workers' Compensation	7-97	—
A. Occupational Safety and Health	7-97	—
1. Employer Obligations	7-98	—
2. Employer Liability	7-100	—
B. Workers' Compensation	7-101	—
VIII. Pensions and Benefits	7-102	7-5
A. Social Security.....	7-102	7-5
1. Scope.....	7-102	—
2. Structure.....	7-103	—
3. Affiliation and Contributions	7-103	—
4. The General Regime	7-104	7-5
a. Affiliation	7-104	—
b. Contributions	7-104	7-5
c. Benefits.....	7-105	7-6
B. Pension Funds.....	7-106	7-6
1. General Regulation	7-106	—
2. Externalization	7-108	—
IX. Immigration.....	7-109	—
A. Citizens of EU/EEA Member States	7-109	—
B. Workers from Outside the EU/EEA	7-109	—
1. Work Authorizations for Employees Working for a Third Party	7-110	—
a. Authorization for Specific Activity.....	7-110	—
b. Authorization for a Limited Duration.....	7-110	—
2. Work Authorization for Self- Employed Individuals	7-111	—
3. Special Work Authorization for the International Assignment of Employees.....	7-111	—

	<i>Main Volume</i>	<i>Supple- ment</i>
UNITED KINGDOM (IA)	8-1	8-1
Introduction.....	8-1	8-1
A. Structure	8-2	—
B. Courts and Tribunals.....	8-3	8-1
1. Courts.....	8-4	8-1
2. Tribunals	8-4	8-2
a. Structure	8-4	8-2
b. Jurisdiction	8-5	—
c. Caseload and Awards.....	8-7	8-2
3. Appeals	8-7	—
C. International Sources of Labor Law	8-7	8-2
1. European Union	8-7	8-2
2. Organisation for Economic Co- operation and Development	8-10	—
3. International Labour Organization.....	8-12	—
D. Class or Group Actions.....	8-12	—
E. Extraterritorial Application of U.K. Labor and Employment Laws.....	8-13	—
I. Individual Employment.....	8-15	8-4
A. Contract Formation.....	8-15	—
1. Definition of “Employee”	8-15	—
2. Terms and Conditions	8-18	—
a. The Written Statement.....	8-19	—
b. Duration.....	8-20	—
c. Changes to Terms and Conditions	8-21	—
d. Implied Terms.....	8-22	—
e. Third-Party Rights.....	8-22	—
B. Incorporation of Terms in a Collective Agreement	8-23	—
1. Express Incorporation	8-23	—
2. Implied Incorporation	8-23	—
3. Agency	8-24	—
C. Disciplinary and Grievance Procedures	8-24	8-4
1. ACAS Disciplinary Procedure	8-25	—
a. Establishing the Facts.....	8-25	—
b. Informing the Employee.....	8-26	—

United Kingdom (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
c. Holding a Meeting with the Employee.....	8-26	—
d. Deciding on Appropriate Action.....	8-27	—
e. Opportunity to Appeal.....	8-28	—
2. ACAS Grievance Procedure	8-28	—
a. Informing the Employer	8-29	—
b. Holding a Meeting with the Employee.....	8-29	—
c. Deciding on Appropriate Action.....	8-29	—
d. Appeals.....	8-30	—
e. Overlapping Grievance and Disciplinary Cases.....	8-30	—
f. Collective Grievances.....	8-30	—
3. Effects of Non-Compliance with the ACAS Code.....	8-30	—
D. Contract Termination (Dismissal)	8-31	8-5
1. Notice of Termination	8-31	—
a. Termination on Notice.....	8-32	—
b. Termination Without Notice.....	8-32	—
c. Pay in Lieu of Notice.....	8-33	—
2. Wrongful Dismissal (Breach of Contract Action).....	8-33	—
a. Remedies	8-33	—
b. Court or Employment Tribunal	8-34	—
3. Unfair Dismissal (Statutory Action)	8-35	8-5
a. Eligibility for Protection Against Unfair Dismissal	8-36	—
i. Two years’ service	8-36	—
ii. No qualifying service.....	8-36	—
b. Dismissal Requirement	8-37	—
c. Employer Defenses.....	8-38	—
i. Fair or unfair reasons	8-38	—
ii. Reasonableness.....	8-41	—
d. Remedies	8-42	8-5

	<i>Main Volume</i>	<i>Supple- ment</i>
i. Reinstatement or reengagement.....	8-42	—
ii. Compensation.....	8-43	8-5
iii. Employee mitigation.....	8-45	—
4. Settlement.....	8-45	—
E. Privacy.....	8-47	—
1. Workplace Surveillance.....	8-47	—
2. Data Privacy.....	8-49	—
a. Statutory Framework.....	8-49	—
b. Employment Practices Code....	8-50	—
F. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete.....	8-51	—
1. Employee Duty of Loyalty.....	8-51	—
2. Trade Secrets.....	8-54	—
3. Covenants Not to Compete.....	8-55	—
G. Choice of Law for Individual Employment Contracts.....	8-58	—
II. Collective Bargaining.....	8-60	—
A. Foundations of Industrial Relations in the U.K.....	8-60	—
1. Historical Background.....	8-61	—
2. Modern Statutory Framework.....	8-62	—
a. Industrial Relations Legislation.....	8-62	—
b. Human Rights Act 1988.....	8-65	—
B. Union Rights.....	8-66	—
1. Union Recognition.....	8-66	—
2. Statutory Recognition.....	8-67	—
a. Schedule A1 Provisions.....	8-67	—
b. Statutory Recognition Procedure—In Brief.....	8-68	—
3. Independence.....	8-69	—
4. Rights of Independent, Recognized Unions.....	8-70	—
5. Inter-Union Disputes.....	8-70	—
6. Union Membership.....	8-72	—
a. The Right to Join a Union.....	8-72	—
b. Union—Union Member Relationship.....	8-74	—

United Kingdom (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
c. Discrimination Based on Union Membership.....	8-74	—
C. Collective Bargaining	8-76	—
1. Collective Bargaining Defined.....	8-76	—
2. Duty to Bargain in Good Faith.....	8-76	—
3. Structure of Bargaining	8-77	—
D. Collective Agreements.....	8-78	—
1. Enforceability.....	8-78	—
2. Incorporation into Individual Contracts	8-79	—
3. Duration	8-79	—
E. Strikes and Other Industrial Action	8-80	—
1. Strikes	8-80	—
a. Immunities and Liabilities.....	8-80	—
b. Requirement to Conduct a Vote.....	8-82	—
2. Industrial Action Short of a Strike	8-83	—
3. Picketing	8-85	—
4. Secondary Action.....	8-87	—
F. Third-Party Resolutions of Disputes	8-88	—
G. Union Security.....	8-90	—
1. Closed Shop	8-90	—
2. Time-Off Rights (Union Officials and Members)	8-90	—
III. Representation by Entities Other Than Unions	8-91	—
A. Information and Consultation.....	8-91	—
B. European Works Councils	8-92	—
IV. Redundancy and Transfers of Undertakings	8-93	8-5
A. Redundancy	8-93	8-5
1. Redundancy Defined.....	8-94	—
2. Entitlement to Redundancy Pay	8-95	8-5
a. Statutory Redundancy Payments	8-95	8-5
b. Enhanced Redundancy Programs.....	8-96	—

	<i>Main Volume</i>	<i>Supple- ment</i>
3. Unfair Dismissal	8-96	—
4. Collective Redundancies.....	8-99	8-5
a. Definition of Redundancy	8-99	—
b. Duty to Consult	8-100	8-5
c. Sanctions for Noncompliance.....	8-101	—
d. Collective Redundancy Notice [Renumbered Heading] [Substitute Text]	—	8-6
B. Transfers of Undertakings	8-102	—
1. Relevant Transfer	8-103	—
2. Effect on Individual Contracts	8-106	—
3. Effect on Collective Agreements	8-109	—
4. Informing and Consulting with Employee Representatives	8-110	—
a. Joint Information and Consultation Obligation	8-110	—
i. Duty to inform	8-110	—
ii. Duty to consult.....	8-111	—
iii. Appropriate representatives	8-112	—
iv. Coordination with Information and Consultation Regulations	8-112	—
v. Remedy for failure to comply	8-113	—
b. Duty to Disclose Employee Liability Information.....	8-113	—
i. Disclosure requirement.....	8-113	—
ii. Remedy for failure to comply	8-114	—
5. Unfair Dismissal and Transfer of an Undertaking.....	8-115	—
6. Pension Protection	8-116	—
V. Wages, Hours, and Leave	8-119	8-7
A. Wages.....	8-119	8-7
1. Wages Defined	8-119	—

United Kingdom (IA)—contd.

*Main
Volume* *Supple-
ment*

2.	Minimum Wage and Overtime Rates.....	8-120	8-7
3.	National Minimum Wage and National Living Wage [Amended Heading].....	8-120	8-7
	a. Rates of Pay.....	8-120	8-7
	b. Calculation of NMW.....	8-121	—
	c. Hours for Which NMW Must Be Paid.....	8-121	—
	d. Records.....	8-122	—
	e. Remedies.....	8-122	—
4.	Deductions from Wages.....	8-123	—
	a. General Deductions.....	8-123	—
	b. Workers in Retail Employment.....	8-123	—
	c. Remedies.....	8-124	—
5.	The Right to an Itemized Pay Statement.....	8-124	—
6.	National Insurance Contributions and Income Taxes.....	8-125	8-8
7.	Apprenticeship Levy [New Topic].....	—	8-9
B.	Hours.....	8-125	8-9
	1. Background of the Working Time Regulations.....	8-125	—
	2. Scope of Coverage.....	8-126	—
	a. Exclusions.....	8-126	—
	b. Unmeasured Working Time.....	8-127	—
	3. Maximum Weekly Working Time... ..	8-128	8-9
	a. Introduction.....	8-128	8-9
	b. Exceptions to the 48-Hour Week.....	8-129	—
	c. History and Status of the Opt-Out Provision.....	8-129	—
	4. Rest Breaks.....	8-131	8-10
	a. Daily Rest Period.....	8-131	—
	b. Weekly Rest Period [Substitute Text].....	—	8-10

	<i>Main Volume</i>	<i>Supple- ment</i>
c. Daily Rest Breaks.....	8-131	—
d. Compensatory Rest Period.....	8-132	—
5. Night Work.....	8-132	—
a. Definitions.....	8-132	—
b. Length of Night Work.....	8-133	—
c. Health Assessment and Transfer of Night Workers to Day Work.....	8-133	—
6. Records.....	8-134	—
7. Enforcement.....	8-134	—
C. Leave.....	8-135	8-10
1. Annual Leave.....	8-135	8-10
a. Entitlement [Substitute Text]....	—	8-10
b. Enforcement [Substitute Text].....	—	—
2. Holidays.....	8-137	—
3. Sick Leave and Sick Pay.....	8-137	8-11
4. Maternity Leave.....	8-140	8-12
a. Time Off for Antenatal Care.....	8-140	—
b. Maternity Leave.....	8-141	—
i. Compulsory maternity leave.....	8-141	—
ii. Ordinary maternity leave.....	8-141	—
iii. Notice requirements for OML.....	8-142	—
iv. Returning to work.....	8-143	—
c. Additional Maternity Leave.....	8-143	—
i. Notice requirements for AML.....	8-143	—
ii. Returning to work.....	8-143	—
d. Statutory Maternity Pay.....	8-144	8-12
i. Eligibility and payment ...	8-144	8-12
ii. Keeping-in-touch days.....	8-146	—
iii. Other benefits.....	8-146	—
e. Contractual Benefits [Substitute Text].....	—	8-12
i. Benefits during maternity leave.....	—	8-13

United Kingdom (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
ii. Pay increases.....	—	8-13
iii. Bonuses.....	—	8-14
iv. Annual leave	—	8-15
f. Additional Protection	8-150	—
5. Paternity Leave and Pay	8-150	8-16
a. One or Two Weeks' Paid Leave [Amended Heading].....	8-150	8-16
b. Additional Paternity Leave.....	8-152	8-16
c. Time Off for Antenatal Care [New Topic]	—	8-16
6. Parental Leave.....	8-153	8-17
a. Basic Entitlement	8-153	8-17
b. Notice Requirements	8-153	—
c. Postponement of Leave by the Employer	8-154	—
d. Maximum Annual Leave Allowance.....	8-154	—
e. Benefits During Parental Leave	8-155	—
f. Returning from Parental Leave	8-155	—
g. Parental Leave Plans.....	8-155	—
7. Time Off for Dependents	8-155	—
8. Adoption Leave and Pay	8-157	8-17
a. Leave and Pay Rights of the Adopting Parent [Substitute Text].....	—	8-17
b. Paternity Leave and Pay Rights for the Partner of the Adopting Parent.....	8-160	8-20
c. Time Off for Adoption Appointments [New Topic]	—	8-21
9. Flexible Working Requests	8-162	8-21
10. Shared Parental Leave and Pay [New Topic]	—	8-22
a. Basic Entitlement	—	8-23
b. Notice Requirements	—	8-23
c. Amount of Leave Available.....	—	8-24

	<i>Main Volume</i>	<i>Supple- ment</i>
d. ShPL Pay	—	8-24
VI. Antidiscrimination	8-163	8-24
A. Historical Background.....	8-163	—
B. Equality Act 2010.....	8-165	8-24
1. Generally.....	8-165	—
2. Protected Characteristics.....	8-166	8-24
a. Age	8-166	—
b. Disability	8-167	—
c. Gender Reassignment.....	8-167	—
d. Marriage and Civil Partnership [Substitute Text]	—	8-24
e. Pregnancy and Maternity.....	8-169	—
f. Race	8-169	—
g. Religion or Belief	8-170	—
h. Sex	8-170	—
i. Sexual Orientation	8-171	—
3. Types of Discrimination.....	8-171	8-25
a. Direct Discrimination.....	8-171	—
b. Combined/Dual Discrimination.....	8-173	—
c. Indirect Discrimination	8-174	—
d. Discrimination Arising from Disability	8-176	—
e. Duty to Make Reasonable Adjustments.....	8-177	—
f. Harassment [Substitute Text] ...	—	8-25
g. Victimization	8-180	—
h. Instructing, Causing, Inducing, or Aiding Unlawful Acts.....	8-181	—
4. Exceptions to Discrimination.....	8-182	—
a. Positive Action.....	8-182	—
b. Occupational Requirements	8-183	—
5. Remedies.....	8-183	—
6. Equal Pay	8-184	8-27
a. Basic Principles	8-184	—
b. Remedies	8-186	—
c. Gender Pay Gap Reporting [New Topic].....	—	8-27

United Kingdom (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
C. Additional Regulation	8-186	8-27
1. Discrimination Against Part-Time Workers	8-186	—
2. Discrimination Against Fixed- Term Workers.....	8-188	—
3. Agency Workers.....	8-189	—
4. Modern Slavery [New Topic].....	—	8-27
VII. Occupational Safety and Health and Workers' Compensation	8-190	—
A. Occupational Safety and Health	8-190	—
1. Common Law.....	8-190	—
2. Statutory Law.....	8-192	—
a. The Health and Safety at Work, etc. Act 1974.....	8-193	—
b. Health and Safety Regulations.....	8-194	—
c. Other Health and Safety Statutes	8-195	—
B. Workers' Compensation	8-196	—
VIII. Pensions and Benefits	8-196	8-28
A. Pensions.....	8-197	8-28
1. Types of Pensions [Substitute Text].....	—	8-28
a. State Provision [Amended Heading].....	8-198	8-28
b. Private Pensions [Amended Heading].....	8-198	8-29
c. Personal Pensions Plans	8-199	—
d. Stakeholder Pensions.....	8-199	—
2. Employer Obligations [Substitute Text].....	—	8-29
a. Stakeholder Pensions.....	8-199	8-29
b. Automatic Enrollment.....	8-200	8-30
c. Plan Operation.....	8-201	—
3. Tax Advantages	8-202	—
4. Pension Protection	8-202	—
B. Health and Disability Funds	8-202	—
1. Health Funds.....	8-202	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Long-Term Illness and Disability Benefits	8-203	—
C. Other Benefits.....	8-203	—
1. Company Car	8-203	—
2. Employee Share (Stock) Plans.....	8-203	—
3. Death-in-Service Benefits.....	8-204	—
4. Luncheon Vouchers.....	8-204	—
IX. Immigration.....	8-205	8-30
A. Work Permit Requirements [Substitute Text]	—	8-30
B. Applying to Work in the U.K.	8-206	8-31
C. Criminal and Civil Penalties.....	8-207	8-33
<i>Austria</i>	<i>See Volume IIA</i>	—
<i>Bulgaria</i>	<i>See Volume IIA</i>	—
<i>Czech Republic</i>	<i>See Volume IIA</i>	—
<i>Denmark</i>	<i>See Volume IIA</i>	—
<i>Greece</i>	<i>See Volume IIA</i>	—
<i>Hungary</i>	<i>See Volume IIA</i>	—
<i>Ireland</i>	<i>See Volume IIA</i>	—
<i>The Netherlands</i>	<i>See Volume IIA</i>	—
<i>Poland</i>	<i>See Volume IIA</i>	—
<i>Portugal</i>	<i>See Volume IIA</i>	—
<i>Sweden</i>	<i>See Volume IIA</i>	—
<i>Turkey</i>	<i>See Volume IIA</i>	—

Part 2. NAFTA/NAALC and Member Countries

NAFTA/NAALC (IB)	30-1	30-1
Introduction.....	30-1	—
I. NAFTA and the Debate That Followed.....	30-1	—
II. Negotiations Leading Up to the NAALC	30-7	—
III. Substance of the NAALC	30-9	30-1
A. Overview	30-9	—
B. Objectives	30-12	—
C. Rights and Obligations of the Parties	30-15	—
D. Structures.....	30-16	30-1

NAFTA/NAALC (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Commission for Labor Cooperation.....	30-16	30-1
a. Ministerial Council.....	30-16	30-2
b. Secretariat.....	30-17	30-2
2. National Administrative Offices	30-18	30-3
a. United States NAO	30-18	—
b. Canadian NAO	30-20	30-3
c. Mexican NAO.....	30-22	—
E. Levels of Review and Enforcement.....	30-23	—
Table 30-1. Review and Enforcement Under the NAALC.....	30-24	—
1. Matters Subject to Each Level of Review	30-25	—
a. Matters Subject to the First Level Only	30-25	—
b. Matters Subject to the First and Second Levels.....	30-25	—
c. Matters Subject to All Three Levels	30-26	—
2. The Process Involved at Each Level of Review	30-27	—
a. First Level: NAO Review and Consultations	30-27	—
b. Second Level: Evaluation Committee of Experts.....	30-28	—
c. Third Level: Arbitration and Possibility of Sanctions	30-29	—
F. Cooperative Activities [Substitute Text]	—	30-4
IV. Submissions Under the NAALC.....	30-33	30-5
A. Submission Nos. 940001 (<i>Honeywell</i>) and 940002 (<i>General Electric I</i>) to the U.S. NAO.....	30-34	—
1. Submission No. 940001	30-34	—
2. Submission No. 940002.....	30-34	—
3. Consolidated Review and U.S. NAO Report	30-35	—
B. Submission No. 940003 to the U.S. NAO (<i>Sony</i>)	30-37	—

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Allegations	30-37	—
2. U.S. NAO Report	30-37	—
3. Ministerial Consultations Agreement.....	30-38	—
4. Follow-Up.....	30-39	—
C. Submission No. 940004 to the U.S. NAO (<i>General Electric II</i>).....	30-39	—
D. Submission No. 9501 to the Mexican NAO (<i>Sprint</i>)	30-40	—
1. Allegations	30-40	—
2. Mexican NAO Report	30-40	—
3. Ministerial Consultations Agreement.....	30-41	—
E. Submission No. 9601 to the U.S. NAO (<i>SUTSP</i>).....	30-42	—
1. Allegations	30-43	—
2. U.S. NAO Report	30-44	—
3. Ministerial Consultations.....	30-45	—
F. Submission No. 9602 to the U.S. NAO (<i>Maxi-Switch</i>)	30-45	—
1. Allegations	30-46	—
2. Withdrawal of the Complaint.....	30-48	—
G. Submission No. 9701 to the U.S. NAO (<i>Gender Discrimination</i>)	30-49	—
1. Allegations	30-49	—
2. U.S. NAO Report	30-52	—
3. Ministerial Consultations Agreement.....	30-52	—
H. Submission No. 9702 to the U.S. NAO (<i>Han Young</i>).....	30-54	—
1. Allegations	30-54	—
2. U.S. NAO Reports.....	30-58	—
a. Freedom of Association and Mexico’s Compliance With Procedural Obligations Under the NAALC	30-58	—
b. Health and Safety Issues	30-59	—
3. Ministerial Consultations Agreement.....	30-60	—

NAFTA/NAALC (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
I. Submission No. 9703 to the U.S. NAO (<i>ITAPSA</i>).....	30-61	—
1. Allegations	30-62	—
2. U.S. NAO Report	30-64	—
3. Ministerial Consultations Agreement.....	30-65	—
J. Submission No. 98-1 to the Canadian NAO (<i>ITAPSA</i>)	30-65	—
1. Allegations	30-66	—
2. Canadian NAO Reports.....	30-66	—
a. Freedom of Association.....	30-66	—
b. Occupational Safety and Health	30-67	—
3. Ministerial Consultations.....	30-67	—
K. Submission No. 9801 to the Mexican NAO (<i>Solec</i>)	30-68	—
1. Allegations	30-68	—
2. Mexican NAO Report	30-69	—
3. Ministerial Consultations Agreement.....	30-69	—
L. Submission No. 9802 to the Mexican NAO (<i>Apple Growers</i>).....	30-69	—
1. Allegations	30-70	—
2. Mexican NAO Report	30-72	—
3. Ministerial Consultations Agreement.....	30-73	—
M. Submission No. 9803 to the Mexican NAO (<i>DeCoster Egg</i>)	30-73	—
1. Allegations	30-74	—
2. Mexican NAO Report	30-75	—
3. Ministerial Consultations Agreement.....	30-75	—
N. Submission No. 9801 to the U.S. NAO (<i>Flight Attendants</i>).....	30-75	—
O. Submission No. 9804 to the Mexican NAO (<i>Yale/INS</i>)	30-76	—
1. Allegations	30-76	—
2. Mexican NAO Report	30-77	—

	<i>Main Volume</i>	<i>Supple- ment</i>
3. Ministerial Consultations Joint Declaration.....	30-78	—
P. Submission No. 98-2 to the Canadian NAO (<i>Yale/INS</i>).....	30-78	—
Q. Submission No. 9802 to the U.S. NAO (<i>Tomato/Child Labor</i>).....	30-79	—
R. Submission No. 9803 to the U.S. NAO (<i>McDonald's</i>).....	30-79	—
1. Allegations.....	30-79	—
2. Withdrawal of Submission.....	30-80	—
S. Submission No. 9804 to the U.S. NAO (<i>Rural Mail Couriers</i>).....	30-81	—
T. Submission No. 99-1 to the Canadian NAO (<i>LPA</i>).....	30-82	30-6
U. Submission No. 9901 to the U.S. NAO (<i>TAESA</i>).....	30-83	30-6
1. Allegations.....	30-84	—
2. U.S. NAO Report.....	30-85	—
3. Ministerial Consultations Joint Declaration.....	30-87	30-6
V. Submission No. 2000-01 to the U.S. NAO (<i>Auto Trim/Custom Trim</i>).....	30-88	30-7
1. Allegations.....	30-88	—
2. U.S. NAO Report.....	30-90	—
3. Ministerial Consultations Joint Declaration.....	30-92	—
4. Trilateral Working Group [Substitute Text].....	30-93	30-7
W. Submission No. 2001-01 to the U.S. NAO (<i>Duro Bag</i>).....	30-97	—
X. Submission No. 2001-01 to the Mexican NAO (<i>New York State</i>).....	30-98	—
1. Allegations.....	30-98	—
2. Mexican NAO Report.....	30-99	—
Y. Submission No. 2003-01 to the U.S. NAO (<i>Puebla</i>).....	30-100	—
1. Allegations.....	30-100	—
2. U.S. NAO Report.....	30-100	—

NAFTA/NAALC (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
3. Ministerial Consultations Agreement.....	30-100	—
Z. Submission No. 2003-1 to the Canadian NAO (<i>Puebla</i>).....	30-101	—
AA. Submission No. 2003-1 to the Mexican NAO (<i>North Carolina</i>)	30-102	30-11
1. Allegations.....	30-102	—
2. Mexican NAO Report	30-102	—
3. Ministerial Consultations Agreement	30-103	30-11
BB. Submission 2004-01 to the U.S. NAO (<i>Yucatan</i>)	30-103	—
CC. Submission 2005-01 to the U.S. NAO (<i>Labor Law Reform</i>).....	30-104	—
DD. Submission 2005-02 to the U.S. NAO (<i>Mexican Pilots-ASPA</i>)	30-104	—
EE. Submission No. 2005-03 to the U.S. NAO (<i>Hidalgo</i>).....	30-105	—
1. Allegations.....	30-105	—
2. U.S. NAO Report.....	30-106	—
FF. Submission No. 2005-1 to the Mexican NAO (<i>H-2B Visa Workers I</i>)	30-106	30-11
1. Allegations.....	30-107	—
2. Mexican NAO Report and Ministerial Consultations Agreement	30-108	30-11
GG. Submission No. 2005-1 to the Canadian NAO (<i>Mexican Pilots-ASPA</i>).....	30-108	—
HH. Submission No. 2006-1 to the U.S. NAO (<i>Coahuila</i>)	30-108	—
II. Submission No. 2006-01 to the Mexican NAO (<i>North Carolina Public Employees</i>)	30-109	—
1. Allegations.....	30-110	—
2. Mexican NAO Report	30-110	—

	<i>Main Volume</i>	<i>Supple- ment</i>
JJ. NAO Submission No. 2008-1 to the Canadian NAO (<i>North Carolina Public Sector Workers</i>)	30-110	—
KK. Submission No. 2011-02 (formerly No. 2010-01) to the U.S. NAO and Submission No. 2011-1 to the Canadian NAO (<i>Luz y Fuerza del Centro</i>).....	30-111	—
LL. Submission No. 2011-1 to Mexican NAO (<i>H-2B Visa Workers II</i>).....	30-112	30-11
1. Allegations.....	30-113	—
2. Mexican NAO Report	30-113	30-11
MM. Submission to Mexican NAO (filed April 27, 2012) (<i>Alabama Anti-Illegal Immigration Legislation</i>).....	30-114	30-12
NN. Submission No. 2015-04 to the U.S. NAO (<i>UFCW</i>) [New Topic].....	—	30-12
V. Assessment.....	30-114	30-13
VI. Renegotiation [New Topic].....	—	30-15
Table 30-2. Finding List of NAO Submissions by Country and Case Name.....	30-117	30-16
Table 30-3. Finding List of NAO Submissions by Issue, Country, and Case Name.....	30-139	30-17

Member Countries

CANADA (IB)	31-1	31-1
Introduction.....	31-1	31-1
A. Legal Systems.....	31-2	—
B. Division of Powers Related to Labor and Employment Law.....	31-2	31-1
C. Charter of Rights and Freedoms.....	31-4	31-2
D. International Sources of Labor and Employment Law	31-6	31-3
E. Class or Group Actions.....	31-7	31-3
F. Extraterritorial Application of Canadian Labor and Employment Laws and Choice of Law	31-9	—

Canada (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Extraterritoriality	31-9	—
2. Choice of Law in Employment Matters	31-10	—
I. Individual Employment.....	31-10	31-4
A. Contract Formation.....	31-11	31-4
1. Main Legal Instruments Regulating Individual Employment Contracts ..	31-11	—
2. Statutory Regulation of Employment.....	31-12	—
3. Listing of Job Vacancies	31-13	—
4. Terms and Duration.....	31-13	31-4
B. Contract Termination.....	31-14	31-5
1. Notice.....	31-14	31-5
a. Employer Notice Period	31-14	31-5
b. Duty to Mitigate	31-16	31-6
c. Severance Pay.....	31-17	—
d. Employee Notice	31-17	31-7
2. Dismissal Without Cause [New Topic]	—	31-7
3. Dismissal for Cause [Renumbered Heading].....	31-18	31-7
a. Challenges to Dismissal	31-18	31-7
b. Grounds for Dismissal.....	31-19	31-8
4. Whistleblower Protection [Renumbered Heading].....	31-21	31-8
5. Aggravated and Punitive Damages [Renumbered Heading]...	31-22	31-9
C. Employee Privacy	31-24	31-10
1. Personal Data Protection.....	31-24	—
2. Computer Use and Social Networking	31-26	—
3. Drug and Alcohol Testing [Substitute Text].....	—	31-10
4. Genetic Information [New Topic].....	—	31-13
D. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	31-28	31-14
1. Employee Duty of Loyalty.....	31-28	—
a. Duty of Loyalty	31-29	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Fiduciary Duty.....	31-30	—
2. Trade Secrets.....	31-31	—
3. Covenants Not to Compete	31-31	31-14
a. Overview	31-31	31-14
b. Common Types of Covenants Not to Compete	31-32	—
c. Permissible Scope of Covenants Not to Compete in Employment Contracts	31-32	31-14
d. Permissible Scope of Covenants not to Compete in Commercial Contracts.....	31-33	—
II. Collective Bargaining	31-34	31-15
A. Historical Background.....	31-34	—
B. Main Legal Instruments Regulating Collective Bargaining	31-37	31-15
C. Union Recognition.....	31-40	31-16
1. Bargaining Agents and Bargaining Units.....	31-40	—
2. Types of Recognition [Substitute Text].....	31-41	31-16
3. Voluntary Recognition Process	31-41	—
4. Certification Process [Substitute Text].....	—	31-17
5. Decertification.....	31-44	—
D. Inter-union Representational Disputes ...	31-44	—
E. Union Membership.....	31-45	31-19
F. Union Federations and Collective Bargaining Levels.....	31-47	31-19
1. Union Federations.....	31-47	31-19
2. Levels of Collective Bargaining	31-49	—
G. Signatories to and Effects of Collective Agreements.....	31-50	31-20
H. Duration of Collective Agreements	31-50	—
I. Scope of the Collective Agreement	31-51	—
1. Subjects of Bargaining.....	31-51	—
2. Terms Governing the Employer– Union Relationship	31-52	—

Canada (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
J. Strikes and Other Industrial Action	31-53	31-20
1. Strikes	31-53	31-20
a. The Pre-Strike Process	31-54	—
b. Illegal Strikes.....	31-55	31-21
c. Return to Work Rights.....	31-55	—
2. Lockouts.....	31-57	—
3. Picketing	31-58	—
4. Recognition Picketing.....	31-59	—
5. Handbilling	31-59	—
6. Slowdowns and Sit-Ins.....	31-59	—
7. Secondary Action.....	31-60	—
K. Third-Party Resolution of Disputes.....	31-61	—
1. Interest Arbitration.....	31-61	—
2. Rights Arbitration	31-62	—
3. Judicial Review and Enforcement...	31-65	—
a. Judicial Review	31-65	—
b. Enforcement	31-66	—
L. Union Security Provisions.....	31-66	—
M. Duty of Fair Representation	31-68	—
III. Representation by Entities Other Than Unions.....	31-68	—
IV. Redundancy and Transfers of Undertakings	31-69	31-21
A. Redundancy	31-69	31-21
1. Unionized Employees	31-70	31-22
2. Nonunionized Employees.....	31-71	—
B. Transfers of Undertakings	31-72	—
1. Union Certification and Collective Bargaining Agreements.....	31-72	—
2. Individual Employment	31-73	—
V. Wages, Hours, and Leave	31-74	31-22
A. Minimum Wage	31-74	31-22
B. Hours of Work and Overtime	31-75	31-23
C. Holidays and Vacations.....	31-76	31-24
1. Holidays	31-76	—
2. Vacation	31-77	31-24
D. Leave [Substitute Text].....	—	31-24
1. Maternity, Paternity, and Adoption Leave.....	—	31-24

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Leave Entitlement.....	—	31-24
b. Leave Benefits	—	31-26
2. Personal and Family Leave	—	31-26
a. Personal Emergency Leave	—	31-26
b. Compassionate Care Leave	—	31-26
c. Family Caregiver Leave	—	31-27
d. Wedding Leave	—	31-28
3. Bereavement Leave.....	—	31-28
4. Crime Victim and Domestic Violence Victim Leave	—	31-29
a. Crime Victim Leave.....	—	31-29
b. Domestic Violence Victim Leave	—	31-30
5. Organ Donation Leave	—	31-31
6. Military Leave.....	—	31-31
7. Jury Duty.....	—	31-31
8. Traditional Aboriginal Practices Leave [New Topic].....	—	31-32
E. Enforcement	31-82	—
VI. Antidiscrimination	31-82	31-32
A. Historical Background.....	31-82	—
B. Main Legal Instruments Dealing With Employment Discrimination	31-83	—
C. Enforcement	31-83	31-32
1. Human Rights Commissions and Tribunals	31-83	31-32
2. Arbitration.....	31-85	—
D. Prohibited Grounds of Discrimination [Substitute Text]	—	31-33
E. Duty to Accommodate.....	31-88	31-36
F. Drug and Alcohol Testing.....	31-88	31-37
G. Equal Pay [Substitute Text]	—	31-38
H. Affirmative Action.....	31-92	—
I. Mandatory Retirement [Substitute Text]	—	31-40
VII. Occupational Safety and Health and Workers' Compensation	31-93	31-41
A. Occupational Health and Safety	31-94	31-41

Canada (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Accident Prevention and Occupational Health Protection	31-94	—
2. Workplace Violence and Psychological Harassment	31-95	31-41
3. Enforcement	31-96	31-42
B. Workers' Compensation	31-97	31-44
VIII. Pensions and Benefits	31-98	31-44
A. Pensions	31-99	31-45
1. Public Plans	31-99	—
2. Private Plans	31-99	31-45
a. Participation, Contributions, and Benefits	31-100	—
b. Funding	31-101	—
B. Health and Disability Funds	31-103	—
C. Unemployment Insurance [Amended Heading] [Substitute Text]....	—	31-46
IX. Immigration	31-105	31-48
A. Categories of Foreign Nationals Permitted to Work in Canada	31-106	31-48
1. Permanent Residents	31-106	31-48
2. Temporary Residents	31-107	31-49
a. Business Visitors	31-108	31-49
b. Work Permits	31-108	31-49
i. International agreements	31-109	—
ii. Immigration regulations [substitute text]	31-110	—
iii. Global skills [new topic]	—	31-50
3. Seasonal Agricultural Workers [Substitute Text]	—	31-51
B. Obligations of Employers	31-112	—
1. Compliance Review	31-112	—
2. Offenses	31-112	—
3. During a Strike	31-113	—
C. Other Considerations	31-113	—
1. Duration of a Work Permit	31-113	—
2. Criminal Records	31-114	—

	<i>Main Volume</i>	<i>Supple- ment</i>
MEXICO (IB)	32-1	32-1
Introduction.....	32-1	32-1
A. Historical Background.....	32-1	—
B. Federal and State Responsibilities.....	32-2	—
C. Legal Framework.....	32-3	32-1
1. Formally Adopted Rules	32-3	32-1
a. The Constitution of the United States of Mexico [Substitute Text]	—	32-1
b. International Treaties.....	32-4	—
c. The Federal Labor Law	32-6	—
d. Regulations That Implement the FLL [Substitute Text]	—	32-2
2. Supplementary Standards	32-6	—
D. Labor Authorities.....	32-7	—
1. Government Agencies.....	32-7	—
2. Tripartite Commissions.....	32-8	—
3. Tripartite Boards	32-9	—
E. Judicial System.....	32-9	—
F. Class or Group Actions.....	32-10	—
G. Extraterritorial Application of Mexican Labor and Employment Laws.....	32-11	—
I. Individual Employment.....	32-11	32-3
A. Definitions	32-11	32-3
1. Worker.....	32-11	32-3
2. Employer.....	32-12	—
3. Intermediary.....	32-13	—
4. Enterprise	32-14	—
5. Outsourced Work	32-14	—
6. Special Types of Work	32-15	—
B. Contract Formation.....	32-16	—
1. The Work Relationship	32-16	—
2. Duration of the Work Relationship	32-16	—
3. Contracts for Specific Jobs or a Fixed Term	32-16	—
4. Probationary and Training Periods	32-17	—

Mexico (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
5. Contracts for Mineral Exploitation.....	32-17	—
6. Suspension of the Work Relationship	32-18	—
C. Contract Termination.....	32-19	32-3
1. Direct Dismissal.....	32-19	32-3
a. Dismissal for Cause.....	32-19	—
b. Dismissal Notice [Substitute Text]	—	32-3
c. Severance Payments	32-21	—
d. Rights of the Worker Dismissed Without Just Cause	32-21	32-4
2. Indirect Dismissal: Worker Resignation	32-22	—
3. Other Reasons for Termination of the Work Relationship.....	32-24	—
D. Employment of Women and Minors.....	32-24	32-5
1. Employment of Women	32-24	—
2. Employment of Minors [Substitute Text].....	—	32-5
E. Data Privacy.....	32-26	32-6
F. Covenants Not to Compete, Trade Secrets, Employee Duty of Loyalty.....	32-28	32-6
1. Employee Duty of Loyalty.....	32-28	—
2. Trade Secrets.....	32-29	—
3. Covenants Not to Compete	32-30	32-6
G. Choice of Law for Individual Employment Contracts	32-32	—
II. Collective Bargaining	32-32	32-8
A. The Concept of Collective Rights	32-32	—
B. Constitutional Basis.....	32-33	—
C. Unions.....	32-33	—
1. Definition and Functions.....	32-33	—
2. Membership	32-35	—
3. Union Bylaws and Operation.....	32-35	—
4. Union Reporting and Registration	32-37	—

	<i>Main Volume</i>	<i>Supple- ment</i>
D. Collective Agreements.....	32-39	—
1. Establishment of a Collective Agreement.....	32-40	—
2. Duration and Revision of a Collective Agreement.....	32-40	—
3. Termination of a Collective Agreement.....	32-41	—
4. Application of a Collective Agreement to Workers	32-41	—
5. Representation Rights	32-42	—
E. Law-Contracts	32-43	—
1. Procedural Requirements	32-43	—
2. Administration	32-44	—
F. Work Rules and Discipline	32-44	—
1. Scope.....	32-45	—
2. Disciplinary Measures	32-45	—
G. Changes to, Suspension of, or Termination of Collective Agreements ...	32-46	—
1. Modifications	32-46	—
2. Suspension	32-46	—
3. Termination.....	32-48	—
H. Social Agreements.....	32-48	—
I. Strikes	32-50	32-8
1. Right to Strike.....	32-50	—
2. Strike Objectives [Amended Heading].....	—	32-8
3. Strikes in Essential Community Services	32-51	—
4. Strike Procedures	32-52	—
5. Legal Challenges.....	32-53	—
6. Illegal Strikes	32-54	—
7. End of a Strike [Substitute Text].....	—	32-8
J. Settlement of Labor Disputes	32-54	—
1. Conciliation and Arbitration Boards	32-54	—
2. Dispute Settlement Mechanisms.....	32-55	—
3. Conciliation and Arbitration Boards and Settlement of Disputes	32-56	—

Mexico (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
a. Ordinary Trials	32-56	—
b. Special Trials	32-57	—
c. Proceedings in Disputes Involving Economic Issues.....	32-57	—
d. Conciliation	32-57	—
K. Union Security.....	32-58	—
1. Union Dues	32-58	—
2. Exclusion Clauses	32-58	—
III. Representation by Entities Other Than Unions	32-58	—
A. Coalition Defined	32-58	—
B. Functions	32-58	—
IV. Redundancy and Transfers of Undertakings	32-59	32-8
A. Redundancy	32-59	—
B. Transfers of Undertakings	32-60	32-8
V. Wages, Hours, and Leave	32-62	32-9
A. Wages.....	32-62	32-9
1. Minimum Salary	32-62	32-9
2. Overtime Pay [Substitute Text].....	—	32-10
3. Other Requirements Concerning Salaries.....	32-64	—
4. Profit Sharing.....	32-65	—
a. Disclosure of Financial Information.....	32-66	—
b. Exemptions From Profit Sharing	32-66	—
c. Distribution of Profits.....	32-67	—
B. Hours	32-67	32-10
1. Work Shifts	32-67	—
2. Rest Periods	32-68	—
3. Hours Per Week	32-68	—
4. Overtime [Substitute Text].....	—	32-10
5. Special Rules for Minors [Substitute Text].....	—	32-11
C. Leave	32-69	32-11
1. Vacations	32-69	32-11
2. Holidays	32-69	—
3. Maternity Leave	32-70	—

	<i>Main Volume</i>	<i>Supple- ment</i>
VI. Antidiscrimination	32-71	32-12
A. Constitution and the Federal Labor Law	32-71	—
B. Federal Law to Prevent and Eliminate Discrimination	32-72	32-12
C. Treatment of Foreign Nationals [Amended Heading]	—	32-12
VII. Occupational Safety and Health and Workers' Compensation	32-74	32-12
A. Occupational Safety and Health	32-74	32-12
1. Employer Obligations	32-74	32-12
2. Safety and Health Commissions	32-76	—
B. Workers' Compensation	32-76	—
1. Right to Compensation	32-76	—
2. Administration	32-77	—
3. Benefits	32-78	—
VIII. Pensions and Benefits	32-80	—
A. Social Security	32-80	—
1. Coverage	32-80	—
2. Contributions	32-81	—
3. Benefits	32-82	—
a. Retirement Benefits	32-82	—
b. Survivor Benefits	32-83	—
c. Disability Benefits	32-84	—
d. Sickness Benefits	32-85	—
e. Medical Benefits	32-85	—
f. Maternity Benefits	32-86	—
g. Day-Care Benefits	32-86	—
h. Social Services	32-86	—
i. Benefits for Non-workers	32-87	—
B. Housing	32-87	—
1. Contributions	32-87	—
2. Benefits	32-87	—
C. Education	32-88	—
D. Credits for Durable Consumer Goods	32-88	—
IX. Immigration	32-89	—
UNITED STATES (IB)	33-1	33a-1
Introduction	33a-1	33a-1

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
A. Historical Background.....	33a-2	33a-1
B. National Sources of Labor and Employment Law	33a-3	33a-2
1. National Labor Relations Act	33a-5	—
2. Social Security Act and Federal Unemployment Tax Act	33a-5	—
3. Fair Labor Standards Act	33a-6	—
4. Family and Medical Leave Act	33a-7	—
5. Antidiscrimination Statutes.....	33a-7	33a-2
a. Equal Pay Act	33a-7	—
b. Title VII of the Civil Rights Act of 1964 [Substitute Text] ...	—	33a-2
c. Section 1981	33a-9	—
d. Age Discrimination in Employment Act [Substitute Text]	—	33a-4
e. Americans with Disabilities Act	33a-9	33a-4
f. Uniformed Services Employment and Reemployment Rights Act [New Topic]	—	33a-5
g. Genetic Information Nondisclosure Act [Redesignated Subheading]....	33a-10	33a-5
6. Occupational Safety and Health Act.....	33a-10	—
7. Employee Retirement Income Security Act.....	33a-11	—
C. State Sources of Employment Law	33a-12	33a-5
1. State Workers' Compensation Statutes.....	33a-12	—
2. Erosion of the Employment-at- Will Doctrine	33a-13	—
3. State and Local Anti- Discrimination Laws [New Topic]	—	33a-5

	<i>Main Volume</i>	<i>Supple- ment</i>
4. State and Local Family and Medical Leave Laws [New Topic]	—	33a-8
5. Employee Tort Claims [Redesignated Subheading]	33a-14	33a-9
6. Corporate Restructuring [Redesignated Subheading]	33a-14	33a-9
D. Preemption of State Laws.....	33a-15	—
E. Administration and Enforcement: The Executive Agencies.....	33a-16	33a-9
1. In General	33a-16	—
2. U.S. Department of Labor.....	33a-16	33a-9
a. Statutes Administered in Whole or in Part by the DOL ...	33a-17	33a-9
i. Whistleblowers	33a-17	—
ii. Polygraph tests.....	33a-18	—
iii. Unions and their members.....	33a-18	—
iv. Plant closings [substitute text]	—	33a-9
v. Wages and hours [substitute text]	—	33a-9
vi. Government contractors...	33a-19	—
vii. Leave.....	33a-19	33a-9
viii. Veterans' rights	33a-20	33a-10
ix. Workplace safety and health [substitute text]	—	33a-10
x. Independent contractor classification and joint employee relationships [New Topic]	—	33a-10
xi. Pensions and welfare benefits [redesignated subheading].....	33a-20	33a-12
xii. Foreign nationals [redesignated subheading].....	33a-21	33a-12

United States (IB) —contd.	<i>Main Volume</i>	<i>Supple- ment</i>
b. Industry-Specific Regulatory		
Duties	33a-21	33a-12
i. Agriculture.....	33a-21	—
ii. Apparel	33a-22	—
iii. Construction [substitute text].....	—	33a-12
iv. Mining	33a-23	—
v. Transportation.....	33a-23	—
c. Trade Adjustment Assistance ...	33a-23	33a-13
d. International Activities of the DOL.....	33a-24	—
i. Bureau of International Labor Affairs.....	33a-24	—
ii. International Labour Organization	33a-26	—
iii. Federal acquisitions and contracting	33a-27	—
3. U.S. Department of the Treasury	33a-27	—
4. U.S. Department of State	33a-27	—
a. Labor Officers in U.S. Embassies	33a-27	—
b. Office of International Labor Affairs.....	33a-28	—
5. U.S. Department of Homeland Security	33a-28	—
6. Federal Mediation and Conciliation Service	33a-29	33a-14
a. Overview	33a-29	33a-14
b. International Services.....	33a-31	33a-15
7. Office of the U.S. Trade Representative.....	33a-34	33a-16
8. Overseas Private Investment Corporation	33a-34	—
9. Federal Acquisition Regulatory Council.....	33a-36	33a-16
F. Dispute Resolution System.....	33a-38	—
1. The Judicial System.....	33a-38	—
2. Arbitration.....	33a-40	—

	<i>Main Volume</i>	<i>Supple- ment</i>
G. International Sources of Labor and Employment Law	33a-41	33a-18
1. International Labour Organization..	33a-41	—
2. OECD Anti-Bribery Convention.....	33a-42	—
3. Labor Standards Provisions in Free Trade Agreements	33a-42	33a-18
a. North American Free Trade Agreement	33a-42	—
b. U.S.–Jordan Free Trade Agreement	33a-43	—
c. Free Trade Agreements Established Under Trade Promotion Authority.....	33a-43	33a-18
H. Miscellaneous U.S. Laws Interacting with Labor and Employment Laws	33a-45	33a-18
1. Racketeer Influenced and Corrupt Organizations Act.....	33a-45	33a-18
2. California Unfair Business Practice, False Advertising, and Tort Laws	33a-49	—
a. The <i>Nike</i> Case.....	33a-49	—
b. The <i>Unocal</i> Case	33a-50	—
c. The <i>Gap</i> Case	33a-52	—
d. The <i>Wal-Mart</i> Case	33a-52	—
3. Other Laws.....	33a-53	33a-19
a. The Foreign Corrupt Practices Act	33a-53	—
b. The Alien Tort Claims Act.....	33a-54	—
c. The Torture Victim Protection Act	33a-54	—
d. Sarbanes-Oxley Act and Dodd-Frank Act [New Topic].....	—	33a-19
e. Patient Protection and Affordable Care Act [New Topic].....	—	33a-19
f. Fair Credit Reporting Act [New Topic].....	—	33a-20

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
I. Extraterritorial Application of U.S. Laws	33a-55	—
J. Class and Collective Actions	33a-55	33a-20
1. General Requirements.....	33a-55	33a-20
2. Class Actions Under Specific Federal Employment Statutes	33a-57	33a-21
a. Fair Labor Standards Act.....	33a-57	—
b. Family and Medical Leave Act	33a-57	—
c. Title VII of the Civil Rights Act of 1964 [Substitute Text] ...	—	33a-21
d. Age Discrimination in Employment Act.....	33a-58	—
e. Equal Pay Act.....	33a-58	—
f. Americans with Disabilities Act [Substitute Text].....	—	33a-22
g. Employee Retirement Income Security Act	33a-58	—
3. Contractual Waivers [Substitute Text].....	—	33a-22
I. Individual Employment.....	33b-1	33b-1
A. The Employment Relationship.....	33b-1	33b-1
1. Historical Background	33b-1	—
2. Employees vs. Independent Contractors.....	33b-2	33b-1
3. Types of Employment Contracts....	33b-4	—
a. Enforceability of Oral Contracts and the Statute of Frauds	33b-4	—
i. Contracts for an indefinite term.....	33b-5	—
ii. Contracts for a specific term.....	33b-5	—
iii. Contracts terminable only for cause.....	33b-6	—
b. Express vs. Implied Terms	33b-6	—
B. Limitations on the Employment-at-Will Doctrine	33b-7	33b-4

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Common Law Exceptions to At-Will Employment.....	33b-7	33b-4
a. Contract to Terminate Only for Good Cause	33b-8	—
i. Express contract.....	33b-8	—
ii. Implied-in-fact contract...	33b-9	—
b. Implied Covenant of Good Faith and Fair Dealing.....	33b-12	—
c. Wrongful Termination in Violation of Public Policy	33b-15	33b-4
i. Discharge for refusing to perform an illegal act.....	33b-17	—
ii. Discharge in retaliation for exercising a vested or statutory right.....	33b-19	33b-4
iii. Discharge for “whistleblowing”	33b-21	—
2. Statutory Discharge Protection	33b-22	33b-6
a. State Wrongful Discharge Statutes	33b-22	—
b. Federal and State Whistleblower Statutes.....	33b-25	33b-6
i. Federal statutes	33b-25	33b-6
(a) Sarbanes-Oxley Act.....	33b-26	—
(b) Consumer Product Safety Improvement Act	33b-30	—
(c) American Recovery and Reinvestment Act.....	33b-30	—
(d) Fraud Enforcement and Recovery Act....	33b-31	—
(e) Patient Protection and Affordable Care Act	33b-31	—
(f) Dodd-Frank Act	33b-32	33b-6

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
(g) Food Safety Modernization Act.....	33b-32	—
(h) Moving Ahead for Progress in the 21st Century Act.....	33b-33	—
ii. State statutes	33b-33	—
3. Related Common-Law Claims.....	33b-38	—
a. Intentional Infliction of Emotional Distress	33b-38	—
b. Fraud.....	33b-41	—
c. Defamation	33b-42	—
C. Employee Privacy	33b-44	33b-6
1. Employee and Applicant Testing	33b-45	—
a. Drug and Alcohol Testing.....	33b-46	—
b. Medical Testing	33b-48	—
i. HIV/AIDS testing.....	33b-48	—
ii. Genetic testing	33b-50	—
(a) State regulation	33b-51	—
(b) Americans with Disabilities Act.....	33b-52	—
(c) Genetic Information Nondiscrimination Act.....	33b-53	—
(d) Executive Order 13,145	33b-55	—
c. Testing for Honesty	33b-55	—
2. Monitoring and Surveillance.....	33b-57	33b-6
a. Electronic Communications	33b-57	33b-6
b. Video Surveillance	33b-63	—
3. Applicant and Employee Investigations	33b-64	33b-7
a. Consumer and Credit Reports	33b-65	33b-7
b. Misconduct Investigations.....	33b-68	—
4. Employment and Medical Records	33b-70	33b-9

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Personnel Files	33b-70	—
b. Medical Records.....	33b-71	—
c. Salary History [New Topic].....	—	33b-9
5. Transfer of Personal Data to and from the European Union	33b-72	—
D. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	33b-74	33b-9
1. Duty of Loyalty	33b-75	—
2. Trade Secrets.....	33b-75	33b-9
3. Covenants Not to Compete	33b-77	—
E. Alternative Dispute Resolution Systems.....	33b-78	33b-10
II. Collective Bargaining	33c-1	33c-1
A. National Labor Relations Act	33c-2	33c-1
1. Basic Principles.....	33c-2	—
2. Administration	33c-3	33c-1
a. National Labor Relations Board	33c-3	33c-1
b. Jurisdiction and Coverage	33c-4	33c-1
c. Preemption Doctrines.....	33c-7	—
i. The <i>Garmon</i> doctrine.....	33c-8	—
ii. The <i>Machinists</i> doctrine	33c-8	—
iii. Exceptions	33c-9	—
iv. LMRA preemption	33c-9	—
B. Protected Employee Activity	33c-10	33c-3
1. Protected Conduct [Substitute Text]	—	33c-3
2. Concerted Activity [Substitute Text]	—	33c-4
3. Loss of Protected Status.....	33c-13	33c-8
C. The Representation Process and Union Recognition.....	33c-16	33c-10
1. Voluntary Recognition	33c-17	33c-11
2. Representation Election and Certification	33c-20	33c-11
a. Benefits of Certification	33c-20	—
b. Limits on Filing Petitions.....	33c-21	33c-11
c. Procedure for Certification.....	33c-22	33c-12

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
d. Objections to Election	33c-25	33c-13
3. NLRB Bargaining Order.....	33c-30	—
4. Decertification Elections and Withdrawal of Recognition.....	33c-31	—
5. Judicial Review	33c-33	—
D. Unfair Labor Practices.....	33c-33	33c-14
1. Section 8(a)(1)—Employer Interference	33c-33	33c-14
a. Organizational and Pre- Election Activities	33c-33	33c-14
i. Employer solicitation and distribution rules.....	33c-34	33c-14
ii. Union buttons and insignia.....	33c-39	33c-15
iii. Other pre-election conduct.....	33c-40	—
b. Other Work Rules	33c-41	—
c. Interrogation of Employees	33c-44	33c-15
d. Retaliation Against Supervisors	33c-46	—
e. Retaliatory Lawsuits.....	33c-47	—
f. On-Site Work Stoppages [New Topic].....	—	33c-16
2. Section 8(a)(2)—Employer Support of Unions.....	33c-49	—
a. Employee Participation Committees.....	33c-49	—
i. Status as a labor organization	33c-49	—
ii. Domination, interference, and support	33c-52	—
iii. Post-Electromation case law	33c-52	—
b. Other Types of Unlawful Assistance.....	33c-54	—
3. Section 8(a)(3)—Employer Discrimination Based on Union Status.....	33c-56	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Proof of Unlawful Employer Motivation	33c-56	—
b. Inherently Destructive Conduct	33c-58	—
4. Section 8(a)(4)—Employer Retaliation.....	33c-59	—
5. Section 8(b)(1)(A)—Union Restraint or Coercion	33c-59	—
6. Section 8(b)(2)—Union-Induced Discrimination	33c-61	—
7. Unfair Labor Practice Procedures...	33c-62	—
8. Remedies [Substitute Text]	33c-63	33c-18
E. Collective Bargaining	33c-65	33c-21
1. Structure and Levels of Bargaining.....	33c-65	—
a. Multiemployer Bargaining	33c-65	—
b. Coalition (or Coordinated) Bargaining	33c-66	—
2. Duty to Bargain.....	33c-66	33c-21
a. Good Faith Bargaining	33c-66	—
b. Unilateral Changes and Contract Modification	33c-69	33c-21
c. Duty to Furnish Information	33c-74	—
3. Subjects of Bargaining.....	33c-75	—
a. Categories.....	33c-75	—
i. Mandatory subjects.....	33c-75	—
ii. Voluntary or permissive subjects	33c-76	—
iii. Illegal subjects	33c-77	—
b. Changes in the Employer’s Operation	33c-77	—
4. Collective Bargaining Agreements	33c-80	—
a. Written or Oral Agreement.....	33c-80	—
b. Duration.....	33c-81	—
c. Contract Bar	33c-81	—
5. Successorship.....	33c-81	33c-22
a. Bargaining Obligation of a Successor Employer	33c-81	33c-22

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
b. “Alter Ego” Employer	33c-84	—
6. Remedies for a Refusal to Bargain	33c-85	—
F. Strikes and Other Industrial Actions.....	33c-85	33c-23
1. Strikes	33c-85	33c-23
2. Lockouts.....	33c-89	—
3. Picketing	33c-93	—
a. Recognitional or Organizational Picketing	33c-93	—
b. Area-Standards Picketing	33c-95	—
4. Secondary Boycotts	33c-95	—
a. Prohibited/Permitted Secondary Activity	33c-95	—
b. Common and Ambulatory Sites	33c-97	—
c. Reserved-Gate Doctrine	33c-98	—
d. Ally Doctrine.....	33c-98	—
e. Handbilling and Consumer Picketing.....	33c-99	—
5. “Hot Cargo” Agreements	33c-100	—
6. Jurisdictional Disputes	33c-101	—
G. The Arbitration Process	33c-102	33c-25
1. Arbitrability	33c-103	—
2. Relation to No-Strike Agreement ..	33c-104	—
3. Grievance-Arbitration Procedures.....	33c-105	—
4. Deferral of Related Unfair Labor Practice Charges.....	33c-106	33c-25
a. Pre-Arbitral Deferral	33c-106	33c-25
b. Post-Arbitral Deferral.....	33c-108	33c-25
5. Judicial Review	33c-108	—
H. Relations Between Employees and Union	33c-109	33c-26
1. Duty of Fair Representation.....	33c-109	33c-26
a. Nature of Duty.....	33c-109	33c-26
b. Remedies	33c-110	—
2. Union Security	33c-111	33c-26
a. Union Security Agreements	33c-111	33c-26
i. Union shop clauses	33c-111	33c-26

	<i>Main Volume</i>	<i>Supple- ment</i>
ii. Deauthorization election.....	33c-114	—
iii. State right-to-work laws.....	33c-114	—
b. Hiring-Hall Agreements	33c-114	—
c. Construction Industry Provisions	33c-115	—
d. Dues Checkoff.....	33c-116	33c-27
I. Railway Labor Act.....	33c-116	—
J. Extraterritorial Application of the NLRA and RLA	33c-116	—
III. Representation by Entities Other Than Unions	33d-1	—
IV. Redundancy and Transfers of Undertakings	33e-1	33e-1
A. Redundancy	33e-1	33e-1
1. Overview	33e-1	—
2. Layoffs	33e-1	33e-1
a. Types of Layoff	33e-1	—
b. Layoff Policies	33e-2	—
c. Selecting Employees for Layoff	33e-2	—
d. Worker Adjustment and Retraining Notification Act	33e-3	33e-1
i. Technical requirements [substitute text]	—	33e-2
ii. Exceptions	33e-6	33e-5
iii. Other potential “exceptions”	33e-8	—
iv. Sale-of-business rule.....	33e-9	—
v. Penalties for noncompliance.....	33e-9	—
vi. Alternative compliance strategies	33e-9	—
e. Layoff Benefits [Substitute Text]	—	33e-6
i. Cash benefits.....	—	33e-7
ii. Extended group health insurance coverage.....	—	33e-7

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
iii. Extended disability and life insurance coverage	—	33e-8
iv. Tuition and re-education assistance	33e-11	33e-8
v. Outplacement benefits	33e-12	33e-9
vi. Other benefits	33e-12	33e-9
vii. Section 409A	33e-12	33e-9
3. Exit Incentives	33e-13	33e-10
a. Reasons for Offering Exit Incentives.....	33e-13	—
b. Exit Incentive Strategies.....	33e-14	33e-10
c. Exit Incentive Benefits	33e-15	—
d. Older Workers Benefit Protection Act.....	33e-17	33e-10
4. Collective Bargaining Issues.....	33e-18	—
B. Transfers of Undertakings	33e-20	33e-11
1. Overview	33e-20	—
2. Government Regulation	33e-20	—
3. Asset vs. Stock Sales	33e-21	—
4. Employment Transfers	33e-22	—
5. Employee Terminations	33e-23	—
6. Employee Benefit Plan Liabilities	33e-25	33e-11
a. Pension Plans, Generally.....	33e-25	33e-11
b. Defined Contribution Plans	33e-25	—
c. Defined Benefit Plans.....	33e-26	—
d. Multiemployer Defined Benefit Plans.....	33e-26	—
e. Controlled Group Liabilities	33e-27	—
f. Golden Parachutes [Substitute Text]	—	33e-11
7. Collective Bargaining Issues.....	33e-28	—
a. Bargaining Requirements	33e-28	—
b. Succession to the Bargaining Obligation.....	33e-29	—
V. Wages, Hours, and Leave	33f-1	33f-1
A. Wages and Hours	33f-1	33f-1
1. Fair Labor Standards Act	33f-1	33f-1
a. Scope	33f-1	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Covered Employees.....	33f-3	—
c. Working Time.....	33f-4	—
i. Workweek.....	33f-4	—
ii. Hours worked	33f-5	—
d. Minimum Wage.....	33f-5	—
e. Sub-Minimum Wage Provisions	33f-6	—
f. Salary, Piecework, and Commissions	33f-6	—
g. Overtime Pay	33f-6	—
h. Exemptions.....	33f-7	33f-1
i. Night, Weekend, and Holiday Work	33f-8	—
j. Tipped Employees	33f-9	—
k. Miscellaneous Wages	33f-9	—
l. Equal Pay.....	33f-9	—
m. Waiting and On-Call Time	33f-9	—
n. Rest and Meal Breaks.....	33f-10	—
o. Nursing Breaks.....	33f-11	—
p. Travel Time.....	33f-11	33f-2
q. Child Labor	33f-12	—
r. Wage Payment and Deductions.....	33f-13	—
s. Recordkeeping.....	33f-14	—
t. Enforcement and Remedies.....	33f-15	—
i. Minimum wage and overtime pay violations....	33f-15	—
ii. Retaliation.....	33f-16	—
2. Additional Wage and Hour Statutes.....	33f-17	33f-2
a. Statutes Regulating Government Contractors	33f-17	33f-2
i. Walsh-Healey Public Contracts Act	33f-17	—
ii. Davis-Bacon Act.....	33f-18	—
iii. Portal-to-Portal Act.....	33f-18	—
iv. McNamara-O’Hara Service Contract Act.....	33f-18	—

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
v. Contract Work Hours and Safety Standards Act.....	33f-19	—
vi. Copeland Act	33f-19	—
vii. Miller Act.....	33f-20	—
viii. Executive Order 13658 [New Topic]	—	33f-2
ix. Executive Order 13706 [New Topic]	—	33f-2
b. Statutes Regulating the Transportation Industry	33f-20	—
i. Rail Carrier Hours of Service Law	33f-20	—
ii. Motor Carrier Act	33f-20	—
iii. Federal Aviation Act	33f-20	—
c. Other Statutes	33f-21	33f-3
i. National Apprenticeship Act	33f-21	—
ii. Consumer Credit Protection Act	33f-21	—
iii. Migrant and Seasonal Agricultural Worker Protection Act	33f-21	—
iv. Federal Mine Safety and Health Act.....	33f-21	—
v. Lilly Ledbetter Fair Pay Act	33f-22	33f-3
3. Employment-Related Tax Obligations.....	33f-23	33f-4
a. Federal Income Taxes.....	33f-23	33f-4
b. Social Security and Medicare Taxes.....	33f-24	33f-5
i. Tax on wages	33f-24	33f-5
ii. Taxation on Social Security benefits	33f-25	—
c. Federal Unemployment Taxes.....	33f-26	—
i. Unemployment tax	33f-26	—
ii. Taxation of unemployment compensation.....	33f-27	—

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Leave	33f-28	33f-5
1. Pregnancy Leave	33f-28	—
2. Family and Medical Leave.....	33f-28	33f-5
a. FMLA Coverage.....	33f-30	—
b. “Serious Health Condition” Under the FMLA	33f-30	—
c. Leave Entitlement.....	33f-31	—
d. Notice Requirements	33f-32	—
e. Certification.....	33f-33	—
f. Restoration to Same or Equivalent Position.....	33f-33	—
g. FMLA Enforcement	33f-33	—
h. Remedies	33f-34	—
i. Related Laws	33f-34	—
i. Americans with Disabilities Act	33f-35	—
ii. Workers’ compensation laws.....	33f-36	—
iii. State laws [Substitute Text].....	—	33f-4
3. Military Leave.....	33f-37	33f-6
a. Qualifying the Military Service.....	33f-37	—
b. Notice Requirements	33f-38	—
c. Continuation of Health Care Benefits.....	33f-38	—
d. Reemployment of Returning Military Personnel	33f-39	—
e. Pension Benefits	33f-39	—
f. Protection from Discharge.....	33f-40	—
g. Enforcement	33f-40	33f-6
VI. Antidiscrimination	33g-1	33g-1
A. Reconstruction Era Civil Rights Laws ...	33g-4	33g-2
1. Civil Rights Act of 1866 (Section 1981) [Substitute Text].....	—	33g-2
2. The Civil Rights Act of 1871 (Section 1983).....	33g-6	33g-5
B. Modern Civil Rights Laws	33g-6	33g-5

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Title VII of the Civil Rights Act of 1964	33g-6	33g-5
a. General Principles	33g-7	33g-5
i. Coverage	33g-7	33g-5
ii. Disparate treatment cases.....	33g-8	33g-6
iii. Disparate impact cases.....	33g-14	33g-11
iv. Mixed-motive cases	33g-16	33g-12
b. Race and Color Discrimination.....	33g-17	33g-13
i. Scope of protection.....	33g-17	33g-13
ii. Disparate treatment.....	33g-17	33g-14
iii. Disparate impact.....	33g-18	33g-14
iv. Harassment	33g-21	33g-14
v. Employer defenses.....	33g-22	—
c. Gender Discrimination	33g-23	33g-16
i. General principles.....	33g-24	33g-16
ii. Bona fide occupational qualification defense.....	33g-26	—
iii. Pregnancy Discrimination Act	33g-28	33g-17
iv. Fetal-protection policies.....	33g-31	—
v. Sexual harassment	33g-31	33g-19
vi. Sexual orientation discrimination	33g-36	33g-20
d. National Origin Discrimination.....	33g-38	33g-21
e. Religious Discrimination.....	33g-40	33g-22
f. Retaliation	33g-43	33g-23
i. Protected activity	33g-44	33g-23
ii. Adverse employment action	33g-46	33g-24
iii. Employer knowledge.....	33g-48	—
iv. Causation	33g-49	33g-24
v. Legitimate, non-retaliatory reason	33g-50	—
vi. Pretext.....	33g-51	33g-25
g. Enforcement	33g-51	33g-26

	<i>Main Volume</i>	<i>Supple- ment</i>
i. EEOC administrative process	33g-51	33g-26
ii. Standing	33g-53	—
iii. Timeliness.....	33g-53	33g-28
iv. Class actions	33g-56	—
v. Remedies	33g-57	33g-30
2. Equal Pay Act.....	33g-58	—
3. Age Discrimination in Employment Act	33g-59	33g-31
a. Prohibited Conduct.....	33g-59	33g-31
b. Exceptions	33g-62	—
c. Enforcement	33g-65	—
4. Americans with Disabilities Act	33g-67	33g-33
a. Coverage.....	33g-68	33g-33
b. Existence of a Disability	33g-70	33g-34
i. Impairment.....	33g-70	33g-34
ii. Major life activity	33g-71	—
iii. Substantially limited	33g-72	33g-34
iv. Regarded as having a disability	33g-75	33g-34
c. Qualified Individuals	33g-75	33g-34
d. Reasonable Accommodation	33g-78	33g-37
e. Pre-employment Inquiries and Employee Medical Exams	33g-81	33g-38
f. Theories of Liability	33g-81	33g-39
g. Employer Defenses.....	33g-83	—
h. Relation to FMLA	33g-83	—
i. Relation to Social Security Disability	33g-83	—
j. Employee Benefit Claims.....	33g-84	—
k. Remedies	33g-85	—
5. Executive Order 11246 and Related Acts	33g-85	33g-39
6. Genetic Information Nondisclosure Act.....	33g-87	—
7. State and Local Laws	33g-89	33g-39
C. Contractual Limits on Plaintiffs' Access to the Courts	33g-90	33g-40

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
D. Extraterritorial Application of U.S. Employment Discrimination Laws	33g-94	—
E. Applicability of U.S. Employment Discrimination Laws to Foreign Corporations Doing Business in the United States.....	33g-95	—
VII. Occupational Safety and Health and Workers' Compensation	33h-1	33h-1
A. Occupational Safety and Health	33h-1	33h-1
1. Duties Imposed on Employers.....	33h-5	33h-1
a. General Duty to Provide a Safe Workplace.....	33h-5	—
b. Duty to Comply with Occupational Safety and Health Standards	33h-5	—
c. Recordkeeping.....	33h-7	33h-1
d. Retaliation	33h-10	33h-1
e. Multiemployer Worksites	33h-12	—
2. Enforcement.....	33h-13	—
a. Inspections.....	33h-14	—
i. Categories and scope	33h-14	—
ii. Opening conference.....	33h-17	—
iii. Walkaround inspection	33h-18	—
iv. Closing conference	33h-19	—
b. Citations	33h-20	—
c. Types and Degrees of Violations	33h-20	—
i. Civil penalties	33h-20	—
ii. Criminal penalties.....	33h-23	—
d. Imminent Danger Enforcement Proceedings.....	33h-23	—
e. Severe Violator Enforcement Program	33h-23	—
f. State Criminal Statutes	33h-25	—
3. Post-Citation Proceedings and Litigation Under the OSH Act	33h-26	—
a. Informal Conference	33h-26	—
b. Initiating Litigation	33h-26	—
c. OSHA's Burden of Proof.....	33h-28	—

	<i>Main Volume</i>	<i>Supple- ment</i>
d. Employer Defenses.....	33h-30	—
e. Pre-Hearing Proceedings.....	33h-32	—
i. Pleadings.....	33h-32	—
ii. Pre-Hearing or pre-trial orders	33h-32	—
iii. Discovery.....	33h-32	—
iv. Inspections.....	33h-33	—
f. Settlement of Contested Cases.....	33h-33	—
g. Hearings	33h-34	—
h. Post-Hearing OSHRC Proceedings	33h-34	—
i. Judicial Review	33h-35	—
4. Cooperative Programs.....	33h-36	—
a. Consultation Service	33h-36	—
b. Safety and Health Achievement Recognition Program.....	33h-37	—
c. Voluntary Protection Programs.....	33h-38	—
d. Strategic Partnership Program for Worker Safety and Health...	33h-39	—
e. Alliance Program.....	33h-39	—
B. Workers' Compensation	33h-40	33h-1
1. General Principles; Overview of the System.....	33h-40	—
2. History and Theory	33h-41	33h-1
3. The "Three Pillars" of Coverage.....	33h-43	33h-2
a. The Employment Relation	33h-43	33h-2
b. The Parameters of Coverage	33h-44	33h-3
c. Injuries and Diseases Compensable	33h-45	33h-4
4. Benefits Payable.....	33h-46	—
a. Wage-Replacement and Impairment Benefits	33h-47	—
b. Medical Treatment Benefits	33h-49	—
5. Administration	33h-49	—
6. Litigation and Adjudication of Disputed Cases.....	33h-50	33h-5

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
7. Compromise Settlements and the Medicare Set-Aside Imbroglio.....	33h-52	33h-6
a. Agency Oversight.....	33h-53	33h-6
b. Dealing with Medicare.....	33h-53	—
8. Exclusive Remedy.....	33h-55	33h-6
9. Subrogation and Credit.....	33h-56	—
10. Extraterritoriality.....	33h-57	—
11. Insurance.....	33h-58	—
12. Related Statutes.....	33h-59	33h-7
13. Comtemporary Issues; Trends.....	33h-61	33h-7
a. Interface of Workers' Compensation and Patient Protection and Affordable Care Act.....	33h-61	33h-7
b. Ability of Employers to "Opt Out".....	33h-61	33h-8
c. Phenomenon of "Carve-Outs".....	33h-62	—
d. Employee Status of Undocumented Workers.....	33h-63	33h-8
e. Employee Status of "Leased Workers".....	33h-64	—
f. Same-Sex Partner as Surviving Spouse.....	33h-65	33h-10
g. Telecommuters and Course of Employment.....	33h-65	—
h. Causation Restrictions.....	33h-66	—
i. Firefighters and the Cancer Presumption.....	33h-67	—
j. Surge in Narcotic Usage.....	33h-68	33h-10
k. The Rise of "Evidence-Based Medicine" and Lobby Against Overtreatment.....	33h-69	—
l. Overseas Military Activity and the Defense Base Act.....	33h-70	—
m. Constitutional Disputes [New Topic].....	—	33h-11

	<i>Main Volume</i>	<i>Supple- ment</i>
VIII. Pensions and Benefits	33i-1	33i-1
A. Programs Sponsored by the Federal Government	33i-3	33i-1
1. Social Security	33i-3	33i-1
a. Retirement Benefits	33i-3	33i-1
b. Disability Benefits	33i-6	—
c. Family Benefits	33i-6	—
d. Survivors Benefits	33i-6	—
2. Medicare	33i-8	33i-2
a. Part A Benefits.....	33i-8	33i-2
b. Part B Benefits.....	33i-9	33i-3
c. Medicare Exclusions	33i-11	—
d. Medicare + Choice	33i-11	—
e. Medicare Part D Benefits [Substitute Text]	—	33i-3
f. Coordination with Private Plans	33i-12	—
B. Employer-Sponsored Pension and Welfare Benefit Plans Regulated by ERISA.....	33i-13	33i-4
1. Terminology.....	33i-15	33i-4
2. Terms of a Plan	33i-17	—
3. Reporting and Disclosure.....	33i-18	33i-4
a. Reporting and Disclosure Requirements.....	33i-18	33i-4
b. Civil Penalties.....	33i-22	33i-5
4. Fiduciary Responsibility	33i-22	33i-7
a. Fiduciary Requirements	33i-22	33i-7
i. Written instrument.....	33i-23	—
ii. Assets held in trust.....	33i-23	—
iii. Standards for fiduciary actions	33i-23	33i-7
iv. Prohibited transactions	33i-25	—
v. Protection against fiduciary misconduct	33i-25	—
b. Fiduciary Liability.....	33i-26	33i-8
5. Administration and Enforcement....	33i-28	33i-9
a. Claims Procedure	33i-28	33i-9

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
b. Enforcement	33i-32	33i-10
i. Criminal enforcement	33i-32	33i-10
ii. Civil enforcement	33i-33	33i-10
(a) Overview	33i-33	—
(b) Standard of review	33i-34	—
(c) Equitable vs. legal remedies	33i-36	33i-10
c. Retaliation	33i-40	—
d. Preemption	33i-41	33i-13
6. Pension Plan Status and Benefit Requirements	33i-45	33i-16
a. Qualified vs. Nonqualified Pension Plans	33i-45	33i-16
b. Defined Benefit vs. Defined Contribution Plans	33i-47	—
c. Participation	33i-47	—
d. Vesting	33i-48	33i-16
e. Benefit Accrual Requirements for Defined Benefit Plans	33i-49	—
f. Funding Requirements for Defined Benefit Plans	33i-52	33i-17
g. Contribution Limits for Defined Contribution Plans	33i-55	33i-18
h. Distributions	33i-56	33i-18
i. Form, time, and amount of benefit distributions	33i-56	—
ii. Tax treatment	33i-58	33i-18
i. Assignment	33i-60	—
j. Federal Insurance of Pension Plan Benefits	33i-61	33i-19
k. Corporate Governance and Pension Reform: the Sarbanes-Oxley Act	33i-63	33i-20
7. Welfare Benefit Plans	33i-65	33i-21
a. Health Care Continuation Coverage	33i-65	33i-21
b. Health Insurance Portability & Accountability Act	33i-68	33i-21

	<i>Main Volume</i>	<i>Supple- ment</i>
i. Access, portability, and renewability requirements	33i-68	—
(a) Limitation on pre-existing condition exclusions.....	33i-69	—
(b) Non-discrimination based on health status	33i-70	—
(c) Guaranteed renewability in multiemployer plans.....	33i-71	—
ii. Administrative simplification.....	33i-71	33i-21
(a) Electronic Health Care Transaction Standards.....	33i-72	—
(b) Privacy of Individually Identifiable Health Information Standards.....	33i-73	—
(c) Security and Electronic Signature Standards.....	33i-74	—
iii. Breach notification requirements	33i-75	—
c. Patient Protection and Affordable Care Act	33i-75	33i-22
i. Group health plan coverage mandates.....	33i-75	33i-22
ii. Employer shared-responsibility penalties	33i-83	33i-22
iii. The individual mandate ...	33i-84	33i-23
iv. Premium assistance tax credits and cost-sharing subsidies.....	33i-85	33i-23

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
v. Efforts to “repeal and replace” PPACA [New Topic]	—	33i-23
d. Additional Standards for Group Health Plans.....	33i-85	33i-24
i. Mental health benefits	33i-85	33i-24
ii. Maternity benefits.....	33i-88	—
iii. Reconstructive breast surgery	33i-88	—
iv. Contraceptive drugs.....	33i-89	—
v. Qualified medical child support orders	33i-89	—
e. Health Reimbursement Arrangements	33i-89	33i-24
8. Veterans’ Rights	33i-92	—
C. Individual Retirement Accounts	33i-93	33i-26
1. Traditional IRAs	33i-93	33i-26
a. Contributions and Deductions.....	33i-93	33i-26
b. Distributions	33i-94	—
c. Rollovers	33i-95	—
2. Roth IRAs	33i-96	33i-27
a. Contributions	33i-96	33i-27
b. Distributions	33i-97	—
c. Rollovers	33i-97	—
d. In-Plan Roth Conversions.....	33i-97	—
D. Unemployment Compensation	33i-98	—
IX. Immigration.....	33j-1	33j-1
A. United States Citizenship—U.S. Constitution	33j-2	33j-1
B. Brief History of U.S. Immigration Law	33j-5	—
1. Qualitative (Bad Conduct) Restrictions	33j-5	—
2. Quantitative Restrictions.....	33j-7	—
3. Current Immigration to the United States.....	33j-7	—
C. Overview of the Present U.S. Immigration System	33j-9	—

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Agencies Administering Immigration Law	33j-9	—
a. Transfer of INS Functions to Department of Homeland Security.....	33j-10	—
i. U.S. Citizenship and Immigration Services.....	33j-10	—
ii. U.S. Customs and Border Protection.....	33j-10	—
iii. U.S. Immigration and Customs Enforcement.....	33j-11	—
b. Role of the Department of State	33j-11	—
2. Immigrant Visas and Permanent Resident Alien Status	33j-11	—
3. Non-Immigrant Visas	33j-13	—
a. Relationship Between Non-Immigrant and Immigrant Visas	33j-13	—
b. Work Permission	33j-13	—
c. No Uniform Identification or Work Permission Document.....	33j-14	—
D. Immigrating to the United States on the Basis of Family Sponsorship	33j-14	—
1. Unlimited Entry—Spouses, Parents, and Children of U.S. Citizens	33j-14	—
2. First Preference—Adult Unmarried Sons and Daughters of U.S. Citizens	33j-15	—
3. Second Preference—Spouses and Unmarried Sons and Daughters of Permanent Resident Aliens	33j-15	—
4. Third Preference—Married Sons and Daughters of U.S. Citizens.....	33j-16	—
5. Fourth Preference—Brothers and Sisters of U.S. Citizens	33j-16	—
6. Quota Backlog Issues.....	33j-16	—

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
7. Affidavit of Support Issues	33j-17	—
E. Immigrating to the United States on the Basis of a Job Sponsorship	33j-17	—
1. Categories of Aliens Permitted to Immigrate	33j-17	—
a. First Employment Preference— Priority Workers	33j-17	—
b. Second Employment Preference—Professionals Holding Advanced Degrees and Aliens of Exceptional Ability	33j-18	—
c. Third Employment Preference—Skilled Workers, Professionals, and Other Workers	33j-19	—
2. Alien Labor Certification Process...	33j-19	—
3. The EB-5 Immigration Investor Program	33j-21	—
F. Refugee and Asylum Status	33j-22	—
1. The Well-Founded Fear of Persecution Standard	33j-22	—
2. Refugee Status Procedures	33j-23	—
3. Asylum Status Procedures	33j-24	—
G. Other Means of Immigrating	33j-25	—
1. “Diversity” Immigrants—The Lottery System	33j-25	—
2. Miscellaneous Means of Immigrating	33j-26	—
H. Non-Immigrant Visas	33j-27	33j-2
1. Temporary Working Visas	33j-28	33j-2
a. Specialty Occupation (H-1B), Agricultural and Seasonal Worker (H2A and B), and Trainee (H3) Visas	33j-28	33j-2
i. H-1B status	33j-28	33j-2
(a) Annual cap	33j-29	33j-2
(b) H-1B status and immigration	33j-30	—

	<i>Main Volume</i>	<i>Supple- ment</i>
(c) Dependents.....	33j-30	—
(d) Wages and working conditions.....	33j-31	—
(e) Current status of the H-1B category	33j-32	33j-3
ii. H2 status	33j-33	33j-5
(a) Annual cap.....	33j-34	—
(b) Current status of H-2B category	33j-34	33j-5
iii. H3 status	33j-34	—
b. Exchange Visitors (J-1) Visas...	33j-35	—
c. Intracompany Transferee (L-1) Visas	33j-36	—
d. Trade Treaty (E-1 and E-2) Visas	33j-36	—
e. Science, Education, and Business (O) and Performer (P) Visas.....	33j-37	—
f. Summary and Prospects for the Future.....	33j-37	—
2. Non-Immigrant Family Visas.....	33j-38	—
a. Spouses and Minor Children of Permanent Residents (V) Visas	33j-38	—
b. Fiancé/Spouse (K) Visas.....	33j-38	—
3. Academic Student (F) and Vocational Student (M) Visas.....	33j-38	—
4. Crime Victim (T and U) Visas.....	33j-40	—
I. Employer Sanctions and Discrimination Issues	33j-41	33j-7
1. Employer Sanctions	33j-41	33j-7
a. I9 Worksite Enforcement.....	33j-42	—
b. Social Security “No-Match” Letters.....	33j-44	33j-7
i. Initial approach.....	33j-45	—
ii. The DHS’s 2007 proposed rule on no-match letters	33j-46	—

United States (IB) —contd.	<i>Main Volume</i>	<i>Supple- ment</i>
iii. Court action challenging the new rule on “no-match” letters.....	33j-47	—
c. E-Verify	33j-48	33j-7
i. How E-Verify works	33j-49	—
ii. State law and E-Verify	33j-51	33j-7
iii. E-Verify use required of federal contractors and subcontractors	33j-52	—
d. Summary and Analysis of the No-Match Rule, E-Verify, and Constructive Knowledge	33j-53	—
2. Antidiscrimination Provisions	33j-54	—
3. Tension Between U.S. Labor and Employment Laws and Immigration Laws.....	33j-55	—
a. National Labor Relations Act...	33j-55	—
b. Wage and Hour Laws	33j-57	—
c. Antidiscrimination Laws	33j-58	—
4. Civil Suits Under the Racketeer Influenced and Corrupt Organizations Act.....	33j-59	—
J. Post–September 11 Changes in the U.S. Immigration System	33j-60	—
1. Reorganization of Former INS within Department of Homeland Security	33j-60	—
2. Detention of Aliens	33j-60	—
3. Tracking Aliens in the United States.....	33j-61	—
a. Student and Exchange Visitor Information Program	33j-62	—
b. United States Visitor and Immigrant Status Indicator Technology Program	33j-62	—
c. Passport Requirement.....	33j-63	—
K. Efforts to Address Illegal Immigration...	33j-64	33j-8
1. Removal Proceedings.....	33j-64	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Illegal Immigration Reform and Immigrant Responsibility Act of 1996.....	33j-64	—
b. Obama Administration Enforcement	33j-65	—
2. Bars to Entry	33j-67	—
3. ICE 287(g) Program.....	33j-69	—
4. ICE Mutual Agreement Between Government and Employers Program.....	33j-70	—
5. Secure Communities Program	33j-70	33j-8
6. Deferred Action for Childhood Arrivals Program.....	33j-73	33j-10
7. Deferred Action for Parents of Americans and Lawful Permanent Residents [New Topic].....	—	33j-15
8. Travel Ban [New Topic].....	—	33j-19
9. Families With Minor Children and Unaccompanied Minor Children Arriving at the U.S. Southern Border [New Topic].....	—	33-22
10. Building a Wall on the Southern Border [New Topic]	—	33j-27
L. State Laws	33j-74	33j-32
1. Scope of State Legislation	33j-74	—
2. Federal Preemption	33j-75	—
3. Driver’s Licenses.....	33j-80	33j-32
4. In-State Tuition and Financial Aid	33j-82	—
5. Sanctuary Cities [New Topic].....	—	33j-33
M. Proposals for Changing the Immigration System	33j-83	33j-40
1. 1996–2001	33j-84	—
2. 2005–2007	33j-85	—
3. 2008–2012	33j-89	—
4. 2012–2014	33j-91	—
5. Current Status of Immigration Reform	33j-95	33j-40

United States (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
6. Trump Proposals to Reduce Legal Immigration and Abolish “Birthright” Citizenship	—	33j-40
NORTHERN MARIANA ISLANDS (IB)	33-201	33-201
Introduction	33-201	33-201
A. Background	33-201	33-201
B. The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America	33-204	—
C. Basic Makeup of the Government	33-205	—
D. Sources of Labor and Employment Law	33-206	—
1. Federal Sources of Labor and Employment Law	33-206	—
2. Local Sources of Labor and Employment Law	33-207	—
a. The CNMI Constitution	33-207	—
b. Statutes	33-208	—
E. U.S. Government Enforcement	33-209	—
F. Private Party Litigation	33-211	—
I. Individual Employment	33-215	—
II. Collective Bargaining	33-216	—
III. Representation by Entities Other Than Unions	33-220	—
IV. Redundancy and Transfers of Undertakings	33-221	—
V. Wages and Hours	33-221	33-202
A. Application of the U.S. Fair Labor Standards Act	33-221	33-202
B. Foreign Workers	33-223	—
C. Enforcement	33-223	—
VI. Antidiscrimination	33-224	—
VII. Occupational Safety and Health and Workers’ Compensation	33-225	—
A. Occupational Safety and Health	33-225	—
B. Workers’ Compensation	33-226	—

	<i>Main Volume</i>	<i>Supple- ment</i>
VIII. Pensions and Benefits	33-227	—
A. Pensions and Welfare Benefits	33-227	—
B. Unemployment Benefits	33-227	—
IX. Immigration.....	33-227	33-203
A. CNMI Control of Immigration— 1976–2008	33-227	—
B. Application of Federal Immigration Law	33-230	—
C. The CNMI-Only Transitional Worker Program	33-232	33-203
D. The CMNI Commonwealth Employment Act of 2007 and the Immigration Conformity Act of 2010.....	33-233	—
PUERTO RICO (IB)	33-301	33-301
Introduction.....	33-301	33-301
A. Government Structure.....	33-301	—
B. Division of Responsibility Between Federal and Local Government	33-301	—
C. Sources of Labor and Employment Law	33-302	33-301
1. Federal Sources.....	33-302	—
2. Local Sources.....	33-303	33-301
a. Constitution	33-303	—
b. Statutes	33-303	33-301
D. Administrative Agencies.....	33-305	—
E. Enforcement and Dispute Resolution.....	33-306	—
F. Class or Group Actions.....	33-307	—
G. Choice of Law and Extraterritorial Application of Puerto Rico’s Labor and Employment Laws [Amended Heading]	33-308	33-301
I. Individual Employment.....	33-308	33-302
A. Employment Contracts	33-308	33-302
1. Fixed- and Indefinite-Term Contracts	33-308	—
2. Temporary Employment Contracts	33-308	—

Puerto Rico (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
3. Probationary Employment		
Contracts	33-309	33-302
4. Independent Contractors	33-309	33-302
5. Form of the Contract		
[New Topic]	—	33-302
B. Dismissal of Employees	33-310	33-302
1. Employees Hired for a Fixed		
Term	33-310	—
2. Employees Hired for an Indefinite		
Term	33-311	33-305
a. Just Cause Requirement	33-311	33-305
i. Definition		
[new heading]	—	33-305
ii. Constructive discharge		
[new topic]	—	33-306
iii. Whistleblowing		
[new topic]	—	33-306
b. Severance Pay	33-312	33-307
3. Dismissal During Probationary		
Period	33-312	—
C. Privacy	33-313	—
1. Drug Testing in the Private		
Sector	33-313	—
a. Establishment of Program	33-313	—
b. Circumstances Under Which		
Drug Test May Be		
Administered	33-314	—
i. Work-related accident	33-314	—
ii. Reasonable suspicion	33-314	—
c. Methods of Conducting the		
Tests	33-315	—
d. Positive Results	33-315	—
e. Time to Attend Rehabilitation		
Programs	33-316	—
f. Confidentiality	33-316	—
g. Expenses	33-316	—
h. Employer Liability	33-316	—
2. Polygraph Tests	33-317	—
3. Monitoring of Telephone Calls	33-317	—

	<i>Main Volume</i>	<i>Supple- ment</i>
4. Video Surveillance	33-318	—
5. Social Security Numbers	33-319	—
D. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	33-320	—
1. Employee Duty of Loyalty.....	33-320	—
2. Trade Secrets.....	33-321	—
3. Covenants Not to Compete	33-321	—
a. Legitimate Business Interest	33-322	—
b. What Are Reasonable Restrictions?	33-322	—
II. Collective Bargaining	33-324	—
A. Constitution	33-324	—
B. Puerto Rico Labor Relations Act.....	33-324	—
1. Relation to the National Labor Relations Act.....	33-324	—
2. Antidiscrimination Provisions	33-325	—
C. Collective Bargaining Agreements	33-326	—
D. Picketing	33-326	—
III. Representation by Entities Other Than Unions	33-327	—
IV. Redundancy and Transfers of Undertakings	33-327	33-308
A. Redundancy	33-327	33-308
1. Reasons for Dismissal or Suspension	33-327	33-308
a. Total Closing of Operations	33-328	—
b. Partial Closing of Operations or Partial Reduction of Employees	33-328	—
c. Temporary Closing of Operations	33-329	—
d. Reorganization and Technological Changes.....	33-330	—
2. Order of Retaining Employees	33-330	33-309
a. Seniority	33-331	33-309
b. Ability or Efficiency	33-332	—
B. Transfers of Undertakings	33-332	—
1. Overview	33-332	—

Puerto Rico (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
2. The Successor Employer	33-332	—
V. Wages, Hours, and Leave	33-334	33-309
A. Wages.....	33-334	33-309
1. Minimum Wage, Vacation, and Sick Leave Act	33-334	—
2. Minimum Wage.....	33-334	—
3. Statutory Christmas Bonus	33-335	33-309
4. Uniforms	33-336	—
5. Payroll Regulations.....	33-336	—
a. Payment of Wages	33-336	—
b. Deductions from Wages	33-337	—
c. Recordkeeping Requirements...	33-338	—
6. Actions to Recover Wages	33-338	—
B. Hours	33-338	33-310
1. Working Hours and Days Act	33-338	33-310
a. Workday	33-339	—
b. Workweek.....	33-339	—
c. Overtime.....	33-339	33-310
d. Meal Period	33-340	33-312
e. Flexible Scheduling.....	33-341	33-312
f. Enforcement	33-341	—
2. Closing Law	33-342	33-313
3. Rest Day.....	33-343	—
4. Nursing Mothers in the Workplace	33-343	33-313
C. Leave	33-344	33-314
1. Vacation Leave.....	33-344	33-314
2. Sick Leave.....	33-345	33-314
3. Maternity Leave	33-346	—
a. Prenatal and Post-Partum Leave	33-346	—
b. Maternity and Pregnancy- Related Medical Conditions	33-347	—
c. Adoption Leave	33-348	—
4. Military Leave.....	33-348	—
5. Sports Leave.....	33-348	—
6. Jury or Witness Duty.....	33-349	—
VI. Antidiscrimination	33-350	33-316
A. Introduction	33-350	—

	<i>Main Volume</i>	<i>Supple- ment</i>
B. Local Antidiscrimination Laws	33-352	33-316
1. Constitution.....	33-352	—
2. Antidiscrimination in Employment Act	33-352	33-316
3. Sex Discrimination in Employment Act	33-354	—
4. Sexual Harassment in Employment Act	33-354	—
5. Disability Discrimination Act	33-355	—
6. Working Mothers Protection Act	33-356	—
7. Breastfeeding Mothers Discrimination Act.....	33-358	—
8. Sexual Orientation and Sexual Identity Discrimination Act	33-358	—
9. Anti-Retaliation in Employment Act.....	33-359	—
10. Labor Transformation and Flexibility Act (Religious Accommodation) [New Topic]	—	33-316
C. Other Local Antidiscrimination Provisions	33-360	—
1. Military Service	33-360	—
2. Political Party Affiliation	33-360	—
3. Providing Testimony in Official Proceedings.....	33-360	—
4. Labor Union Activities.....	33-360	—
5. Refusal to Lift, Transport, or Bear Excess Loads.....	33-361	—
VII. Occupational Safety and Health and Workers' Compensation	33-361	33-317
A. Occupational Safety and Health	33-361	—
1. Occupational Safety and Health Act.....	33-361	—
2. Domestic Violence Protocol.....	33-362	—
3. Smoking Regulation.....	33-362	—
B. Workers' Compensation	33-363	33-317
VIII. Pensions and Benefits	33-365	—
A. Federal Regulation.....	33-365	—

Puerto Rico (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
B. Local Regulation	33-366	—
1. Non-Occupational Disability Compensation	33-366	—
2. Social Security for Chauffeurs	33-367	—
3. Unemployment Insurance	33-368	—
4. Employer Matching Contributions.....	33-368	—
IX. Immigration.....	33-369	—

**EXTRATERRITORIAL APPLICATION OF
U.S. LAWS.....**

Introduction.....	34-1	34-1
A. Extraterritoriality of Federal and State Labor-Related Laws, Generally.....	34-1	—
1. Presumption Against Extraterritoriality	34-1	—
2. Jurisdictional Issues	34-4	—
B. Statutes Not Covered in Other Sections of This Chapter That Have Extraterritorial Effect.....	34-6	34-1
1. The Foreign Corrupt Practices Act.....	34-6	34-1
a. Antibribery Provisions	34-6	34-1
b. Accounting and Recordkeeping Provisions	34-7	—
c. The OECD Convention and the FCPA [Substitute Text].....	—	34-2
d. Enforcement Authority	34-8	34-3
e. Penalties	34-9	34-3
f. Enforcement Actions	34-10	34-5
g. Definition of “Foreign Official”	34-18	34-8
h. Statute of Limitations	34-19	—
i. Extraterritorial Application	34-20	—
j. 2012 Joint DOJ/SEC Guidance.....	34-21	—
k. United Nations Convention Against Corruption	34-23	—
2. The Alien Tort Claims Act	34-24	34-8

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Defining the Law of Nations— The <i>Sosa</i> Case	34-26	—
b. Interplay Between the ATCA and the Foreign Sovereign Immunities Act	34-28	34-9
c. Extraterritorial Jurisdiction	34-33	34-11
d. Personal Jurisdiction	34-37	—
e. Corporate Liability	34-39	34-12
f. Secondary Liability	34-41	—
g. Procedural Issues.....	34-44	—
i. Standing.....	34-44	—
ii. Statute of limitations.....	34-45	—
iii. Exhaustion of remedies ...	34-47	—
h. Separation of Powers.....	34-49	34-14
i. The <i>Garamendi</i> case.....	34-49	—
ii. Role of the executive branch in international human rights litigation.....	34-51	34-14
i. Survey of Human Rights Cases.....	34-54	34-14
i. The <i>Unocal</i> case	34-54	—
ii. The <i>Chevron</i> case.....	34-56	—
iii. The <i>Royal Dutch Petroleum Co.</i> case	34-57	—
iv. The <i>Khulumani</i> case	34-58	34-15
v. The <i>ExxonMobil</i> case.....	34-60	34-15
vi. The comfort women case	34-61	—
vii. The <i>Pfizer</i> case.....	34-62	—
j. Employment and Labor Cases.....	34-63	—
i. The <i>Coca-Cola</i> case.....	34-63	—
ii. The <i>Drummond</i> case.....	34-64	—
iii. The <i>Del Monte</i> case	34-65	—
3. The Torture Victim Protection Act.....	34-68	34-16
a. Definitions	34-68	—
b. Relationship to ATCA	34-69	—

Extraterritorial (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
c. Exhaustion of Remedies.....	34-70	—
d. Statute of Limitations	34-71	—
e. Color of Law Requirement.....	34-72	—
f. Persons Who May Be Liable....	34-74	—
g. Extraterritorial Jurisdiction [Substitute Text]	—	34-16
h. Secondary Liability	34-75	—
4. Racketeer Influenced and Corrupt Organizations Act [New Topic]	—	34-17
I. Individual Employment.....	34-76	34-21
A. Individual Contract of Employment [Substitute Text]	—	34-21
B. Wrongful Discharge	34-76	34-22
1. Breach of Contract.....	34-76	—
2. Implied Covenant of Good Faith and Fair Dealing.....	34-77	—
3. Wrongful Termination in Violation of Public Policy.....	34-78	34-22
a. Discharge for Refusing to Perform an Illegal Act	34-79	—
i. Cases upholding overseas application of the public policy doctrine for refusing to perform an illegal act.....	34-79	—
ii. Cases rejecting overseas application of the public policy doctrine for refusing to perform an illegal act.....	34-83	—
b. Termination in Retaliation for Exercising a Vested or Statutory Right	34-85	—
c. Discharge for “Whistleblowing”	34-86	34-22
C. Privacy [Substitute Text].....	—	34-24
D. Alternative Dispute Resolution Systems.....	34-91	34-24

	<i>Main Volume</i>	<i>Supple- ment</i>
E. Noncompetition Agreements and Theft of Trade Secrets [New Topic]	—	34-25
F. Torts [New Topic]	—	34-25
II. Collective Bargaining	34-94	34-27
A. Determining Which Nation’s Laws Apply	34-94	—
B. Standards for Determining Whether U.S. Law Applies to Extraterritorial Activities.....	34-98	34-27
1. Applying the Non-Extraterritorial Presumption in a Labor Law Setting	34-98	34-27
2. The “Effects Test” and the “Conduct Test”	34-103	34-27
a. Non–Labor Law Cases	34-103	—
b. Labor Law Cases	34-106	34-27
c. The Impact of <i>Morrison v. National Australia Bank Ltd.</i>	34-113	34-29
3. The Foreign Compulsion and Act of State Doctrines.....	34-117	34-33
a. The <i>Local 553, Transport Workers Union</i> Case	34-117	—
b. The <i>ALPA v. TACA</i> Case.....	34-118	—
c. The <i>Flight Attendants v. United Airlines</i> Case.....	34-121	—
d. The United Flight Attendants’ Maternity Benefits Case	34-122	—
e. Attempted Reliance on “Savings Clauses”	34-124	—
4. Application of U.S. Labor Laws to Foreign Employers in the United States.....	34-124	34-34
III. Representation by Entities Other Than Unions	34-126	—
IV. Redundancy and Transfers of Undertakings	34-127	—
V. Wages, Hours, and Leave	34-128	34-35
A. Wages and Hours	34-128	34-35

Extraterritorial (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Fair Labor Standards Act	34-128	34-35
a. Application to Work Performed Outside the United States	34-128	—
b. Application to Employees of Foreign Governments	34-128	—
c. Application to Holders of H-2A and H-2B Visas.....	34-129	—
d. Application to Foreign Workers Who Perform Some Work in the United States [New Topic]	—	34-35
2. State Wage and Hour Statutes	34-131	34-35
B. Leave	34-133	—
VI. Antidiscrimination	34-134	34-37
A. Application of U.S. Civil Rights Laws to Foreign Employers in the United States.....	34-134	34-37
1. Title VII: National Origin Discrimination	34-134	34-37
a. Business Necessity Defense	34-134	—
b. The FCN Treaty Defense.....	34-135	—
i. FCN treaties.....	34-136	—
ii. Purpose of the “of their choice” provisions.....	34-136	—
c. Reconciling the Clash Between Title VII and FCN Treaties	34-137	34-37
i. Possible approaches: Immunity for hiring executives based on their citizenship (majority view)	34-138	34-37
ii. Possible approaches: Title VII applies, but employer’s BFOQ burden lightened (minority view).....	34-140	34-31

	<i>Main Volume</i>	<i>Supple- ment</i>
iii. Possible approaches: Full immunity for executive hiring (minority view)	34-141	—
iv. Absolute bar.....	34-141	—
d. Immunity From Disparate Impact Claims	34-142	—
e. Branch vs. Subsidiary.....	34-142	—
i. FCN treaties protect only foreign corporations and their U.S. branches.....	34-143	—
ii. U.S.-incorporated subsidiaries’ invocation of their foreign parents’ FCN treaty rights	34-143	—
iii. The “single employer integrated enterprise” test.....	34-145	—
iv. The “affecting access to employment” test.....	34-146	—
2. ADEA	34-147	34-37
3. Civil Rights Act of 1866	34-148	—
a. National Origin/Race.....	34-149	—
b. Citizenship.....	34-150	—
4. Statutory Minimum Number of Employees.....	34-151	—
5. Employer Defenses Based on Sovereignty	34-153	34-38
a. Scope of the FSIA’ Immunity	34-153	34-38
b. Exceptions to Immunity Under the FSIA	34-154	34-39
i. Commercial activity	34-154	—
ii. Employment as a commercial activity	34-155	34-39
c. Circuit Court Decisions.....	34-156	—
d. Civil Service	34-157	—
6. Foreign Nations as Litigants in United States Employment Disputes	34-158	—

Extraterritorial (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
7. International Organizations.....	34-159	—
B. Extraterritorial Application of U.S.		
Employment Discrimination Laws.....	34-159	34-39
1. ADEA	34-159	—
a. Definition of “Employee”	34-159	—
b. Issue of Control	34-161	—
c. The Foreign-Law-Conflict Defense.....	34-163	—
d. The Foreign-Sovereignty- Compulsion Defense	34-164	—
2. Title VII and the Americans with Disabilities Act.....	34-164	34-39
a. Civil Rights Act of 1991.....	34-164	34-39
b. EEOC Guidance	34-168	—
3. Section 1981	34-169	34-39
4. Equal Pay Act.....	34-170	—
5. EEOC Jurisdiction	34-170	—
6. State Antidiscrimination Laws.....	34-171	34-40
VII. Occupational Safety and Health and Workers’ Compensation	34-174	34-42
A. Occupational Safety and Health Act.....	34-174	—
B. Workers’ Compensation	34-174	34-42
1. Coverage Under State Statutes for Out-of-State Injuries	34-175	—
2. Choice-of-Law	34-177	—
3. Federal Preemption [New Topic]	—	34-42
C. Other Claims Involving Employee Safety	34-181	—
1. Wrongful Termination	34-181	—
2. Negligence Liability for Injured Foreign Employees	34-182	—
VIII. Pensions and Benefits	34-183	34-44
A. Introduction	34-183	34-44
B. Government-Sponsored Social Security Systems.....	34-188	34-44
1. Heroes Earnings Assistance and Relief Tax Act of 2008.....	34-189	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Utilization of 3121(l) Agreements	34-190	—
3. Coverage of Non-Residents	34-191	—
4. Examples.....	34-191	—
5. Totalization Agreements	34-192	34-44
C. Private Pension Plans.....	34-194	34-45
1. Issues Faced by Multinationals.....	34-196	34-45
a. The United Kingdom’s “Corresponding Approval” Approach	34-198	34-45
b. Cross-Border Pension Plans in the European Union.....	34-199	34-45
c. International Pension Plans	34-203	—
d. U.S. Participation in Cross- Border Pension Pooling.....	34-203	—
e. Cross-Border Tax Issues [Amended Heading] [Substitute Text]	—	34-48
i. OECD initiatives.....	—	34-48
ii. EU tax directives and investigations	—	34-50
(a) EU tax avoidance package	—	34-50
(b) European Commission investigations of U.S. multinationals.....	—	34-51
f. U.S. Taxation of U.S. Multinationals [Amended Heading].....	34-205	34-54
2. Deductibility of Compensation and Benefits by U.S. Multinational Employers	34-206	—
a. Taxation of Domestic Trusts.....	34-207	—
i. Qualified plans.....	34-207	—
ii. Controlled groups	34-208	—
iii. Deductibility	34-209	—

Extraterritorial (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
(a) Common law employment	34-209	—
(b) Secondment.....	34-211	—
(c) Alternative approaches	34-213	—
(d) Partnerships.....	34-213	—
b. Taxation of Foreign-Based Employee Benefit Trusts	34-214	—
i. Foreign trusts	34-215	—
ii. Grantor trust rules.....	34-216	—
iii. Transfers to foreign trusts.....	34-217	—
iv. I.R.C. Section 679.....	34-217	—
v. Indirect transfers to a foreign trust.....	34-218	—
vi. Interrelationship of foreign grantor trusts and deferred compensation.....	34-220	—
vii. Section 404A exemption	34-222	—
viii. Foreign trust earnings and the grantor trust rule.....	34-223	—
ix. Difference from Section 679 provisions....	34-225	—
x. Taxation of subsidiaries ...	34-227	—
3. Employee Taxation	34-228	34-56
a. U.S. Citizens and U.S. Residents	34-228	34-56
i. The HEART Act	34-229	34-56
ii. I.R.C. Section 911.....	34-231	34-56
iii. U.S. tax treaties.....	34-233	—
(a) IRS Publication 901	34-233	—
(b) Economic employer concept.....	34-234	—
b. Resident Aliens.....	34-236	34-57

	<i>Main Volume</i>	<i>Supple- ment</i>
c. Non-Resident Aliens	34-236	—
d. Aliens Who Have Rendered Services Both Inside and Outside the United States	34-239	—
e. I.R.C. Section 409A	34-240	34-57
i. Statutory restrictions.....	34-241	—
ii. Regulations	34-244	—
iii. Deferred compensation arrangements that include U.S.citizens and/or resident aliens	34-245	34-57
iv. General exemptions for foreign plans	34-246	34-58
(a) Plans covered by tax treaties.....	34-246	—
(b) Foreign social security plans	34-247	—
(c) Tax equalization agreements	34-247	—
(d) U.S. citizens	34-248	—
(e) U.S. residents	34-248	—
(f) Other broad-based foreign plans not covered by treaty.....	34-249	—
(g) Foreign separation agreements	34-250	—
(h) Non-resident aliens	34-250	34-58
v. Offshore trust rules	34-251	—
vi. Compliance initiative project	34-252	—
f. Impact of the Education Jobs and Medicaid Assistance Act of 2010.....	34-253	—
i. Changes to the foreign tax credit	34-254	—
ii. Repeal of 80/20 company rules	34-254	—
g. Offshore Tax Compliance.....	34-255	—

Extraterritorial (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
h. I.R.C. Section 457 [New Topic]	—	34-58
4. Reporting and Disclosure Requirements	34-256	34-58
a. Foreign Account Tax Compliance Act of 2009 [Substitute Text]	—	34-58
i. Individual reporting requirements	—	34-59
ii. Plan reporting and withholding requirements	—	34-60
b. Justice Department Program for Swiss Banks	34-258	—
c. OECD Convention on Mutual Administrative Assistance in Tax Matters	34-259	34-63
d. Hiring Incentives to Restore Employment Act	34-260	—
e. Common Reporting Standard [New Topic]	—	34-63
D. Litigation Under ERISA [Substitute Text]	—	34-64
1. Extraterritorial Application and Choice of Law	—	34-65
2. Controlled Group Liability	—	34-68
IX. Immigration	34-266	—

**LABOR PROVISIONS IN U.S. FREE TRADE
AGREEMENTS UNDER THE TRADE
PROMOTION AUTHORITY ACT**

OF 2002 (IB)	35-1	35-1
I. Trade Promotion Authority	35-3	35-4
A. Overall U.S. Trade Negotiating Objectives with a Labor Component	35-3	—
B. Principal U.S. Negotiating Objectives with a Labor Component	35-4	—

	<i>Main Volume</i>	<i>Supple- ment</i>
II. Labor Matters in U.S. Free Trade		
Agreements With Chile and Singapore.....	35-6	—
A. Structure	35-7	—
B. Content	35-8	—
1. Obligations.....	35-8	—
2. Institutions	35-10	—
3. Labor Cooperation Mechanism	35-10	—
4. Consultations	35-11	—
5. Dispute Settlement.....	35-11	—
6. Coverage	35-13	—
III. Labor Matters in U.S. Free Trade		
Agreements After Chile and Singapore	35-14	35-4
IV. Enforcement Activities Related to TPA		
Agreements	35-16	35-5
V. Changes to the Labor Negotiating		
Objectives in TPA 2015 [New Topic]	—	35-6
NAFTA APPENDIXES	A-1	—
A. North American Agreement on Labor		
Cooperation (NAALC).....	A-1	—
B. Procedural Guidelines Applicable to U.S.		
Free Trade Agreements With Labor Standards		
Provisions	B-1	—
C. Guidelines for Public Communications		
Submitted to the Canadian National		
Administrative Office under Labour		
Cooperation Agreements or Chapters.....	C-1	—
D. Procedural Guidelines of the Mexican		
National Administrative Office Under		
NAALC	D-1	—
E. Rules of Procedure for Evaluation Committees		
Under NAALC	E-1	—
F. National Advisory Committee for Labor		
Provisions of U.S. Free Trade Agreements		
[Substitute Text]	—	—

Main
Volume

Supple-
ment

Part 3. Other European Countries

Norway.....*See Volume IIA*
 Russia.....*See Volume IIA*
 Switzerland.....*See Volume IIA*
 Ukraine*See Volume IIA*

Part 4. Miscellaneous Countries

Africa

SOUTH AFRICA (IA)	50-1	50-1
Introduction.....	50-1	50-1
A. Democratic Representation in South Africa.....	50-2	—
B. Constitutional Protection of Labor Rights.....	50-3	—
C. Basic Labor Legislation.....	50-4	50-1
1. Key Workplace Law Statutes	50-4	—
2. Codes of Good Practice	50-5	50-1
3. Role of Institutional Social Dialogue.....	50-6	—
D. Structures for Regulating Wages and Working Conditions.....	50-7	50-1
1. Bargaining Council Agreement System.....	50-7	—
2. Sectoral Determination System	50-9	50-1
3. Basic Conditions of Employment Act System.....	50-10	—
4. Common Law System.....	50-11	—
E. Court System	50-12	—
1. Civil Courts.....	50-12	—
2. South African Labor Courts.....	50-13	—
a. Labour Court	50-13	—
b. Labour Appeal Court.....	50-14	—
c. Appeal to Supreme Court of Appeal	50-15	—
F. International Sources of Labor Law	50-15	—
G. Extraterritorial Application of South African Workplace Law.....	50-16	50-2

	<i>Main Volume</i>	<i>Supple- ment</i>
H. Class Action Lawsuits	50-17	—
I. Individual Employment.....	50-19	50-2
A. Employment, Independent Contractors, and Atypical Work Arrangements.....	50-19	50-2
1. Definition of “Employee”	50-19	—
2. Executives and Managerial Employees.....	50-21	—
3. Part-Time and Agency Employees.....	50-21	—
a. Part-Time Employees	50-21	—
b. Agency Employees.....	50-22	—
4. Independent Contractors [Substitute Text].....	—	50-2
5. Child Worker.....	50-26	—
B. Individual Employment Contracts.....	50-26	50-6
1. Offers of Employment	50-26	—
2. Form of Contract.....	50-27	50-6
3. Fixed-Term Employment Contracts	50-29	50-7
4. Probationary Period	50-31	—
5. Written Disciplinary Code.....	50-32	—
6. Implied Terms of Employment [Substitute Text].....	—	50-8
7. Changing the Terms of an Employment Agreement	50-34	50-9
8. Notice of Termination	50-35	50-10
C. Unfair Labor Practices Including Unfair Dismissals.....	50-36	50-12
1. All Employees Are Protected.....	50-37	50-12
2. Unfair Labor Practices Short of Discharge	50-38	—
a. Unfair Probation.....	50-38	—
b. Unfair Promotion.....	50-38	—
c. Unfair Demotion.....	50-39	—
d. Unfair Training.....	50-39	—
e. Unfair Suspension or Other Discipline Short of Dismissal...	50-40	—
f. Unfair Conduct Relating to Benefits.....	50-40	—

South Africa (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
g. Unfair Conduct Relating to Refusal to Re-employ or Rehire	50-41	—
3. Substantive and Procedural Fairness of Dismissals.....	50-42	50-12
4. Automatically Unfair Dismissals....	50-43	50-12
5. Dismissal for Misconduct	50-46	50-13
a. Substantive Fairness of Dismissal for Misconduct.....	50-46	50-13
i. Code of Good Practice....	50-46	—
ii. Dismissal for gross insubordination	50-47	50-13
iii. Dismissal for theft or dishonesty [substitute text]	—	50-13
iv. Consistency in discipline.....	50-48	50-15
v. Dismissal for racial slurs [new topic].....	—	50-17
b. Procedural Fairness of Dismissal for Misconduct.....	50-49	50-21
6. Discharge for Poor Work Performance	50-50	50-23
a. During Probationary Period	50-50	50-23
b. After Probationary Period	50-51	50-24
7. Discharge for Incapacity: Ill Health or Injury	50-52	—
8. Discharge for Operational Reasons (Layoff or Retrenchment).....	50-52	—
9. Constructive Discharge	50-53	50-24
a. Elements	50-53	50-24
b. Smoking in the Workplace	50-57	—
10. Terminating a Fixed-Term Employment Contract	50-57	50-25
a. Termination Before Expiration Date	50-57	50-25
b. Termination upon Expiration of the Fixed Term	50-58	50-26

	<i>Main Volume</i>	<i>Supple- ment</i>
i. Reasonable expectation of renewal or permanent employment	50-58	50-26
ii. Availability of severance pay for lower-earning employees	50-61	—
iii. Retaining employee pending negotiation of a new contract	50-61	—
11. Discharge for Lack of Valid Work Permit	50-62	50-26
12. Unfair Dismissal—Dispute Resolution and Burden of Proof	50-62	—
a. Conciliation and Arbitration	50-62	—
b. Review of Arbitrators’ Awards by Labour Court	50-64	—
c. Burden of Proof	50-65	—
13. Remedies for Unfair Dismissal	50-66	50-27
a. Reinstatement and Damage Awards [Substitute Text]	—	50-27
b. Legal Fees and Costs	50-68	—
D. Whistleblower Protection [Substitute Text]	—	50-30
1. Legislation	—	50-31
2. Scope of Protection	—	50-32
a. Covered Disclosures	—	50-32
b. Protected Disclosures	—	50-34
i. Protected persons	—	50-34
ii. Disclosure recipients	—	50-35
iii. Additional conditions for disclosures by employees or workers	—	50-36
c. Occupational Detriment	—	50-37
d. Exclusions	—	50-38
3. Employer Whistleblower Procedures	—	50-38
a. Content and Dissemination	—	50-38
b. Responding to Disclosures	—	50-40
4. Legal Redress	—	50-40

South Africa (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
5. Dismissal Related to Protected Disclosure Is Automatically Unfair	—	50-42
E. Skills Development.....	50-74	50-42
F. Privacy	50-75	—
1. Protection of Confidential Employee Data.....	50-75	—
a. The Protection of Personal Information Act	50-75	—
b. Codes of Practice.....	50-78	—
i. Code of Good Practice on Key Aspects of Disability in the Workplace of 2002.....	50-78	—
ii. Code of Good Practice on HIV and AIDS and the World of Work of 2012....	50-79	—
iii. Code of Good Practice on the Handling of Sexual Harassment Cases of 1998.....	50-79	—
iv. Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices of 2005	50-79	—
2. Right of Access	50-80	—
3. Employee Background Checks	50-81	—
4. Employee Monitoring and Surveillance.....	50-81	—
G. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	50-82	50-43
1. Employee Duty of Loyalty.....	50-82	50-43
a. Implied Duty of Good Faith and Fidelity.....	50-82	—
b. Fiduciary Duty.....	50-83	50-43
2. Trade Secrets.....	50-84	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Confidential Business Information	50-84	—
b. Trade Connections	50-88	—
3. Covenants Not to Compete	50-91	50-43
a. Overview	50-91	50-43
b. Case Law and Relevant Legal Principles and Considerations	50-94	—
c. Terms of the Covenant Must Be Reasonable	50-99	—
d. Blue-Penciling	50-99	—
e. Examples of Reasonable Post-Employment Non-Compete Covenants	50-101	—
f. Garden Leave and Non-Compete Covenants [New Topic]	—	50-45
4. Non-competes as Part of a Sale of Business	50-102	—
5. Remedies	50-103	—
a. Legal and Equitable Relief	50-103	—
b. Legal Fees and Costs	50-104	—
H. Employer’s Vicarious Liability	50-106	—
I. Choice of Law for Individual Employment Contracts	50-108	—
II. Collective Bargaining	50-108	50-45
A. South African Trade Unions	50-108	—
B. Registration of Trade Unions and Employers’ Organizations	50-111	—
C. Representation Systems	50-112	—
D. No Statutory Duty to Bargain	50-116	—
E. Union Security	50-117	—
F. Right to Strike	50-117	—
1. Definition of a Strike	50-118	—
2. Individuals Who May Strike	50-119	—
3. Protected and Unprotected Strikes	50-120	—

South Africa (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
a. Effect of Distinguishing Between Protected and Unprotected Strikes	50-120	—
b. Procedural Requirements for Protected Strike	50-121	—
4. Timing of the Strike	50-122	—
5. Length of the Strike	50-122	—
6. Strike Issues	50-123	—
7. Picketing in Support of a Strike	50-124	—
8. Secondary or Sympathy Strikes	50-125	—
9. Employer Obligations During a Protected Strike	50-126	—
10. No Employer Obligations During an Unprotected Strike	50-127	—
11. Employer Injunctions	50-127	—
12. Unilateral Implementation of Last Offer	50-127	—
13. Replacement Workers	50-128	—
14. No Criminal Sanctions	50-128	—
15. Tortious (or Delictual) Liability for Strike-Related Conduct	50-128	—
a. No Tortious (or Delictual) Liability for Protected Activity	50-128	—
b. Union Organizers' Liability for Reasonably Foreseeable Damage to Third Parties	50-129	—
16. Dismissal or Layoff of Employees on Strike	50-130	—
a. Dismissal of Employees on Strike for Misconduct	50-130	—
b. Dismissal of Employees on Strike for Operational Reasons	50-131	—
c. Dismissal of Employees on Strike for Breach of Agreement with Union	50-133	—
d. Dismissal of Employees Who Participate in an Unprotected Strike	50-133	—

	<i>Main Volume</i>	<i>Supple- ment</i>
G. Structures for Dispute Resolution of Collective Disputes.....	50-136	50-45
1. Arbitration.....	50-136	—
a. Plant Level Collective Bargaining Agreements	50-136	—
b. Bargaining Council Dispute Procedures	50-137	—
c. CCMA Dispute Procedures	50-138	—
2. Review of of Arbitration Awards	50-138	—
III. Representation by Entities Other Than Unions	50-139	—
A. Mandatory Consultation	50-140	—
B. Joint Decision-Making	50-140	—
C. Regular Meetings with Workplace Forum	50-141	—
IV. Redundancy and Transfers of Undertakings	50-142	50-46
A. Redundancy	50-142	50-46
1. Substantive Fairness of Retrenchments	50-142	—
2. Procedural Fairness of Retrenchments	50-143	50-46
a. Consultation Process	50-143	—
i. Consultation notice	50-144	—
ii. Participants in consultation process.....	50-145	—
iii. Subject matter of consultation.....	50-146	—
iv. Termination of duty to consult.....	50-147	—
b. Employer’s Obligation to Disclose Information	50-147	—
c. Selection of Employees for Retrenchment [Substitute Text]	—	50-46
3. Mass Retrenchments/Layoffs.....	50-148	—
4. Severance Pay	50-149	—
a. Mandatory Severance Pay	50-149	—

South Africa (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Unreasonable Rejection of Offer of Alternative Employment Disqualifies Employee from Receiving Severance Pay.....	50-150	—
c. Income Tax Treatment of Severance Pay.....	50-151	—
5. Preferences in Rehiring of Retrenched Employees	50-152	—
6. Remedies for Unfair Retrenchment [Substitute Text]	—	50-48
B. Transfers of Undertakings	50-153	50-50
1. Transfer of Business as a Going Concern.....	50-153	50-50
2. Outsourcing Covered by Transfer Provisions.....	50-155	50-51
3. Duty to Inform and Consult.....	50-156	—
4. Effect of a Transfer on Individual Employment Contracts	50-156	50-52
5. Transfer-Related Dismissals Are Automatically Unfair	50-158	—
6. Effect of Transfer on Collective Bargaining Agreements.....	50-159	—
7. Special Rules in Event of Bankruptcy [Substitute Text]	—	50-54
8. Effect of Transfer on Employees' Pension Rights	50-159	—
9. Effect of Transfer on Arbitration Awards [New Topic]	—	50-54
C. Employer Insolvency	50-160	50-55
1. Business Rescue.....	50-161	—
2. Liquidation (or Bankruptcy) of the Employer.....	50-162	—
V. Wages, Hours, and Leave	50-163	50-56
A. Wages.....	50-165	50-56
1. Minimum Wages.....	50-165	50-56
2. Payroll Periods and Timing of Wage Payments	50-165	—

	<i>Main Volume</i>	<i>Supple- ment</i>
3. Overtime Pay	50-166	—
4. Income Tax Withhold-and-Remit Obligation of Employers.....	50-167	—
5. Payments upon Termination of Employment.....	50-167	—
6. The Concept of Remuneration [New Topic]	—	50-57
7. Deductions From Remuneration [New Topic]	—	50-57
B. Hours	50-168	50-58
1. Normal Working Time	50-168	—
2. Overtime Hours.....	50-168	—
3. Night Work.....	50-169	50-58
4. Meal and Rest Periods	50-169	—
C. Leave	50-170	—
1. Annual Leave	50-170	—
a. Entitlement	50-170	—
b. Scheduling	50-170	—
c. Forfeiture	50-170	—
d. Payment upon Termination.....	50-171	—
2. Public Holidays.....	50-171	—
3. Sick Leave.....	50-172	—
4. Maternity Leave	50-172	—
5. Family Responsibility Leave	50-173	—
VI. Antidiscrimination	50-173	50-59
A. Legislative Framework	50-174	50-59
1. Constitution.....	50-174	—
a. Non-exhaustive List of Prohibited Grounds of Discrimination.....	50-174	—
b. Direct and Indirect Discrimination.....	50-175	—
c. Establishing Unfair Discrimination.....	50-175	—
2. Employment Equity Act.....	50-177	—
a. Basic Provisions of the Act	50-177	—
b. Medical Testing and Discrimination.....	50-178	—

South Africa (IA)—contd.

	<i>Main Volume</i>	<i>Supple- ment</i>
c. Direct and Indirect Discrimination.....	50-178	—
d. Burden of Proof.....	50-179	—
e. Employers' Vicarious Liability.....	50-180	—
f. Remedies.....	50-181	—
3. Promotion of Equality and Prevention of Unfair Discrimination Act.....	50-181	50-59
4. Labour Relations Act.....	50-182	—
a. Dismissals for Discriminatory Reasons.....	50-182	—
b. Burden of Proof.....	50-183	—
5. Dual Claims [New Topic].....	—	50-59
B. Prohibited Types of Discrimination.....	50-183	50-60
1. Race.....	50-184	—
2. Sex and Gender [Substitute Text] ...	—	50-60
3. Pregnancy.....	50-185	—
4. Marital Status.....	50-185	—
5. Family Responsibility.....	50-186	—
6. Sexual Orientation.....	50-186	—
7. Age.....	50-188	50-60
a. Employment Equity Act.....	50-188	—
b. Labour Relations Act [Substitute Text].....	—	50-60
c. Older Persons Act.....	50-190	—
d. Case Law Developments [New Topic].....	—	50-63
8. Religion.....	50-190	—
9. Culture.....	50-191	—
10. Disability.....	50-192	50-65
a. Definition.....	50-193	—
b. Justification Based on Inherent Requirement of the Job.....	50-193	—
c. Reasonable Accommodation....	50-194	—
11. HIV Status.....	50-194	—
a. Constitutional Protection.....	50-194	—
b. EEA and Code of Good Practice.....	50-197	—

	<i>Main Volume</i>	<i>Supple- ment</i>
i. Medical testing, counseling, and informed consent	50-198	—
ii. Right to privacy	50-199	—
iii. Reasonable accommodation.....	50-200	—
iv. Access to employee benefits.....	50-201	—
v. Grievance procedures	50-201	—
vi. Termination of employment	50-201	—
vii. Occupational health and safety.....	50-202	—
viii. Workplace management...	50-202	—
C. Harassment [Substitute Text].....	—	50-65
1. Employment Equity Act.....	—	50-65
a. Scope of Protection	—	50-65
b. Employer Duties and Liability	—	50-67
2. Protection from Harassment Act....	—	50-69
3. Case Law Developments on Sexual Harassment.....	—	50-70
D. Affirmative Action.....	50-209	—
1. Constitutional Mandate of Affirmative Action	50-209	—
2. Enabling Legislation—Affirmative Action.....	50-209	—
3. Designated Groups.....	50-210	—
4. Employer Obligations and Employment Equity Plans	50-212	—
5. Employment Equity Plans as a Defense to Claims of Unfair Discrimination	50-215	—
6. No Individual Right to Affirmative Action.....	50-216	—
7. Compliance and Penalties.....	50-216	—
8. The South African Approach to Affirmative Action	50-217	—

South Africa (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
VII. Occupational Safety and Health and Workers' Compensation	50-218	50-74
A. Occupational Safety and Health	50-218	—
1. Mines Health and Safety Act	50-219	—
a. Employer Obligations.....	50-219	—
b. Employee Rights and Duties	50-221	—
c. Health and Safety Representatives and Committees.....	50-221	—
d. Enforcement	50-224	—
2. Occupational Health and Safety Act.....	50-226	—
a. Employer Obligations.....	50-227	—
b. Employee Rights and Duties	50-230	—
c. Child Workers.....	50-231	—
d. Health and Safety Representatives and Committees.....	50-231	—
e. Enforcement	50-234	—
3. Smoking at the Workplace	50-235	—
B. Workers' Compensation [Substitute Text]	—	50-74
1. Employer Obligations Under COIDA	—	50-75
2. Employer Assessments	—	50-75
3. COIDA Provides Employees An Exclusive Remedy.....	—	50-76
4. Third Party Liability	—	50-76
5. Employee Benefits	50-240	50-78
a. Temporary Disabilities	50-240	50-78
b. Permanent Disabilities.....	50-240	50-78
c. Widows, Widowers, and Dependent Children.....	50-241	50-79
6. Adjudication of Workers' Compensation Claims	—	50-79
VIII. Pensions and Benefits	50-241	—
A. Pensions	50-241	—
B. Health Insurance	50-242	—
1. Employer Health Insurance Plans...	50-242	—

	<i>Main Volume</i>	<i>Supple- ment</i>
2. Retiree Health Benefits	50-243	—
C. Unemployment Insurance.....	50-243	—
1. Employer and Employee Contributions.....	50-243	—
2. Benefits	50-244	—
IX. Immigration.....	50-246	50-79
A. Temporary Residence Visas.....	50-247	—
1. Business (Investors) Visa	50-247	—
2. Work Visa.....	50-247	—
a. Categories.....	50-247	—
i. Intra-company transfer work visa.....	50-248	—
ii. Critical skills work permit.....	50-248	—
iii. General work visa.....	50-248	—
b. Additional Requirements.....	50-249	—
3. Corporate Visa.....	50-249	—
4. Crew Visa.....	50-250	—
B. Employer Obligations.....	50-250	50-79
1. Employees Must Be Authorized to Work in South Africa	50-250	50-79
2. Reporting Obligations.....	50-251	—
3. Recordkeeping Obligations.....	50-251	—
C. Overstaying Visa May Result in Declaration as an “Undesirable Person”	50-252	—
D. Children Traveling into or Departing from South Africa.....	50-252	—
1. Children Traveling with Both Parents.....	50-253	—
2. Children Traveling with One Parent	50-253	—
3. Children Traveling with a Person Who Is Not Their Parent	50-253	—
4. Unaccompanied Minors (Under the Age of 18 Years).....	50-253	—
E. Nondiscrimination Provisions of the Immigration Act.....	50-254	—
F. Refugees	50-255	—

South Africa (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
G. Citizenship by Naturalization.....	50-256	—
H. Permanent Residence.....	50-256	—
I. Dual Citizenship.....	50-257	—

Nigeria..... see Volume IIB

Asia

CHINA (IA)	55-1	55-1
Introduction.....	55-1	55-1
A. Laws, Regulations, and Rules.....	55-1	55-1
B. The Court System.....	55-3	—
C. Labor and Employment Law.....	55-3	55-2
D. International Law.....	55-4	—
E. Class or Group Actions.....	55-5	55-3
F. Extraterritorial Application of Labor and Employment Laws.....	55-5	—
I. Individual Employment.....	55-6	55-4
A. Background and Introduction.....	55-6	55-4
1. Application of the Labor Law: Employers and Employees.....	55-7	55-4
2. Temporary Employees.....	55-8	—
3. Part-Time Employees.....	55-8	—
4. Dispatch Employees.....	55-9	55-5
5. Independent Contractors.....	55-10	—
B. Substance of Individual Employment Contracts.....	55-11	—
1. Introduction.....	55-11	—
2. Mandatory Provisions.....	55-12	—
3. Contract Term.....	55-13	—
4. Probationary Period.....	55-13	—
C. Termination.....	55-14	55-5
1. Introduction.....	55-14	—
2. Termination Without Notice or Severance.....	55-14	—
3. Termination upon Notice and Payment of Severance.....	55-15	—
4. Procedural Requirements.....	55-16	—
5. Protection From Termination [Substitute Text].....	—	55-5

	<i>Main Volume</i>	<i>Supple- ment</i>
6. Collective Dismissals.....	55-17	—
D. Dispute Resolution	55-17	55-6
1. Introduction.....	55-17	—
2. Dispute Resolution Procedures	55-18	55-6
a. Consultation	55-18	—
b. Mediation	55-18	55-6
c. Arbitration	55-19	55-7
d. Litigation	55-20	—
E. Privacy	55-21	55-7
1. Personnel Files	55-21	—
2. Personal Data Privacy	55-22	55-7
F. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	55-24	55-10
1. Employee Duty of Loyalty.....	55-24	—
2. Trade Secrets.....	55-25	55-10
3. Covenants Not to Compete	55-26	—
G. Employee Liability	55-27	55-11
H. Choice of Law for Individual Employment Contracts	55-28	—
II. Collective Bargaining	55-29	55-12
A. History of Labor Unions in China.....	55-29	55-12
B. Union Recognition and Representation	55-31	55-13
1. Union Membership	55-31	—
2. Union Organization.....	55-31	55-13
3. Union Involvement in Enterprise Management.....	55-34	55-14
4. Union Involvement in Employee Terminations	55-35	—
5. Protections for Union Personnel.....	55-35	—
C. Collective Bargaining	55-36	—
D. Collective Contracts	55-37	—
1. Signatory Parties	55-37	—
2. Effect.....	55-37	—
3. Scope.....	55-38	—
E. Strikes and Other Industrial Actions.....	55-39	—
1. The PRC Constitution	55-39	—
2. Statutes.....	55-39	—

China (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
F. Dispute Resolution	55-40	—
III. Representation by Entities Other Than Unions	55-40	55-14
IV. Redundancies and Transfers of Undertakings	55-42	55-15
A. Redundancy	55-42	—
B. Transfers of Undertakings	55-43	55-15
1. Acquisition of Chinese Enterprise by Foreign Investors.....	55-43	—
2. Transfer of Business from Chinese Enterprise to Foreign-Invested Joint Venture	55-44	—
3. Transfer of Business From State-Owned Enterprise to Foreign- Invested Enterprise.....	55-44	55-15
4. Transfer of Business/Assets from One Entity to Another	55-45	—
V. Wages, Hours, and Leave	55-46	55-16
A. Wages and Salary.....	55-46	55-16
1. Minimum Wage.....	55-46	—
2. Wage Guidelines	55-46	—
3. Wage Payments	55-47	55-16
B. Working Hours and Overtime Pay.....	55-47	55-16
C. Leave	55-49	55-17
1. Annual Leave and Home Leave	55-49	—
a. Annual Leave	55-49	—
b. Home Leave	55-50	—
2. Sick Leave and Sick Pay	55-51	—
3. Maternity Leave	55-51	55-17
4. Paternity Leave [New Topic]	—	55-17
VI. Antidiscrimination	55-52	55-18
VII. Occupational Safety and Health and Workers' Compensation	55-53	55-20
A. Occupational Safety and Health	55-53	55-20
1. Introduction.....	55-53	55-20
2. Law on the Prevention and Treatment of Occupational Diseases	55-54	55-20
3. Production Safety Law.....	55-56	55-22

	<i>Main Volume</i>	<i>Supple- ment</i>
a. General Employer Obligations [Substitute Text]....	—	55-22
b. Special Requirements	55-57	55-24
c. Penalties	55-58	55-24
d. Employee Rights	55-58	55-25
e. Role of Labor Unions	55-59	—
4. Special Protections.....	55-59	55-25
a. Women Who Are Pregnant, Nursing or Menstruating	55-59	—
b. Minors	55-62	55-25
B. Workers' Compensation	55-64	—
1. In General	55-64	—
2. 2011 Work-Related Injury Insurance Regulations	55-64	—
3. 2011 Work-Related Injury Assessment Measures	55-65	—
VIII. Pensions and Benefits	55-65	55-26
A. Introduction	55-65	55-26
1. Social Insurance Law	55-65	—
2. Participation of Foreign Nationals	55-66	55-26
B. Social Insurance Benefits	55-67	55-27
1. Old-Age Pension Insurance	55-68	—
2. Medical Insurance.....	55-69	—
3. Occupational Injury Insurance.....	55-70	55-27
4. Unemployment Insurance	55-71	55-27
5. Maternity Insurance [Substitute Text].....	—	55-27
IX. Immigration.....	55-73	55-28
HONG KONG (IA)	55-201	55-201
Introduction.....	55-201	—
A. Reunification	55-201	—
B. Sources of Law	55-201	—
C. The Government	55-203	—
D. International Law.....	55-204	—
E. Sources of Labor and Employment Law	55-205	—

Hong Kong (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
F. Dispute Resolution	55-205	—
1. Court System.....	55-205	—
2. Arbitration.....	55-206	—
G. Class or Group Actions.....	55-206	—
H. Extraterritorial Application of Labor and Employment Laws	55-207	—
I. Individual Employment.....	55-208	55-201
A. Contract Formation Under the Employment Ordinance.....	55-208	55-201
1. Application.....	55-208	—
2. Form of Contract.....	55-209	—
3. Contract Amendments.....	55-209	—
4. Recordkeeping Requirements	55-209	55-201
5. Contracts (Rights of Third Parties) Ordinance [New Topic].....	—	55-201
B. Termination of Employment.....	55-210	55-202
1. Termination Notice	55-210	—
2. Summary Dismissal	55-211	—
3. Severance Pay	55-212	—
4. Long Service Pay	55-212	—
5. Termination and Variation Without a Valid Reason.....	55-213	55-202
C. Dispute Resolution	55-216	55-203
D. Privacy	55-217	—
1. Personal Data	55-217	—
2. Employer Monitoring and Surveillance.....	55-219	—
E. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete	55-221	—
1. Employee Duty of Loyalty.....	55-221	—
2. Trade Secrets.....	55-222	—
3. Covenants Not to Compete	55-225	—
a. Factors Governing Enforceability	55-225	—
b. Categories of Post-Termination Restrictions.....	55-229	—
c. Judicial Construction.....	55-231	—
4. Remedies.....	55-233	—
a. Action for Damages	55-233	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Injunctive Relief	55-234	—
F. Choice of Law for Individual Employment Contracts	55-235	—
II. Collective Bargaining	55-237	—
A. Employee Rights	55-238	—
B. Trade Unions Ordinance.....	55-238	—
III. Representation by Entities Other Than Unions	55-238	—
IV. Redundancy and Transfers of Undertakings	55-239	—
V. Wages, Hours, and Leave	55-239	55-203
A. Wages.....	55-239	55-203
1. Minimum Wage.....	55-239	55-203
2. Average Wage Calculations	55-240	—
3. Terms.....	55-241	—
4. Deductions	55-242	—
5. Wage Security	55-242	—
6. Wages in the Building and Construction Industry	55-242	—
7. End-of-Year Bonus	55-243	—
B. Hours	55-244	55-203
C. Leave	55-246	—
1. Annual Leave	55-246	—
2. Rest Days	55-246	—
3. Holidays	55-247	—
4. Sick Leave.....	55-247	—
5. Maternity Leave	55-248	55-205
6. Paternity Leave	55-248	55-205
VI. Antidiscrimination	55-250	55-205
A. Sex Discrimination Ordinance	55-250	55-205
1. Application.....	55-250	—
2. Sex Discrimination Defined.....	55-250	—
3. Sexual Harassment.....	55-251	55-205
B. Disability Discrimination Ordinance.....	55-251	—
1. Application.....	55-251	—
2. Disability Defined.....	55-252	—
C. Family Status Discrimination Ordinance	55-253	—
1. Application.....	55-253	—
2. Exemptions	55-254	—

Hong Kong (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
D. Race Discrimination Ordinance	55-254	—
1. Application.....	55-254	—
2. Exemptions	55-255	—
E. Discrimination Law Review [New Topic].....	—	55-206
VII. Occupational Safety and Health and Workers' Compensation	55-255	—
A. Occupational Safety and Health	55-255	—
1. Factories and Industrial Undertakings Ordinance	55-255	—
2. Employment of Young Persons Industry Regulations	55-256	—
3. Occupational Safety and Health Regulation.....	55-256	—
4. Occupational Safety and Health (Display Screen Equipment) Regulation.....	55-256	—
B. Workers' Compensation	55-257	—
1. Employees' Compensation Ordinance.....	55-257	—
2. Insurance and Notice Provisions....	55-258	—
VIII. Pensions and Benefits	55-258	—
A. Mandatory System.....	55-258	—
B. Voluntary Plans.....	55-260	—
IX. Immigration.....	55-260	—
 JAPAN (IA)	 56-1	 56-1
Introduction.....	56-1	—
A. Sources of Japanese Labor and Employment Law	56-2	—
B. Structure of Dispute Resolution System	56-3	—
C. Administrative Oversight.....	56-5	—
D. Class or Group Action	56-5	—
E. Extraterritorial Application of Japanese Labor and Employment Law...	56-5	—
I. Individual Employment.....	56-6	56-1
A. Sources of Law Affecting Individual Employment Contracts	56-6	—

	<i>Main Volume</i>	<i>Supple- ment</i>
1. The Labor Standards Law	56-7	—
2. The Trade Union Law	56-7	—
3. Labor Contract Law	56-7	—
4. Labor Contract Succession Law	56-8	—
5. Minimum Wage Law.....	56-8	—
6. The Child Care and Family Care Leave Law.....	56-8	—
7. The Equal Employment Opportunity Law	56-9	—
8. Industrial Safety and Health Law ...	56-9	—
9. Employee Benefits Laws	56-9	—
B. Coverage Under the Labor and Employment Laws.....	56-10	—
1. Definition of Covered Workers	56-10	—
2. Independent Contractors	56-11	—
3. Special Cases	56-13	—
C. Contract Formation.....	56-14	56-1
1. Hiring.....	56-14	—
2. Form of the Contract.....	56-15	—
3. Atypical Employees.....	56-15	56-1
a. Part-Time Workers.....	56-15	56-1
b. Dispatched Employees	56-16	56-2
D. Terms and Conditions of Individual Employment	56-19	56-3
1. Minimum Standards and Rules of Employment.....	56-19	—
a. Establishing Work Rules	56-19	—
b. Legal Effect of Established Work Rules	56-20	—
c. Unfavorable Modification of Work Rules	56-20	—
2. Part-Time Workers	56-22	56-3
3. Fixed-Term Workers	56-22	56-3
E. Deployment of Employees	56-24	—
1. Internal Transfers (<i>Haiten</i>).....	56-24	—
2. “Farming Out” (<i>Shukko</i>)	56-25	—
3. “Moving-Out” Transfers (<i>Tenseki</i>).....	56-25	—

Japan (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
F. Contract Termination.....	56-26	—
1. Notice Requirement.....	56-26	—
2. Dismissal for Non-Economic Reasons.....	56-26	—
a. Just Cause and Work Rules Restrictions.....	56-26	—
i. Employer work rules: ordinary dismissal.....	56-26	—
ii. Employer work rules: punitive dismissals.....	56-27	—
iii. Abuse of the right-to- dismiss doctrine.....	56-28	—
b. Statutory Protections Against Dismissal.....	56-29	—
c. Fixed-Term Contracts.....	56-30	—
3. Dismissals for Economic Reasons.....	56-32	—
4. Resignation (Voluntary and Involuntary).....	56-32	—
5. Retirement Based on Age.....	56-33	—
6. Whistleblower Protection.....	56-34	—
7. Certificate at the Time of Termination.....	56-36	—
8. Challenging a Dismissal.....	56-36	—
G. Resolution of Individual Labor Disputes.....	56-37	—
H. Privacy.....	56-39	56-4
1. Employment History.....	56-40	—
2. Employer Monitoring.....	56-40	—
3. Personal Information.....	56-41	56-4
I. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete.....	56-43	56-5
1. Employee Duty of Loyalty.....	56-43	—
2. Trade Secrets.....	56-43	—
3. Covenants Not to Compete.....	56-44	—
4. Employee Inventions.....	56-46	56-5
J. Choice of Law for Individual Employment Contracts.....	56-47	—

	<i>Main Volume</i>	<i>Supple- ment</i>
II. Collective Labor Relations.....	56-48	—
A. Status of Unions	56-48	—
B. Union Recognition and Membership.....	56-49	—
1. The Union Recognition Process	56-49	—
2. Plural Unionism	56-51	—
3. Inter-Union Disputes.....	56-51	—
4. Union Membership	56-51	—
C. Collective Bargaining	56-52	—
1. Scope of Collective Bargaining	56-52	—
2. Duty to Bargain in Good Faith.....	56-53	—
3. Level of Bargaining	56-54	—
4. Labor–Management Consultation...	56-54	—
D. Collective Bargaining Agreements	56-54	—
1. Subject Matter.....	56-54	—
2. Signatories	56-55	—
3. Covered Employees	56-56	—
4. Effect on Individual Employment Contracts	56-57	—
5. Duration	56-57	—
E. Unfair Labor Practices.....	56-57	—
F. Strikes and Other Industrial Actions.....	56-58	—
1. Types of Actions	56-58	—
a. Strikes.....	56-58	—
b. Lockouts	56-58	—
c. Picketing.....	56-59	—
d. Handbilling.....	56-59	—
e. Slow-downs and Sit-ins.....	56-59	—
f. Secondary Actions.....	56-59	—
2. Liability for Proper Labor Dispute Activities	56-59	—
3. Temporary Replacements.....	56-60	—
4. Payment of Wages.....	56-61	—
G. Union Security.....	56-61	—
H. Resolution of Collective Labor Disputes (Including Unfair Labor Practices).....	56-62	—
III. Representation by Entities Other Than Unions	56-63	—

Japan (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
IV. Redundancy and Transfers of Undertakings	56-64	—
A. Redundancies.....	56-64	—
1. Economic Dismissals and Abuse of the Right to Dismiss	56-64	—
2. Collective Dismissals	56-66	—
B. Transfers of Undertakings	56-67	—
V. Wages, Hours, and Leave	56-72	56-5
A. Wages and Retirement Allowances	56-72	—
1. Wages.....	56-72	—
2. Retirement Allowances	56-72	—
B. Hours	56-73	—
1. Standard Work Hours.....	56-73	—
2. Late Night/Early Morning Work.....	56-74	—
3. Overtime Regulations	56-74	—
a. Overtime Limits	56-74	—
b. Premium Pay	56-75	—
c. Exemptions.....	56-76	—
4. Discretionary Work Systems.....	56-78	—
C. Leave	56-79	56-5
1. Annual Leave	56-79	—
2. Menstruation and Maternity Leave.....	56-80	—
3. Child Care and Family Care Leave.....	56-81	56-5
4. Civil Rights and Public Duties Leave.....	56-83	—
VI. Antidiscrimination	56-83	56-6
A. Provisions Related to Race, Creed, Gender, Social Status, Family Origin, Nationality	56-83	56-6
1. Gender Equality [Substitute Text]...	—	56-6
2. Sexual Harassment.....	56-85	56-7
3. Pregnancy, Childbirth, Family and Child Care Leave [New Topic]	—	56-8
B. Disabled Workers.....	56-85	56-8
C. Older Workers.....	56-86	—

	<i>Main Volume</i>	<i>Supple- ment</i>
VII. Occupational Safety and Health and Workers' Compensation	56-86	56-9
A. Occupational Safety and Health	56-86	56-9
B. Workers' Compensation	56-88	—
VIII. Pensions and Benefits	56-89	56-10
A. Health Insurance.....	56-89	—
B. Pension Plans.....	56-90	—
1. National Pension System	56-90	—
2. Employer-Sponsored Pension Plans.....	56-91	—
3. The Future.....	56-93	—
C. Employment Insurance.....	56-94	56-10
IX. Immigration.....	56-94	—
Appendix. Sample Work Rules.....	56-96	—
<i>Cambodia</i>	<i>see Volume IIB</i>	
<i>India</i>	<i>see Volume IIB</i>	
<i>Indonesia</i>	<i>see Volume IIB</i>	
<i>Singapore</i>	<i>see Volume IIB</i>	
<i>South Korea</i>	<i>see Volume IIB</i>	
<i>Taiwan</i>	<i>see Volume IIB</i>	
<i>Vietnam</i>	<i>see Volume IIB</i>	
 <u>Middle East</u>		
<i>Israel</i>	<i>see Volume IIB</i>	
<i>Saudi Arabia</i>	<i>see Volume IIB</i>	
 <u>Oceania</u>		
<i>Australia</i>	<i>see Volume IIB</i>	
<i>New Zealand</i>	<i>see Volume IIB</i>	
 <u>South America</u>		
Brazil (IA)	75-1	75-1
Introduction.....	75-1	75-1
A. Development of Brazilian Labor Law ...	75-4	75-1
1. Laissez-Faire Approach	75-4	—
2. 1916 Civil Code	75-5	—

Brazil (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
3. First Vargas Regime (1930–1945).....	75-7	—
4. Consolidation of the Labor Codes and the 1946 Constitution.....	75-8	—
5. The 1988 Constitution	75-10	—
6. The 2002 Civil Code.....	75-13	—
7. Recent Developments	75-14	—
B. Administrative Oversight.....	75-14	—
C. The Labor Court System	75-15	—
1. Organization.....	75-15	—
a. <i>Varas do Trabalho</i>	75-16	—
b. Regional Labor Tribunals.....	75-16	—
c. Superior Labor Tribunal	75-16	—
2. The Procuracy of Labor Justice	75-16	—
3. Jurisdiction and Venue	75-17	—
a. Subject Matter Jurisdiction.....	75-17	—
b. Geographic Jurisdiction and Venue	75-18	—
c. Standing.....	75-19	—
4. Procedures.....	75-19	—
5. Representation	75-20	—
D. Other Sources of Labor Law	75-20	—
E. Class or Group Actions.....	75-20	—
F. Extraterritorial Application of Brazil's Labor and Employment Laws.....	75-21	—
I. Individual Employment.....	75-23	75-1
A. Contract for an Indefinite Period.....	75-25	—
B. Contract for a Fixed Period	75-26	—
C. Definition of “Employee”.....	75-28	75-2
1. Independent Contractors	75-29	75-2
2. Occasional Workers	75-29	—
3. Temporary Workers.....	75-30	75-2
4. Domestic Workers.....	75-31	75-3
5. Rural Workers	75-32	—
6. Child Labor and Apprentices	75-32	—
a. Minimum Working Age.....	75-32	—
b. Apprentices.....	75-32	—
7. Work Cooperatives.....	75-34	—
8. Professional Drivers [New Topic]...	—	75-3

	<i>Main Volume</i>	<i>Supple- ment</i>
9. Intermittent Work [New Topic].....	—	75-3
10. Teleworking [New Topic]	—	75-4
D. Definition of Employer.....	75-34	—
E. Transfer of Employees.....	75-35	—
F. Employee Discipline	75-36	—
G. Termination of Labor Contracts	75-36	75-4
1. Termination by Mutual Agreement.....	75-36	75-4
2. Termination by the Employer	75-36	75-5
a. Reasons for Termination	75-36	—
b. Notice Period (<i>Aviso Prévio</i>)....	75-37	—
c. What Constitutes Just Cause for Discharge	75-37	75-5
3. Termination by the Employee.....	75-42	—
4. Termination by Third Parties or Intervening Events	75-43	—
5. Special Protections.....	75-44	—
6. Guaranteed Fund for Length of Service (<i>FGTS</i>)	75-45	75-5
7. Shortcomings of the Current Statutory System on Employee Dismissals	75-46	—
H. Litigation of Labor Disputes	75-47	75-5
1. Labor Courts	75-47	75-5
a. Individual Disputes Compared to Collective Disputes.....	75-47	—
b. Commencement of Litigation...	75-48	—
c. The Hearings	75-49	75-5
d. Decision of the Court	75-50	75-6
e. Summary Proceeding for Individual Labor Disputes	75-50	—
f. Appeals.....	75-51	75-7
g. Execution of Judgments in Labor Cases	75-51	75-7
h. Inadequacies in Judicial Protections.....	75-51	—
i. Court Ratification of Settlement Agreements [New Topic].....	—	75-8

Brazil (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
j. Attorneys' Fees and Procedural Damages [New Topic].....	—	75-8
2. Advance Conciliation Commissions (<i>Comissões de Conciliação Prévia</i>).....	75-53	—
3. Arbitration.....	75-54	75-8
I. Privacy.....	75-54	—
1. Providing Employee Information to Third Parties.....	75-54	—
2. Medical Screening.....	75-54	—
3. Alcohol and Drug Testing.....	75-55	—
J. Employee Duty of Loyalty, Trade Secrets, Covenants Not to Compete.....	75-55	—
1. Employee Duty of Loyalty.....	75-55	—
2. Trade Secrets.....	75-55	—
3. Covenants Not to Compete.....	75-56	—
II. Collective Bargaining.....	75-56	75-9
A. Status of Unions.....	75-56	75-9
B. Union Structure.....	75-58	—
C. Status Under the 1988 Constitution.....	75-59	—
D. Continued Role of the State.....	75-59	—
E. Strikes.....	75-61	—
F. Collective Disputes.....	75-63	—
1. Constitutional Amendment No. 45.....	75-63	—
2. Private Arbitration.....	75-63	—
G. Collective Bargaining Agreements [New Topic].....	—	75-9
III. Representation by Entities Other Than Unions.....	75-64	75-10
IV. Redundancy and Transfers of Undertakings.....	75-65	75-10
A. Collective Vacations.....	75-65	—
B. Insolvency.....	75-65	—
C. Outsourcing [New Topic].....	—	75-10
D. Collective Dismissals [New Topic].....	—	75-11
E. Voluntary Resignation Programs [New Topic].....	—	75-11

	<i>Main Volume</i>	<i>Supple- ment</i>
F. Employer Succession [New Topic].....	—	75-11
V. Wages, Hours, and Leave	75-66	75-12
A. Wages.....	75-66	75-12
1. Minimum Salary	75-66	—
2. Terms of Payment	75-66	—
3. Thirteenth Month Salary	75-67	—
4. Cultural Stipend	75-67	—
5. Deductions	75-67	—
6. Allowances [New Topic].....	—	75-12
B. Hours	75-67	75-12
1. Standard Working Hours.....	75-67	75-12
2. Overtime	75-68	75-13
3. Part-Time Work.....	75-68	75-14
4. Night Work.....	75-68	—
5. Rest Periods	75-69	75-14
6. Nursing Breaks	75-69	—
C. Leave	75-69	75-14
1. Vacation	75-69	75-14
2. Public Holidays.....	75-69	—
3. Maternity, Paternity, and Adoption Leave.....	75-70	75-15
a. Maternity Leave	75-70	—
b. Paternity Leave.....	75-71	75-15
c. Adoption Leave	75-71	—
4. Training Leave	75-71	—
5. Family Medical Appointments [New Topic]	—	75-15
VI. Antidiscrimination	75-71	75-16
VII. Occupational Safety and Health and Workers' Compensation	75-72	75-16
A. Occupational Safety and Health	75-72	75-16
B. Workers' Compensation	75-73	—
VIII. Pensions and Benefits	75-73	—
A. Social Security Benefits	75-73	—
B. Employee Participation in Company Profits	75-75	—
IX. Immigration.....	75-76	—

	<i>Main Volume</i>	<i>Supple- ment</i>
<i>Argentina</i>	<i>see Volume IIB</i>	
<i>Chile</i>	<i>see Volume IIB</i>	
<i>Venezuela</i>	<i>see Volume IIB</i>	
<i>Bibliography IIB</i>	<i>see Volume IIB</i>	

Part 5. International Organizations

THE INTERNATIONAL LABOUR ORGANIZATION [REPLACEMENT CHAPTER] (IB)	—	85-1
Introduction.....	—	85-1
A. The Treaty of Versailles.....	—	85-3
B. Formation and Growth of the ILO.....	—	85-5
I. Structure	—	85-6
A. International Labour Conference.....	—	85-7
B. The Governing Body	—	85-7
C. International Labour Office	—	85-8
II. International Labor Standards.....	—	85-9
A. Terminology	—	85-9
B. Adoption of International Labor Standards—1919 to Present	—	85-9
C. Fundamental Conventions	—	85-10
D. Governance Conventions.....	—	85-11
E. Recent Areas of Standard-Setting.....	—	85-12
1. Maritime Standards.....	—	85-12
2. HIV/AIDS.....	—	85-14
3. Domestic Work	—	85-15
4. Social Protection.....	—	85-16
5. Forced Labor.....	—	85-18
6. Informal Economy	—	85-22
7. Peace and Resilience.....	—	85-23
8. Violence and Harassment.....	—	85-23
III. The Standard-Setting Process	—	85-25
A. Standard-Setting Procedures	—	85-25
B. Standard-Setting Reform.....	—	85-27
1. Working Party on the Revision of Standards.....	—	85-27
2. The Integrated Approach to Standard Setting.....	—	85-28

	<i>Main Volume</i>	<i>Supple- ment</i>
3. Standards Review Mechanism	—	85-29
IV. Ratification of ILO Conventions.....	—	85-31
A. ILO Constitutional Obligation to Ratify ILO Conventions	—	85-31
B. Level of Ratification	—	85-32
1. The Overall Level of Ratification ...	—	85-32
2. The Eight Fundamental Workplace Rights Conventions	—	85-32
V. Monitoring Country Compliance With Conventions Each Has Ratified	—	85-33
A. Article 22 Reports on Implementation of Ratified Conventions	—	85-33
1. Reporting	—	85-33
2. Review by the Conference Committee on the Application Standards and the Committee of Experts on the Application of Conventions and Recommendations.....	—	85-34
a. Conference Committee on the Application of Standards.....	—	85-34
b. Committee of Experts on the Application of Conventions and Recommendations	—	85-35
c. Case Review by the Committee on the Application of Standards	—	85-36
d. Debate Concerning the Committee of Experts’ Position on the Right to Strike	—	85-37
i. 2012 ILO Conference	—	85-37
ii. 2013 ILO Conference	—	85-38
iii. 2014 ILO Conference	—	85-40
iv. 2015 ILO Conference	—	85-43
v. 2016 ILO Conference	—	85-44
vi. 2017 ILO Conference	—	85-45
vii. 2018 ILO Conference	—	85-45

ILO (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
B. Constitutional Procedures for Promoting Implementation and Enforcement	—	85-47
1. Article 24 Representations.....	—	85-47
2. Article 26 Complaints.....	—	85-48
C. Article 33 and Myanmar/Burma.....	—	85-50
VI. Survey and Complaint Procedures Applicable to All ILO Member States Regardless of Conventions Ratified or Not Ratified.....	—	85-53
A. General Surveys—Article 19 Reporting by Non-Ratifying Countries	—	85-53
1. General Survey Procedure	—	85-53
2. Recent General Survey Topics.....	—	85-54
B. Committee on Freedom of Association	—	85-59
VII. International Labor Standards and International Trade.....	—	85-62
A. Working Party on the Social Dimensions of Globalization.....	—	85-62
B. Declaration on Fundamental Principles and Rights at Work and Its Follow-up....	—	85-63
1. Substance and Scope of the Declaration.....	—	85-63
2. Follow-up Procedures	—	85-64
a. Annual Review	—	85-65
b. Global Report.....	—	85-65
c. Committee for the Recurrent Discussion on Fundamental Rights and Principles.....	—	85-66
C. Influence on U.S. Trade Policy.....	—	85-68
VIII. Guidelines for Multinational Enterprises.....	—	85-70
A. Substance.....	—	85-70
B. Follow-up Procedures.....	—	85-72
IX. Responding to the Challenges of Globalization.....	—	85-74
A. Decent Work Agenda.....	—	85-74
B. Declaration on Social Justice for a Fair Globalization	—	85-76

	<i>Main Volume</i>	<i>Supple- ment</i>
1. Adopting the Declaration at a Critical Juncture in the ILO's History	—	85-76
2. 2016 Review of the Declaration on Social Justice.....	—	85-79
a. Follow-up Mechanism.....	—	85-79
b. 2016 Evaluation.....	—	85-79
C. Labor Standards in Supply Chains	—	85-81
1. The ILO-IFC Better Work Program.....	—	85-81
2. General Discussion on Decent Work in Global Supply Chains	—	85-83
D. Addressing Global Employment Trends and Crises	—	85-86
1. Global Jobs Pact.....	—	85-86
2. Youth Employment	—	85-87
3. Employment and Social Protection in the New Demographic Context...	—	85-89
4. Sustainable Development, Decent Work, and Green Jobs	—	85-90
5. Employment Policy.....	—	85-92
X. The Centenary Initiatives	—	85-93
XI. Technical Assistance, Information and Research, and Training	—	85-95
A. Traditional Programs	—	85-95
B. Public-Private Partnerships.....	—	85-97
XII. Additional ILP Initiatives.....	—	85-98
A. Labor Administration.....	—	85-98
B. Social Dialogue	—	85-99
THE INTERNATIONAL FINANCIAL INSTITUTIONS.....	86-1	86-1
Introduction.....	86-1	—
I. Activities Involving the ILO.....	86-2	86-1
A. Relationship Between the IFIs and the ILO	86-2	86-1
B. Poverty Reduction Strategies and the ILO [Substitute Text]	—	86-7

IFI (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
II. Activities Involving International Trade Unions	86-10	86-9
III. Incorporation of Core Labor Standards in IFI Policies and Guidelines	86-11	86-10
IV. State Influence on and Involvement With IFI Policies	86-15	86-13
A. Europe	86-15	86-13
B. Canada [Substitute Text]	—	86-14
C. United States	86-19	86-16
1. Implementation of Core Labor Standards in IFI Loan Activities	86-19	—
2. Conditions Attached to IFI Appropriations	86-20	—
3. Activities of the U.S. Executive Director	86-20	86-16
4. Treasury Department Reports	86-21	86-17

THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT ...		
Introduction	87-1	87-1
I. Structure	87-5	87-3
A. The Council	87-5	—
1. Functions	87-5	—
2. The Secretary-General	87-6	—
3. Ministerial Sectoral Meetings	87-6	—
B. The Secretariat	87-7	87-3
C. The Committees and Working Groups ...	87-8	—
II. Key Activities of the OECD	87-9	87-4
A. Agriculture	87-9	87-4
B. Biotechnology	87-10	87-5
C. Combating Bribery and Corruption	87-12	87-6
D. Competition	87-13	87-8
E. Consumer Policy [Substitute Text]	—	87-9
F. Cooperative Relations with Non- Member Economies (Global Relations)	87-15	87-11
G. Corporate Governance [Substitute Text]	—	87-13

	<i>Main Volume</i>	<i>Supple- ment</i>
H. Development [Substitute Text]	—	87-15
I. Economics	87-18	87-18
J. Education	87-20	87-19
K. Employment, Labor, and Social Affairs	87-20	87-20
L. Energy	87-24	87-24
M. Entrepreneurship, SMEs, and Local Development	87-26	87-25
N. Environment	87-27	87-26
O. Health	87-30	—
P. Industry and Entrepreneurship	87-31	87-28
Q. Information and Communication Technologies and the Internet Economy	87-32	87-29
R. Investment	87-33	87-30
S. Public Governance and Territorial Development	87-35	87-32
T. Science and Innovation	87-37	87-32
U. Statistics	87-40	87-34
V. Sustainable Development	87-41	87-35
W. Taxation	87-41	87-37
X. Trade	87-43	87-38

UNION PARTICIPATION IN

INTERNATIONAL LABOR AFFAIRS	88-1	88-1
I. National Trade Union Centers	88-1	88-1
A. Overview	88-1	—
B. The AFL-CIO	88-3	88-1
1. International Affairs	88-4	—
2. Role Within the ILO [Substitute Text]	—	88-2
C. Other National Trade Union Centers	88-7	—
II. International Worker Organizations	88-7	88-3
A. International Trade Union Confederation	88-7	88-3
B. Global Union Federations	88-9	88-3
C. Trade Union Advisory Committee	88-10	88-4
D. Labour 20	88-12	—
III. Regional Trade Union Structures	88-13	88-5

UPILA (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
A. Africa, Asia, and Latin America	88-13	—
B. Europe.....	88-14	88-5
Table 1. Global Union Federations	88-17	88-7

INTERNATIONAL EMPLOYERS

ASSOCIATIONS	89-1	89-1
I. International Architecture of Employers		
Associations	89-2	89-1
A. Overview	89-2	—
B. Overview of the Principal International Employers Associations.....	89-3	—
C. Regional Employers Associations [Substitute Text]	—	89-1
D. National Employers Associations.....	89-6	—
II. Principal International Employers		
Associations	89-6	89-2
A. International Chamber of Commerce	89-6	89-2
B. International Organisation of Employers.....	89-8	89-3
C. Business and Industry Advisory Committee	89-10	—
D. Global Business Coalition [Amended Heading]	89-12	89-4
III. Regional Employers Associations	89-13	89-5
A. BusinessEurope [Amended Heading] [Substitute Text]	—	89-5
B. European Round Table of Industrialists [Substitute Text].....	—	89-7
C. APEC Business Advisory Council	89-16	—
D. Business Technical Advisory Committee on Labor Matters.....	89-18	—
IV. National Employers Associations	89-19	89-8
A. In General	89-19	—
B. United States Council for International Business.....	89-20	89-8

THE WORLD TRADE ORGANIZATION	90-1	90-1
Introduction [Substitute Text].....	—	90-1
I. Origins of the WTO	90-4	—

	<i>Main Volume</i>	<i>Supple- ment</i>
II. Enforcement of WTO Agreements	90-4	90-4
III. WTO Structure	90-5	—
IV. National Commitments Under GATT and the WTO	90-6	90-5
A. Phase One: Removing Conventional Trade Barriers	90-7	90-5
B. Phase Two: Regulating Trade Retaliation	90-7	90-6
1. Antidumping	90-8	90-6
2. Countervailing Duties	90-8	—
3. Escape Clauses	90-8	—
4. Section 301	90-9	—
C. Phase Three: Expanding the Concept of “Trade”	90-10	90-6
1. Intellectual Property	90-10	90-7
2. Services	90-10	—
3. Investment [Substitute Text]	—	90-7
V. Doha Round [Amended Heading] [Substitute Text]	—	90-7
VI. U.S. Precedents for Including Labor Standards in Trade Agreements [Substitute Text]	—	90-8
VII. Outlook for the Future [Substitute Text]	—	90-12
 LABOR DISPUTE SETTLEMENT IN INTERNATIONAL ORGANIZATIONS [REPLACEMENT CHAPTER]	 —	 91-1
Introduction	—	91-1
I. Informal Dispute Resolution	—	91-5
A. Ombuds Services	—	91-6
B. Conciliation and Mediation	—	91-8
C. Respectful Workplace Advisors	—	91-10
D. Facilitation	—	91-10
II. Formal Review	—	91-11
A. Administrative Review	—	91-11
B. Peer Review	—	91-14
III. International Administrative Tribunals	—	91-18
IV. Immunity from National Jurisdiction	—	91-25

*Main
Volume* *Supple-
ment*

Part 6. Issues for Multinational Corporations

CODES OF CONDUCT ON LABOR

STANDARDS (IB)	95-1	95-1
Introduction.....	95-1	—
I. Historical Antecedents	95-2	—
II. Company and Sectoral Codes	95-5	95-1
A. Individual Corporate Codes.....	95-6	95-1
1. History	95-6	—
2. Compliance Efforts	95-9	95-1
a. Nike: Codes of Conduct as Alleged “False Advertising”	95-9	—
b. IKEA: Codes of Conduct and International Framework Agreements.....	95-12	—
c. Apple: Corporate Codes and Multi-Stakeholder Initiatives....	95-16	—
d. Walmart	95-22	95-1
i. Private party litigation to enforce code of conduct against issuing corporation.....	95-22	—
ii. Government enforcement against supplier covered by code of conduct.....	95-24	—
iii. Controversy regarding labor practices of fruit and vegetable suppliers in Mexico [new topic].....	—	95-1
e. Nestlé [New Topic].....	—	95-3
i. Controversy regarding forced labor and child labor in seafood supply chain in Thailand [new topic].....	—	95-3

	<i>Main Volume</i>	<i>Supple- ment</i>
ii. Litigation regarding forced labor and child labor in cocoa supply chain in Ivory Coast		
[new topic].....	—	95-9
(a) Action under the Alien Tort Statute		
[new topic].....	—	95-10
(b) Action based on California consumer statutes		
[new topic].....	—	95-13
B. Industry Code of Conduct Initiatives.....	95-25	95-15
1. Sector-Specific Initiatives	95-26	95-15
a. National Retail Federation Statement of Principles on Supplier Legal Compliance	95-27	—
b. International Council of Toy Industries Code of Business Practices	95-27	—
c. Collegiate Licensing Company Labor Codes Standard	95-28	—
d. Electronic Industry Code of Conduct	95-30	—
e. Worldwide Responsible Apparel Production	95-30	—
i. Content and structure.....	95-31	—
ii. Compliance program	95-32	—
f. Alliance for Bangladesh Worker Safety.....	95-33	95-15
i. History	95-34	95-15
ii. Governance	95-37	—
iii. Compliance efforts.....	95-37	—
iv. Funding and financial responsibility	95-40	—
v. Enforcement of member commitments	95-42	—

Codes of Conduct (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
vi. Criticism	95-44	—
vii. Implementation from July–December 2014 [new topic].....	—	95-15
(a) Progress in implementation [new topic]	—	95-15
(b) Concerns regarding pace of implementation— fatal fire at Mega Yarn Dyeing Mills [new topic]	—	95-17
(c) Conflict between Alliance and Accord with respect to recognition of Alliance inspection reports [new topic] ..	—	95-18
viii. Implementation in 2015 [new topic].....	—	95-18
ix. Implementation in 2016 [new topic].....	—	95-24
2. Cross-Industry Initiatives.....	95-45	—
a. Business Social Compliance Initiative.....	95-45	—
b. Global Social Compliance Programme	95-49	—
III. Multi-Stakeholder Initiatives	95-53	95-26
A. Charter of Fundamental Principles of Global Trade for Textiles and Apparel ...	95-53	—
B. Charter on Child Labor in the Footwear Sector.....	95-54	—
C. Fair Labor Association	95-55	95-26
1. History and Structure	95-55	—
2. Code of Conduct	95-57	—
3. Monitoring Programs.....	95-60	—
a. Compliance Procedures.....	95-60	—

	<i>Main Volume</i>	<i>Supple- ment</i>
b. Audits of Apple Supply Chain	95-61	—
4. “Fair Compensation” Policy and Implementation [New Topic]	—	95-24
a. Fair Compensation Work Plan [New Topic]	—	95-24
b. Implementation in 2016 [New Topic]	—	95-29
D. Social Accountability International	95-61	—
1. SA8000 Certification Standard	95-62	—
2. Certification Assessments	95-63	—
E. Ethical Trading Initiative	95-65	—
1. History and Structure	95-66	—
2. Base Labour Code and Principles of Implementation	95-66	—
3. Compliance Programs	95-68	—
F. Fair Wear Foundation	95-69	—
G. Worker Rights Consortium	95-73	95-31
1. History and Structure	95-73	—
2. Compliance Efforts	95-79	—
a. Russell Athletic and Freedom of Association in Honduras	95-79	—
b. Industry-wide Minimum Wage Violations in Bangalore, India	95-80	—
c. Nike and adidas: Supplier Severance Liabilities in Honduras and Indonesia	95-82	—
d. PVH Corp.: Factory Safety in Bangladesh	95-84	—
3. Support of Implementation of Accord on Fire and Building Safety in Bangladesh [New Topic]	—	95-31
4. Dispute with <i>Nike</i> Concerning Access to Inspect Supplier Factories [New Topic]	—	95-32

Codes of Conduct (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
H. Accord on Fire and Building Safety in Bangladesh	95-84	95-39
1. History	95-85	—
2. Terms of the Agreement.....	95-88	—
a. Scope	95-88	—
b. Governance.....	95-89	—
c. Credible Inspections	95-91	—
d. Remediation	95-92	—
e. Training	95-93	—
f. Complaints Process	95-94	—
g. Transparency and Reporting.....	95-94	—
h. Supplier Incentives	95-95	—
i. Financial Support	95-96	—
3. Implementation of the Accord [New Topic]	—	95-39
a. Progress in Implementation [New Topic].....	—	95-39
b. Concerns Regarding Pace of Implementation - Fatal Fire at Mega Yarn Dyeing Mills [New Topic]	—	95-41
c. Conflict between Alliance and Accord over Recognition of Alliance Inspection Reports [New Topic]	—	95-41
d. Implementation in 2015 [New Topic].....	—	95-41
e. Implementation in 2016 [New Topic].....	—	95-43
f. Implementation in 2017 [New Topic].....	—	95-46
i. Developments on remediation and enforcement procedures [new topic].....	—	95-46
ii. Safety committees and worker training [new topic].....	—	95-50

	<i>Main Volume</i>	<i>Supple- ment</i>
iii. Three-year extensision of Accord [new topic]	—	95-50
I. Building and Word Workers’ International Agreements With the Qatari Supreme Committee and FIFA Regarding World Cup Stadium Construction in Qatar and Russia [New Topic]	—	95-51
1. BWI Agreement regarding World Cup 2022 in Qatar [New Topic]	—	95-51
2. BWI Agreement re World Cup in Russia [New Topic].....	—	95-52
J. Legal Mandate to Participate in Multi-Stakeholder Initiative: France’s Duty of Vigilance Law [New Topic]	—	95-54
1. Scope and Legal Requirements [New Topic]	—	95-54
2. Comparison to Existing Laws [New Topic]	—	95-57
IV. Implementation of U.S.-Mandated Internal Codes of Conduct in European Companies.....	95-96	95-60
A. Introduction	95-96	95-60
B. Germany	95-97	95-60
C. France	95-101	95-61
D. EU Law.....	95-105	95-64
1. European Convention on Human Rights	95-105	—
2. EU Data Privacy Directive.....	95-106	95-64
a. Article 29 Data Protection Working Party.....	95-106	95-64
i. Legal obligation to collect data.....	95-107	—
ii. Legitimate interest	95-107	—
iii. Proportionality	95-108	—

Codes of Conduct (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
(a) Limit on the number of persons eligible to report through whistleblowing systems.....	95-108	—
(b) Limit on the number of persons who may be incriminated through a whistleblowing system	95-108	—
(c) Encouraging identified and confidential reports instead of anonymous reports	95-108	—
(d) Data processing only for the purpose of processing the report.....	95-109	—
(e) Compliance with data retention periods.....	95-110	—
iv. Clear information about the whistleblowing system	95-110	—
v. Rights of the incriminated person.....	95-110	—
b. General Data Protection Regulation	95-111	95-65
E. Conclusion.....	95-112	—
GLOBALIZATION OF WORK: OFFSHORE		
OUTSOURCING (IB)	96-1	96-1
I. Introduction.....	96-1	96-1
II. Offshore Outsourcing from a U.S. Perspective	96-4	96-2

	<i>Main Volume</i>	<i>Supple- ment</i>
A. Assessing the Scope of the Phenomenon	96-4	96-2
1. The Number of Jobs Affected	96-4	96-2
a. The Move Toward Offshoring	96-4	—
b. The Data Are Mixed, Inshoring May Balance Offshoring	96-7	96-2
c. The Future of Offshoring	96-7	—
2. The Types of Jobs Affected.....	96-9	96-3
a. Manufacturing	96-9	—
b. Information Technology (IT)....	96-10	—
c. Legal Services	96-11	96-3
3. Factors Driving the Choice of Offshoring Destination.....	96-15	—
4. Potential Effects on Job Markets ...	96-16	—
B. National Policy Responses	96-19	96-5
1. Protection of Existing Jobs	96-20	96-5
2. Assistance to Dislocated Workers...	96-24	96-7
3. Improving Global Competitiveness	96-25	—
C. Effects of Domestic Laws on Global Work Sourcing.....	96-27	—
1. Extraterritorial Application of U.S. Laws.....	96-28	—
2. Laws Protecting Existing Employment Relationships	96-29	—
3. Non-Delegable Responsibilities for Offshored Work.....	96-30	—
D. Rationalizing the Legal Framework for Global Work Sourcing	96-31	—
E. Planning for Successful Offshoring.....	96-31	—
III. The European Experience	96-32	96-7
A. Introduction	96-32	96-7
B. Labor and Employment Law Issues in Offshoring.....	96-35	96-7
1. Dismissal Protection	96-36	—
2. Collective Redundancies.....	96-38	—
3. Transfers of Undertakings.....	96-39	—

Offshore Outsourcing (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
4. Information and Consultation Obligations Toward Employee Representatives	96-41	—
5. Rights and Strategies of Unions.....	96-42	—
6. Data Export Issues [Substitute Text].....	—	96-8
C. Conclusion.....	96-47	—
 COMPENSATING THE INTERNATIONALLY MOBILE EXECUTIVE (IB).....		
I. Introduction: What Is an Internationally Mobile Executive?	97-1	97-1
II. Compensation Techniques for IMEs.....	97-2	97-1
A. Compensation Options	97-2	—
1. Pure “Balance Sheet” Approach	97-2	—
2. Modified “Balance Sheet” Approach.....	97-2	—
3. “Net to Net” Approach.....	97-2	—
4. True Destination Pricing Approach.....	97-3	—
5. Regional or Global Approach	97-3	—
6. Pure Local Approach	97-3	—
B. Tax Equalization.....	97-3	—
1. No Equalization	97-5	—
2. Equalization Based on Neutral Countries	97-5	—
3. Repatriation Bonuses in Lieu of Equalization	97-5	—
C. Retirement Benefits	97-6	97-1
1. Defined Benefit Plan.....	97-6	97-1
2. Cash Balance/Defined Contribution Plans	97-8	97-3
3. Other Issues.....	97-9	—
III. Tax Issues.....	97-9	97-3
A. U.S. Rules—Taxation of Citizens and Green Card Holders.....	97-10	97-3
B. U.S. Taxation—Nonresident Aliens	97-12	97-4
C. Countries with Source-Based Taxation	97-14	—

	<i>Main Volume</i>	<i>Supple- ment</i>
D. Residence-Based Taxation.....	97-15	—
E. Effect of Treaties	97-17	97-5
F. Tax Havens	97-21	97-6
G. Non-U.S. Taxation of Deferred Compensation.....	97-22	97-6
H. U.S. Taxation of Deferred Compensation.....	97-25	97-6
1. I.R.C. Section 409A.....	97-25	97-6
2. I.R.C. Section 457A.....	97-30	97-9
a. Nonqualified Deferred Compensation.....	97-31	—
b. Nonqualified Entities.....	97-31	97-9
c. Amount Includible in Income.....	97-33	—
d. Effective Date.....	97-34	—
e. Coordination with Section 409A [Substitute Text].....	—	97-10
IV. Regulatory Issues	97-35	97-11
A. ERISA.....	97-35	97-11
B. Foreign Laws	97-37	97-12
1. Contract Law Issues.....	97-37	97-12
2. Trust Laws.....	97-39	—
3. Foreign Account Tax Compliance Act Reporting.....	97-40	97-14
V. Benefit Security Issues.....	97-41	97-14
A. Description of Concerns.....	97-41	—
B. Taxation to Employees	97-41	97-14
1. Basic Issues.....	97-41	—
2. Trustee-Discretionary Trusts.....	97-42	97-14
3. Rabbi Trusts	97-43	—
4. Insurance Products.....	97-44	—
a. Surety or Performance Bonds.....	97-45	—
b. Distributed Annuity or Endowment Contracts	97-46	—
c. Company-Owned Life Insurance	97-48	—

CIME (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
d. Buyer-Designed Life Insurance	97-49	—
5. Employee Leasing (Global Employment Organizations)	97-50	—
C. Taxation to Employers	97-50	—
1. Basic Taxation of Employer for Employee Benefit Trusts	97-51	—
2. Global Employment Organizations	97-52	—
VI. Issues Involving Stock Compensation	97-53	97-15
A. Legal and Regulatory	97-53	97-15
1. U.S. Rules	97-53	97-15
2. Foreign Rules	97-55	97-16
B. Taxation of Employees	97-57	97-16
1. U.S. Taxes	97-57	—
a. U.S. Taxpayers	97-57	—
b. Nonresident Aliens	97-58	—
2. Effects of Treaties	97-59	—
3. Foreign Taxes	97-60	97-16
C. Taxation of Employers	97-61	—
1. U.S. Taxes	97-61	—
2. Foreign Taxes	97-63	—

**NEGOTIATING AND DRAFTING
EXPATRIATE EMPLOYMENT**

AGREEMENTS (IB)	98-1	98-1
I. Introduction	98-1	—
II. Defining the Employment Relationship	98-2	—
A. The Contracting Parties	98-2	—
B. At-Will vs. Definite Term	98-3	98-1
III. Choice of Law and Jurisdiction	98-6	98-2
A. Governing Law and Choice-of-Law Provisions	98-6	98-2
1. United States [Substitute Text]	—	98-2
2. European Union [Substitute Text]	—	98-3
3. Other Countries	98-9	98-6
4. Conclusion	98-10	—
B. Jurisdiction	98-11	98-6

	<i>Main Volume</i>	<i>Supple- ment</i>
IV. Dispute Resolution.....	98-14	98-9
A. Arbitration	98-14	98-9
1. The Use of Arbitration in the United States and Abroad	98-14	98-9
2. New York Convention	98-18	98-13
3. The Use of Arbitration Provisions in Expatriate Agreements.....	98-18	—
B. Mediation.....	98-20	98-14
1. The Use of Mediation in Resolving Employment Disputes.....	98-20	98-14
2. EU Mediation Directive	98-21	98-15
V. The Key Terms of Expatriate Agreements ...	98-22	98-16
A. Term of Employment and Renewal	98-22	—
B. Reassignment.....	98-24	—
C. Localization	98-24	—
D. Scope of Employment	98-27	—
E. Foreign Language Requirement [Substitute Text]	—	98-16
F. Compensation, Benefit Plans, Social Security, and Stock Plans	98-28	98-16
1. Tax Equalization and Tax Gross Up of Expatriate Benefits/ Expenses	98-28	—
2. Benefits	98-29	98-16
3. Social Security	98-32	98-18
a. U.S. System	98-32	98-18
b. Foreign Rules	98-34	—
4. Equity Grants	98-35	98-18
G. Ending the Employment Relationship....	98-38	98-19
1. Notice.....	98-38	—
2. Termination.....	98-39	98-19
3. Good Reason Resignation.....	98-42	98-22
4. Resolving Disputes	98-44	—
5. Repatriation and Severance Packages.....	98-44	—
6. Bringing the Employee Back to the United States.....	98-45	—

NDEEA (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
H. Post-Employment Obligations and Restrictions: Confidential Information, Trade Secrets, and Other Restrictive Covenants	98-46	98-23
1. Post-Employment Obligations: Confidential Information/Trade Secrets.....	98-47	98-23
2. Post-Employment Restrictions: Non-Competition, Non-Solicitation	98-51	98-26
a. U.S. Enforcement of Non-Competition Agreements.....	98-51	98-26
b. Enforcement Outside the United States	98-52	98-27
c. Choice of Law and Forum Selection Provisions: <i>Duarte</i> and <i>Samengo-Turner</i>	98-54	98-28
3. Practice Points in Drafting Restrictions	98-57	—
I. Conclusion.....	98-58	—
VI. The Requirements for Expatriates Going Abroad.....	98-59	—
A. Understanding Employees' Needs Abroad	98-59	—
B. Expatriate Benefits Checklist	98-59	—
1. Compensation/Taxation Issues.....	98-59	—
2. Cost-of-Living, Housing, and Automobile Allowance	98-60	—
3. Health Benefits.....	98-61	—
4. Relocation Allowance	98-61	—
5. Vacation	98-61	—
6. Home, Personal, or Emergency Leave.....	98-62	—
7. Children's Education.....	98-62	—
8. Social Security	98-62	—
9. Reassignment/Repatriation	98-62	—
10. Immigration Issues.....	98-63	—
11. Language Training.....	98-63	—

	<i>Main Volume</i>	<i>Supple- ment</i>
12. Spousal Assistance.....	98-63	—
13. Hardship Payments.....	98-63	—
14. Claw-Backs.....	98-63	—
15. Club Membership Fees.....	98-64	—

**LITIGATION OF INTERNATIONAL
EMPLOYMENT DISPUTES (IB)**.....

	99-1	99-1
I. Introduction.....	99-1	99-1
II. Pre-Filing Considerations.....	99-2	99-2
A. Determining the Law Applicable to the Claim.....	99-2	99-2
1. Extraterritorial Application of U.S. Statutory Law [Substitute Text].....	—	99-2
a. Federal Antidiscrimination Statutes.....	—	99-2
b. Other Federal Employment Statutes.....	—	99-3
c. Federal Whistleblower Statutes.....	—	99-5
d. Other Federal Statutes.....	—	99-9
i. Alien Tort Claims Act.....	—	99-9
ii. Racketeer Influenced and Corrupt Organizations Act.....	—	99-10
e. State Statutes.....	—	99-11
2. Application of Foreign Law to U.S. Citizens Working Abroad.....	99-7	99-12
3. Role of Contractual Choice-of- Law Provisions.....	99-10	99-16
a. EU Approach.....	99-10	—
b. U.S. Approach.....	99-11	99-16
B. Determining the Forum in Which to File the Claim.....	99-13	99-18
1. Jurisdiction Exercised by U.S. Courts.....	99-13	99-18
a. Subject Matter Jurisdiction.....	99-13	—
b. Personal Jurisdiction [Substitute Text].....	—	99-18
2. Forum Non Conveniens.....	99-18	99-23

LIED (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
3. Role of Contractual Forum- Selection Provisions [Substitute Text].....	—	99-25
a. EU Approach [Substitute Text].....	—	99-25
b. U.S. Approach [Substitute Text].....	—	99-27
4. Litigating in Foreign Courts.....	99-22	—
5. Litigating in International Courts [Substitute Text].....	—	99-29
III. International Service of Process and Discovery	99-24	99-32
A. Federal Rule of Civil Procedure 4(f) and the Hague Service Convention.....	99-25	99-33
1. Applicability	99-25	99-34
2. Methods of Service	99-27	99-36
B. Federal Rule of Civil Procedure 28(b) and the Hague Evidence Convention.....	99-31	99-38
1. Methods of Obtaining Evidence Under the Hague Evidence Convention [Amended Heading] [Substitute Text].....	99-32	99-39
2. The Case of Société Nationale Industrielle Aérospatiale	99-34	99-41
3. Methods of Obtaining Evidence Under the Federal Rules of Civil Procedure [New Topic]	—	99-42
C. Obstacles and Practical Approaches to Cross-Border Discovery	99-36	99-42
1. Domestic Discovery for Foreign Cases	99-38	99-46
D. The Foreign Sovereign Immunities Act Section 1608 [Substitute Text]	—	99-49
IV. International Enforcement of Judgments	99-40	99-50
A. Legal Standards [Substitute Text].....	—	99-50
B. The <i>Chevron</i> Case [Substitute Text].....	—	99-52
C. Enforcement of Arbitration Awards [New Topic]	—	99-54

	<i>Main Volume</i>	<i>Supple- ment</i>
V. International Class Actions and Group Litigation Abroad.....	99-45	99-56
VI. Conclusion	99-48	—

**TOP TEN ISSUES FOR U.S. EMPLOYERS
DOING BUSINESS IN ANOTHER
COUNTRY (IB)**

COUNTRY (IB)	100-1	100-1
Introduction.....	100-1	100-1
I. Hiring Employees	100-2	100-2
A. The Employment Relationship.....	100-2	—
1. Requirement for a Writing.....	100-3	—
2. Language of the Agreement.....	100-4	—
3. Reservation of Management Rights.....	100-5	—
B. Hiring Process	100-6	100-2
C. Independent Contractors and Atypical Workers.....	100-6	100-4
1. Independent Contractors	100-6	100-4
2. Agency Workers.....	100-7	100-5
3. Part-Time and Fixed-Term Employees.....	100-9	100-7
4. Telecommuting	100-12	100-9
D. Human Trafficking	100-13	100-10
II. Conditions of Employment.....	100-13	100-11
A. Wages and Hours.....	100-14	100-11
1. Wages.....	100-14	100-11
2. Working Hours.....	100-16	—
B. Leave	100-17	100-12
C. Privacy	100-19	100-13
1. Employee Privacy Rights.....	100-19	100-13
2. Social Media	100-20	100-15
3. Data Export.....	100-23	—
D. Transfers of Business.....	100-25	—
E. Social Insurance.....	100-25	—
III. Employee Dismissal.....	100-26	100-19
A. Notice	100-26	—
B. Severance Pay	100-27	—
C. Dismissal for Cause.....	100-27	100-19

Top Ten Issues (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
D. Economic-Based Layoffs	100-28	100-19
E. Retirement	100-32	—
F. Resignation	100-32	—
IV. The Role of Unions and Works Councils	100-33	100-20
V. Antidiscrimination Laws	100-37	100-21
A. Overview	100-37	—
B. Discrimination Against Part-Time and Fixed-Term Workers	100-39	—
C. Age Discrimination	100-39	—
D. Marital Status Discrimination.....	100-40	—
E. Sexual Harassment	100-41	100-21
F. Race and Ethnic Origin Discrimination	100-42	100-22
G. Workplace Bullying.....	100-43	100-23
H. Sexual Orientation Discrimination	100-44	—
I. Disability Discrimination	100-45	100-23
J. Religious Discrimination [New Topic]	—	100-23
VI. Immigration.....	100-46	100-25
VII. Negotiating and Drafting Expatriate Employment Agreements.....	100-48	100-26
A. Application of Foreign Law to U.S. Citizens Working Abroad	100-49	—
B. Choice-of-Law and Jurisdiction Provisions	100-49	—
C. Non-Judicial Dispute Resolution.....	100-53	100-26
D. Ending the Employment Relationship....	100-54	—
E. Severance Packages	100-54	—
F. Trade Secrets and Other Restrictive Covenants	100-54	—
VIII. Litigation of International Employment Disputes	100-55	100-26
IX. Corporate Codes of Conduct.....	100-58	100-27
X. Globalization of Work: Offshore Outsourcing.....	100-64	100-30
A. Extraterritorial Application of U.S. Laws	100-65	—
B. Laws Protecting Existing Employment Relationships	100-66	100-30

	<i>Main Volume</i>	<i>Supple- ment</i>
C. Notice Requirements	100-69	—
D. Non-Delegable Responsibilities	100-69	—
 SOCIAL MEDIA AND THE GLOBAL WORKFORCE (IB) [AMENDED CHAPTER HEADING].....		
	101a-1	101a-1
Introduction		
I. Social Media and 21st Century Communications	101a-2	101a-1
II. Business and Professional Use.....	101a-3	101a-2
III. Communications Mechanism for Unions [Substitute Text].....	—	101a-2
IV. Individual Communications [Substitute Text].....	—	101a-3
V. Legal Implications: A Country-by-Country Overview	101a-7	101a-5
A. The Americas.....	101a-7	101a-6
1. Canada	101a-7	—
2. Mexico [Substitute Text].....	—	101a-6
3. United States [Substitute Text]	—	101a-6
B. Asia [Substitute Text]	—	101a-8
1. China.....	101a-9	101a-8
2. Hong Kong.....	101a-10	101a-9
3. India [New Topic]	—	101a-9
4. Japan [Renumbered Heading].....	101a-10	101a-10
C. Europe.....	101a-11	101a-10
1. Belgium.....	101a-11	101a-11
2. France [Substitute Text]	—	101a-11
3. Germany.....	101a-11	101a-12
4. Italy	101a-12	101a-12
5. Spain	101a-12	—
6. Sweden.....	101a-12	101a-12
7. United Kingdom	101a-12	101a-12
D. Australia [Substitute Text].....	—	101a-13
The Americas		
Canada.....	101b-1	101b-1
I. Privacy Law	101b-2	101b-1
A. Current Legislation	101b-2	101b-1
1. Canadian Privacy Legislation	101b-2	101b-1

Social Media (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
2. Statutory Tort	101b-6	101b-5
3. Quebec Civil Code	101b-8	101b-6
B. Common Law	101b-8	101b-7
1. Invasion of Privacy	101b-8	101b-7
2. Breach of the Covenant of Good Faith and Fair Dealing [Substitute Text]	—	101b-8
II. Application of Privacy Law to Workplace Social Media Issues	101b-11	101b-9
A. Employer Access to and Monitoring of Employee Communications	101b-11	101b-9
1. Human Rights Legislation & Pre-employment Screening [Substitute Text]	—	101b-9
2. Reasonable Expectations of Privacy in the Workplace [Substitute Text]	—	101b-11
3. Employer Access to Information on Social Networking Web Sites in Civil Litigation	101b-15	101b-14
B. Employer Liability for Employee Conduct Online	101b-16	101b-14
C. Employee Liability and Protections for Workplace-Related Use of Electronic Communications	101b-18	101b-15
D. Implications for Collective Bargaining [Substitute Text]	—	101b-17
E. Social Media Policies	101b-22	101b-18
Mexico	101c-1	101c-1
I. Current Legislation and Principles	101c-1	101c-1
II. Employer Policies and Privacy Notices	101c-3	101c-2
III. Implications for Collective Bargaining	101c-5	—
United States [Substitute Text]	—	101d-1
I. Legislation	—	101d-2
A. Electronic Monitoring and Privacy Statutes	—	101d-2
1. Federal Statutes	—	101d-2

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Electronic Communications Privacy Act	—	101d-2
i. Federal Wiretap Act	—	101d-2
ii. Federal Stored Communications Act	—	101d-4
b. Computer Fraud and Abuse Act	—	101d-5
2. State Statutes.....	—	101d-6
B. Economic Espionage Statutes.....	—	101d-7
C. Social Media Password Statutes	—	101d-8
D. Human Rights Statutes	—	101d-9
E. Wage and Hour Statutes	—	101d-12
F. Labor Statutes.....	—	101d-13
G. Statutes Protecting Medical Information	—	101d-14
H. Fair Credit Reporting Act	—	101d-14
I. Whistleblower Protections.....	—	101d-14
J. Lawful Off-Duty Activity Statutes	—	101d-16
II. Common Law.....	—	101d-17
III. Application of Principles	—	101d-19
A. Employer Access to and Monitoring of Employee Social Media Activity and Communications.....	—	101d-19
1. Access via Employer-Provided Devices or Systems	—	101d-19
2. Access Without Implied or Express Authorization.....	—	101d-22
3. Disputed Ownership of Social Media Sites and Content	—	101d-24
4. Access to Employee Communications with Legal Counsel	—	101d-28
5. Access to Information on Social Media Sites in Litigation.....	—	101d-29
B. Employee Rights, Protections and Responsibilities With Respect to Social Media Use and Communications.....	—	101d-32

Social Media (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
1. Employee Social Media Communications as Potential Protected Concerted Activity Under the National Labor Relations Act.....	—	101d-32
a. Developments Under the Previous Administration	—	101d-34
i. Parameters of protected concerted activity	—	101d-34
ii. Employer policies and protected concerted activity	—	101d-41
b. Shift in Approach Under the New Administration	—	101d-44
2. Employee Social Media Communications Implicating Human Rights Protections and Violations	—	101d-49
3. Public Employee Social Media Communications	—	101d-53
4. Employee Social Media Use as Compensable Time Under Wage and Hour Laws	—	101d-54
C. Employee Civil and Criminal Liability for Unauthorized Access, Possession, and Use	—	101d-55
D. Employee Liability and Other Consequences for Content of Social Media Communications.....	—	101d-57
E. Social Media Policies	—	101d-50
Asia		
China.....	101e-1	101e-1
I. Current Legislation	101e-1	101e-1
II. Application of Principles	101e-3	101e-1
A. Employer Access to and Monitoring of Employee Communications.....	101e-3	101e-1
B. Employer Liability for Electronic Communications.....	101e-4	—

	<i>Main Volume</i>	<i>Supple- ment</i>
C. Employee Protections and Consequences Related to Workplace Use of Electronic Communications.....	101e-5	—
D. Implications for Collective Bargaining	101e-6	—
E. Social Media Policies	101e-6	—
Hong Kong.....	101f-1	101f-1
I. Current Legislation [Substitute Text]	—	101f-1
II. Application of Principles	101f-1	101f-2
A. Employer Access to and Monitoring of Employee Communications.....	101f-1	101f-2
B. Employer Liability for Electronic Communications.....	101f-2	—
C. Employee Liability and Protections for Workplace-Related Use of Electronic Communications.....	101f-3	101f-3
D. Implications for Collective Bargaining	101f-5	—
E. Social Media Policies	101f-5	101f-4
India [New Section].....	—	101f-101
I. Legal Framework	—	101f-102
A. Data Protection Law	—	101f-103
1. Protected Information	—	101f-104
2. Obligations Under the Privacy Rules	—	101f-105
3. Penalties for IT Act Offenses.....	—	101f-107
B. Healthcare and Medical Data	—	101f-108
C. Financial and Credit Information	—	101f-110
D. Right to Information	—	101f-111
E. Privacy Protections in other Statutes.....	—	101f-112
F. Judicial Precedents	—	101f-114
II. Social Media Use in the Workplace.....	—	101f-115
A. Social Media Conduct and the Workplace.....	—	101f-115
B. Judicial Decisions.....	—	101f-117
1. Discipline and Termination Related to Social Media Use.....	—	101f-117
2. Unauthorized Use of Social Media	—	101f-120

Social Media (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
a. Publication of Defamatory Material	—	101f-120
b. Information Act Offense	—	101f-120
c. Breach of Confidentiality Agreement	—	101f-120
d. Employer Liability for Employees' Unauthorized Use of Social Networking Sites	—	101f-121
e. Obligation to Disclose Third-Party Information Held in Fiduciary Capacity	—	101f-123
III. Social Media Policies	—	101f-123
Japan	101g-1	101g-1
I. Current Legislation [Substitute Text]	—	101g-2
II. Application of Principles	101g-2	101g-3
A. Employer Monitoring of Employee Communications [Substitute Text]	—	101g-3
B. Potential Employer Liability for Employee Electronic Communications	101g-4	—
C. Employee Discipline and Liability Based on Electronic Communications [Substitute Text]	—	101g-5
1. Employee Discipline	—	101g-5
a. Social Media Posts	—	101g-5
b. Employee Exchange of Private E-Mails	—	101g-7
2. Employee Liability	—	101g-8
D. Implications for Collective Bargaining	101g-6	—
E. Pro-active Employer Measures [Amended Heading [Substitute Text]	—	101g-9
Europe		
Belgium	101h-1	101h-1
I. Applicable Legislation	101h-1	101h-1
A. Employment Contracts Act	101h-1	—
B. Article 8 of the European Convention on Human Rights and Article 22 of the Belgian Constitution	101h-2	101h-1

	<i>Main Volume</i>	<i>Supple- ment</i>
C. Legislation Concerning Telecommunications.....	101h-2	—
1. Article 134bis of the Criminal Code.....	101h-3	—
2. Article 124 of the Electronic Communication Act.....	101h-3	—
3. Article 550bis of the Criminal Code.....	101h-3	—
4. Collective Bargaining Agreement No. 81.....	101h-4	—
D. Legislation Providing Privacy Protection in Relation to the Processing of Personal Data [Amended Heading]	101h-5	101h-1
1. Grounds for Processing.....	101h-5	101h-2
2. Sanctions for Non-compliance.....	101h-6	101h-5
a. Civil Proceedings	101h-6	101h-5
b. Criminal Sanctions	101h-6	101h-6
II. Application of Legal Principles to the Social Media Phenomenon.....	101h-7	101h-7
A. Social Media and Recruitment	101h-7	—
B. Employee Social Media Use During Work Hours	101h-7	—
C. Employee Social Media Use During Nonworking Hours	101h-8	—
D. Unauthorized Disclosure of Trade Secrets and Confidential Information.....	101h-9	—
E. Social Media and Freedom of Speech....	101h-10	—
F. Social Media, Employee Discipline, and Burdens of Proof.....	101h-12	101h-7
1. Case Law Examples.....	101h-12	101h-7
a. Information Received Indirectly	101h-12	—
b. Information Obtained Through Monitoring of Communications.....	101h-13	101h-7
2. Privacy Commission Recommendation	101h-14	—
III. Social Media Policies.....	101h-15	—

Social Media (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
France.....	101i-1	101i-1
I. Current Legislation	101i-1	101i-1
A. Right to Privacy	101i-1	—
B. Freedom of Speech	101i-2	101i-9
1. 1881 Freedom of the Press Act [Substitute Text].....	—	101i-9
2. Labor Code	101i-3	—
3. Collective Labor Law [Substitute Text].....	—	101i-9
C. Employee Duties of Good Faith and Loyalty.....	101i-3	—
D. Protection of Business Reputation and Trade Secrets	101i-4	—
E. Right to Disconnect [New Topic]	—	101i-10
II. Application of Principles	101i-4	101i-10
A. Employer Reliance on Social Media Content in Recruiting	101i-4	101i-10
B. Employer Access to Employee Communications—Privacy Protections	101i-5	101i-13
1. Employee Privacy Rights in Workplace Communications [Substitute Text].....	—	101i-13
a. Personal Labeling	—	101i-15
b. Documents and Information Stored on Personal Devices	—	101i-16
c. Personal E-mail and Text Messages	—	101i-16
d. Text Messages	—	—
2. Employee Notice [Substitute Text].....	—	101i-17
3. Criminal Liability for Accessing Private Communications [Substitute Text].....	—	—
4. Best Practices for Lawful Access to Workplace Communications [Substitute Text].....	—	101i-18

	<i>Main Volume</i>	<i>Supple- ment</i>
5. Employee Privacy Rights in Communications Outside of Work [Substitute Text]	—	101i-18
a. Private vs. Public Nature of Social Media Communications.....	—	101i-19
i. Facebook postings	—	101i-19
ii. Facebook discussion groups	—	101i-24
iii. Facebook messages.....	—	101i-25
b. Burden of Proof.....	—	101i-26
i. Employer burden to prove public nature of social media posts.....	—	101i-26
ii. Employer burden to prove the source and subject of social media posts.....	—	101i-27
c. Employees Working under Fix-Term Employment Contracts.....	—	101i-28
C. Employee Blogs and Other Public Social Media Communications—Freedom of Speech Protections [Substitute Text]	—	101i-29
1. Blogs	—	101i-29
2. Facebook Postings	—	101i-33
3. Facebook Discussion Groups.....	—	101i-33
4. Twitter Postings	—	101i-35
D. Employee Private Use of Social Media and Employer Systems During Working Time	101i-23	101i-35
E. Social Media Policies	101i-25	101i-36
Germany.....	101j-1	101j-1
I. Current Legislation	101j-1	101j-1
A. Data Privacy Protection Laws.....	101j-2	101j-1
B. Criminal Law (Unauthorized Access to Data, Violation of Privacy of Correspondence, Disclosure of Business Secrets).....	101j-3	101j-8

Social Media (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
C. Labor and Employment Laws.....	101j-4	101j-9
II. Application of Principles	101j-5	101j-9
A. Employer Access to and Monitoring of Employee Communications.....	101j-5	101j-9
1. Video Monitoring.....	101j-5	101j-9
2. Monitoring and Control of Business E-mail Accounts	101j-7	101j-10
3. Control of Smartphones	101j-8	—
4. Background Checks	101j-9	101j-10
5. Sanctions for Violation.....	101j-11	101j-11
B. Parameters of Employee Workplace and Private Use of Electronic Media.....	101j-11	101j-11
1. Prohibition of Private Use.....	101j-11	101j-11
2. Excessive Use During Working Time [Substitute Text].....	—	101j-12
3. Defamation of the Employer in Blogs and Social Networks.....	101j-13	101j-13
4. Unauthorized Deleting of Company Data	101j-14	101j-14
C. Implications for Collective Bargaining	101j-15	101j-14
D. Social Media Policies	101j-16	—
Italy	101k-1	101k-1
I. Current Legislation	101k-1	101k-1
A. Italian Workers' Statute	101k-1	101k-1
B. Italian Data Protection Code	101k-3	101k-3
C. Guidelines Issued by the Italian Privacy Authority.....	101k-5	—
II. Application of Principles	101k-6	101k-9
A. Employer Access to and Monitoring of Employee Use of Employer Systems	101k-6	101k-9
B. Employer Vetting and Background Checks	101k-9	101k-12
C. Employer Access to Employee Personal, Nonworking Time Postings, and Communications.....	101k-10	101k-13
D. Employee Private Use of Social Media and Employer Systems During Working Time.....	101k-11	—

	<i>Main Volume</i>	<i>Supple- ment</i>
E. Implications for Collective Bargaining	101k-12	—
F. Social Media Policies	101k-13	101k-15
Spain	1011-1	1011-1
I. Current Legislation	1011-1	—
II. Application of Principles	1011-1	1011-1
A. Employee Access to and Monitoring of Employee Communications on Employer Systems	1011-1	1011-1
B. Employer Access and Monitoring of Communications of Employee Representatives	1011-5	—
C. Employer Access to Employee Personal, Nonworking Time Postings, and Communications	1011-6	—
D. Implications for Collective Bargaining	1011-8	—
E. Social Media Policies [Substitute Text]	1011-9	1011-3
Sweden	101m-1	101m-1
I. Current Legislation	101m-2	101m-1
A. Personal Data Act	101m-2	101m-1
1. Restrictions on Employer Monitoring	101m-2	101m-6
2. Breach of Privacy Rights	101m-4	101m-7
B. Act on Co-determination in Working Life	101m-4	—
C. Potential Criminal Liability	101m-5	—
D. Employment Discrimination Laws and the Employment Protection Act	101m-5	—
II. Application of Principles	101m-6	101m-8
A. Employer Control of Employee Social Media Access	101m-6	101m-8
B. Employer Action Based on Employee Postings or Use of Social Media	101m-6	—
1. Private Employers	101m-7	—
2. Public Employers	101m-10	—
C. Employer Liability for Employee Electronic Communications	101m-11	—

Social Media (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
D. Employee Liability for Electronic Communications.....	101m-12	—
E. Implications for Collective Bargaining	101m-13	—
F. Social Media Policies	101m-13	101m-8
United Kingdom.....	101n-1	101n-1
I. Employer Monitoring of Employee Electronic Communications and Internet Usage.....	101n-2	101n-1
II. Disciplinary Sanctions for Excessive Personal Use of Social Media	101n-7	—
III. Disciplinary Sanctions for Potential Reputational Damage.....	101n-9	101n-10
IV. Proprietary and Intellectual Property Rights	101n-13	—
V. Employer Responsibility for Employee Statements on Social Media.....	101n-16	101n-12
A. Discrimination	101n-16	101n-12
B. Bullying and Harassment	101n-17	—
VI. Use of Social Media to Vet Potential Employees	101n-18	101n-13
VII. Trade Union Use of Social Media.....	101n-19	—
A. Use of Social Media Tools.....	101n-19	—
B. Litigation Concerning Trade Union Use of Social Media/Networking Tools.....	101n-21	—
VIII. Employer Policies on Social Media.....	101n-23	—
Oceania		
Australia.....	101o-1	101o-1
I. Current Legislations	101o-1	101o-1
A. Privacy Legislation	101o-1	101o-2
B. Employee Surveillance [Substitute Text].....	—	101o-3
C. Advertising Standards	101o-4	101o-5
D. Defamation	101o-4	101o-5
E. Antidiscrimination Laws	101o-5	101o-5
F. Occupational Health and Safety Legislation	101o-5	—
G. Anti-Bullying Regulations.....	101o-6	101o-6
H. Common Law [Substitute Text].....	—	101o-6

	<i>Main Volume</i>	<i>Supple- ment</i>
II. Application of Legislation and Common Law Principles to Workplace Social Media Issues.....	101o-7	101o-7
A. Employer Access to and Monitoring of Employee Communications.....	101o-7	—
1. Pre-employment Screening.....	101o-7	—
2. Workplace Surveillance/ Investigations	101o-8	—
B. Employer Liability for Employee Conduct Online.....	101o-8	101o-7
C. Employee Discipline Related to Social Media Activity [Substitute Text]	—	101o-8
D. Implications for Collective Bargaining	101o-10	101o-9
E. Social Media Policies	101o-10	101o-10

THE IMPACT OF INTERNATIONAL HUMAN RIGHTS LAW ON LABOR AND EMPLOYMENT LAW (IB).....

Introduction.....	102-1	102-1
I. The Human Rights Nexus with Labor and Employment Law in Europe	102-1	—
A. European Convention on Human Rights.....	102-8	102-1
1. The Convention.....	102-8	—
2. European Court of Human Rights	102-9	—
3. Case Law.....	102-11	102-1
a. Freedom of Religion (Article 9).....	102-12	102-1
i. The <i>Eweida</i> Quartet.....	102-12	—
(a) <i>Eweida One (Eweida)</i>	102-12	—
(b) <i>Eweida Two (Chaplin)</i>	102-17	—
(c) <i>Eweida Three (Ladele)</i>	102-18	—
(d) <i>Eweida Four (McFarlane)</i>	102-20	—

Human Rights Law (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
(e) Summary of the <i>Eweida</i> quartet	102-21	—
ii. Other religious liberty decisions	102-22	102-1
(a) <i>Siebenhaar v. Germany</i>	102-22	—
(b) <i>Alexandridis v. Greece</i>	102-22	—
(c) <i>Wasmuth v. Germany</i>	102-23	—
(d) <i>S.A.S. v. France</i>	102-23	—
(e) <i>Ebrahimian v. France</i> [new topic]	—	102-1
b. Freedom of Expression (Article 10)	102-26	102-3
i. <i>Vallauri v. Italy</i>	102-27	—
ii. <i>Sanchez v. Spain</i>	102-27	—
iii. <i>Sorguc v. Turkey</i>	102-30	—
iv. <i>Guja v. Moldova</i>	102-31	—
v. <i>Kudeshkina v. Russia</i>	102-32	—
vi. <i>Frankowicz v. Poland</i>	102-33	—
vii. <i>Heinisch v. Germany</i>	102-33	—
viii. <i>Vellutini v. France</i> and <i>Pentikainen v. Finland</i>	102-33	—
ix. <i>Kharalamov v. Russia</i> [new topic]	—	102-3
c. Interference with Private and Family Life (Article 8)	102-33	102-3
i. <i>Bigaeva v. Greece</i>	102-34	—
ii. <i>Garcia Mateos v. Spain</i>	102-35	—
iii. <i>Kopke v. Germany</i>	102-35	—
iv. <i>Copland v. United Kingdom</i>	102-37	—
v. <i>Martinez v. Spain</i>	102-37	—
vi. <i>Obst v. Germany</i> and <i>Schuth v. Germany</i>	102-40	—
vii. <i>Ozpinar v. Turkey</i> [substitute text]	—	102-3

	<i>Main Volume</i>	<i>Supple- ment</i>
viii. <i>D.M.T. v. Bulgaria</i>	102-42	—
ix. <i>Volkov v. Ukraine</i>	102-42	—
x. <i>Gillberg v. Sweden</i>	102-43	—
xi. <i>Mateescu v. Romania</i>	102-43	—
xii. <i>Bărbulescu v. Romania</i> [new topic].....	—	102-4
d. Discrimination (Article 14)	102-43	102-5
i. <i>Martin v. Spain</i>	102-44	—
ii. <i>Jehovas Zeugen in</i> <i>Osterreich v. Austria</i>	102-45	—
iii. <i>Markin v. Russia</i>	102-46	—
iv. <i>Andrle v. Czech</i> <i>Republic</i>	102-47	—
v. <i>Manenc v. France</i>	102-49	—
vi. <i>I.B. v. Greece</i>	102-49	—
vii. <i>Amer v. France</i>	102-50	—
viii. <i>Andrejeva v. Latvia</i>	102-50	—
ix. <i>P.B. v. Austria</i>	102-51	—
x. <i>Hulea v. Romania</i>	102-52	—
xi. The Polish “Pensions While Working” Cases.....	102-52	—
xii. <i>Boyraz v. Turkey</i> [new topic].....	—	102-5
xiii. <i>aldeguer Tomás v. Spain</i> [new topic].....	—	102-6
e. Union and Other Free Association (Article 11)	102-53	102-7
i. <i>Redfearn v. U.K.</i>	102-53	—
ii. <i>Sindicatul “Pasto eel</i> <i>Bun” v. Romania</i>	102-54	—
iii. <i>Silveri v. Italy</i>	102-56	—
iv. <i>Demir and Baykara v.</i> <i>Turkey</i>	102-57	—
v. <i>Enerji Yapi-Yol Sen v.</i> <i>Turkey</i>	102-57	—
vi. <i>Wilson, National Union of</i> <i>Journalists, and Others v.</i> <i>United Kingdom</i>	102-58	—

Human Rights Law (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
vii. <i>Fatma Akaltun Firat v. Turkey</i>	102-58	—
viii. <i>Junta Rectora Del Ertzainen Nazional Eklartasuna v. Spain</i> [new topic].....	—	102-7
ix. <i>Unite the Unite v. United Kingdom</i> [new topic].....	—	102-7
B. The Nexus Between Human Rights and Labor and Employment Law in the European Charter of Fundamental Rights of the European Union and in the Court of Justice of the European Union	102-58	102-8
1. Charter of Fundamental Rights of the European Union	102-62	—
a. General Provisions and Relationship to Other Sources of Human Rights	102-62	—
b. Specific Charter Rights and Freedoms	102-63	—
c. Limitations on Rights in the Charter.....	102-66	—
2. Employment and Labor Decisions by the Court of Justice of the European Union Invoking the Charter and Other Sources of Human Rights in the Interpretation and Application of EU Treaties, Regulations, and Directives	102-66	102-8
a. Age Discrimination	102-68	102-8
b. Right to Paid Annual Leave.....	102-73	102-10
c. Gender Discrimination	102-74	102-11
d. Right to Family Reunification	102-75	—
e. Disability Discrimination	102-76	102-12
f. Sexual Orientation.....	102-78	102-13
g. Non-Employment Cases.....	102-79	—

	<i>Main Volume</i>	<i>Supple- ment</i>
II. The Human Rights/Labor and Employment Law Nexus in the Americas	102-81	102-14
A. The Inter-American Declaration of Human Rights and the Inter-American Convention on Human Rights	102-82	—
1. Inter-American Declaration of Human Rights	102-82	—
2. Inter-American Convention on Human Rights	102-83	—
B. The Inter-American Commission on Human Rights and the Inter-American Court on Human Rights.....	102-84	—
1. Inter-American Commission on Human Rights	102-84	—
2. The Inter-American Court of Human Rights	102-85	—
C. Cases.....	102-86	102-14
1. Rulings of the Inter-American Court	102-86	—
a. Discrimination.....	102-86	—
b. Protection of Salary as Property and Right to Remedy.....	102-87	—
c. Pension Rights of Civil Servants	102-88	—
d. Migrant Workers.....	102-88	—
2. Rulings of the Inter-American Commission [Substitute Text].....	—	102-14
a. Nondiscrimination	102-89	102-15
b. Freedom of Association and Union-Related Cases	102-91	102-18
c. Freedom of Expression [New Topic].....	—	102-18
d. Dismissal/Due Process [Renumbered Heading]	102-92	102-19
III. Human Rights and Employment Law in Asia	102-93	—
A. Introduction	102-93	—

Human Rights Law (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
B. Association of Southeast Asian Nations (ASEAN)	102-94	—
1. Rights and Principles	102-94	—
2. Limitations	102-96	—
C. Human Rights in Chinese Labor and Employment Law	102-98	—
1. Introduction.....	102-98	—
2. China Has Ratified Several International Human Rights Instruments.....	102-101	—
3. The Impact of International Human Rights Law on China's Domestic Labor and Employment Law.....	102-103	—
D. Human Rights and Work in India	102-105	—
1. International Treaty Obligations	102-106	—
2. Indian Domestic Law	102-107	—
3. Judicial Decisions	102-108	—
4. Deficits in Indian Adherence to Human Rights	102-111	—
IV. Human Rights and Employment Law in Africa	102-112	102-20
A. African Charter on Human and Peoples' Rights.....	102-112	102-20
B. Human Rights in South Africa	102-114	—
C. Human/Employment Rights in the Law of Nigeria.....	102-115	—
V. The Global Human Rights/Labor and Employment Law Nexus.....	102-117	102-21
A. Introduction	102-117	—
B. International Labour Organization	102-120	102-21
1. Structure and Governance.....	102-120	102-21
2. ILO Conventions.....	102-123	102-21
3. 1998 ILO Declaration of Fundamental Principles and Rights at Work and 2008 ILO Declaration on Social Justice for a Fair Globalization	102-127	—

	<i>Main Volume</i>	<i>Supple- ment</i>
a. Declaration of Fundamental Principles and Rights at Work	102-127	—
b. Declaration on Social Justice for a Fair Globalization	102-129	—
4. ILO Compliance and Enforcement Process	102-129	—
5. Examples of Cases and Reports by Country	102-131	102-22
a. United States	102-131	—
b. Myanmar	102-132	—
c. Mexico.....	102-135	—
d. Brazil	102-137	102-22
e. Other Countries	102-141	—
C. United Nations Conventions, UN Human Rights Committee, and the UN Committee on the Elimination of Discrimination Against Women.....	102-142	102-24
1. The Conventions	102-142	—
2. Cases	102-145	102-24
a. UN Human Rights Committee	102-145	102-24
b. Committee on the Elimination of Discrimination Against Women [Substitute Text].....	—	102-26
c. Other United Nations Bodies in the Human Rights Field	102-147	102-26
VI. International Human Rights in Domestic Law: Incorporation, Interpretation, and Trade Conditionality	102-150	102-28
VII. Private Ordering Linkages Between Human Rights and Conditions of Employment.....	102-156	102-29
A. Corporate Codes	102-157	102-29
B. Trade Group Promotion of Corporate Social Responsibility and Best Practices Guidelines of the OECD and United Nations.....	102-158	—
C. International Framework Agreements	102-161	—

Human Rights Law (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
D. The Role of Monitoring by Non-Governmental and Independent Organizations.....	102-161	—
E. Summary.....	102-161	—
VIII. Summary	102-162	—

INTERNATIONAL FRAMEWORK

AGREEMENTS [NEW CHAPTER].....	—	103-1
Introduction.....	—	103-1
I. Origins of International Framework Agreements	—	103-2
II. IFAs and Corporate Codes of Conduct.....	—	103-8
III. Content and Characteristics of IFAs	—	103-9
A. Model Agreements.....	—	103-9
B. Patterns in IFA Coverage and Content...	—	103-11
1. Signatories and Scope of Coverage	—	103-11
2. Labor Standards	—	103-14
3. Enforcement.....	—	103-21
IV. IFAs in Practice.....	—	103-23
A. Europe.....	—	103-23
B. United States and Canada.....	—	103-24
1. Differences Between National Law and International Labor Standards [New Topic]	—	103-24
2. Experience with IFAs [New Topic].....	—	103-24
a. <i>The Novotel Canada</i> Experience [Renumbered Heading]	—	103-25
b. <i>The H&M</i> Experience [Renumbered Heading]	—	103-26
c. <i>The IKEA</i> Experience [Renumbered Heading]	—	103-27
4. <i>Damler</i> [Renumbered Heading]	—	103-28
C. Latin America.....	—	103-30

	<i>Main Volume</i>	<i>Supple- ment</i>
BIBLIOGRAPHY (IA)	Z-IA-1	—
Introduction.....	Z-IA-1	—
A. Labor Law Encyclopedia & Dictionaries.....	Z-IA-2	—
Encyclopedia	Z-IA-2	—
Dictionaries.....	Z-IA-3	—
B. National Labor Law.....	Z-IA-4	—
Constitutions.....	Z-IA-4	—
Legislation	Z-IA-5	—
Case Law	Z-IA-7	—
C. Comparative Labor Law Resources.....	Z-IA-7	—
D. Select Online Labor Law Research Resources.....	Z-IA-9	—
E. Foreign & International Legal Research	Z-IA-11	—
The European Union.....	Z-IA-12	—
A. Primary Sources in English	Z-IA-12	—
Legislation & Case Law	Z-IA-13	—
B. General Secondary Materials	Z-IA-13	—
Books	Z-IA-13	—
Book Chapters	Z-IA-13	—
C. Additional Materials.....	Z-IA-14	—
Books	Z-IA-14	—
Journal	Z-IA-17	—
Articles & Book Chapters	Z-IA-17	—
Belgium.....	Z-IA-30	—
A. Primary Sources in English	Z-IA-30	—
Legislation	Z-IA-31	—
B. General Secondary Materials	Z-IA-31	—
Books	Z-IA-31	—
Book Chapters	Z-IA-31	—
C. Additional Materials.....	Z-IA-32	—
Book	Z-IA-32	—
Articles & Book Chapters	Z-IA-32	—
France.....	Z-IA-36	—
A. Primary Sources in English	Z-IA-36	—
Legislation	Z-IA-36	—
B. General Secondary Materials	Z-IA-36	—
Books	Z-IA-36	—

Bibliography (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
Book Chapters	Z-IA-37	—
C. Additional Materials	Z-IA-37	—
Books	Z-IA-37	—
Articles & Book Chapters	Z-IA-38	—
Germany	Z-IA-44	—
A. Primary Sources in English	Z-IA-44	—
Legislation	Z-IA-44	—
B. General Secondary Materials	Z-IA-45	—
Books	Z-IA-45	—
Book Chapters	Z-IA-45	—
C. Additional Materials	Z-IA-46	—
Books	Z-IA-46	—
Articles & Book Chapters	Z-IA-46	—
Italy	Z-IA-56	—
A. Primary Sources in English	Z-IA-56	—
Legislation	Z-IA-57	—
B. General Secondary Materials	Z-IA-57	—
Books	Z-IA-57	—
Book Chapters	Z-IA-57	—
C. Additional Materials	Z-IA-58	—
Book	Z-IA-58	—
Articles & Book Chapters	Z-IA-58	—
Spain	Z-IA-64	—
A. Primary Sources in English	Z-IA-64	—
Legislation	Z-IA-64	—
B. General Secondary Materials	Z-IA-65	—
Books	Z-IA-65	—
Book Chapters	Z-IA-65	—
C. Additional Materials	Z-IA-65	—
Journal	Z-IA-65	—
Articles & Book Chapters	Z-IA-66	—
United Kingdom.....	Z-IA-69	—
A. Primary Sources in English	Z-IA-69	—
Legislation	Z-IA-70	—
Case Law	Z-IA-70	—
B. General Secondary Materials	Z-IA-70	—
Books	Z-IA-70	—
Book Chapters	Z-IA-71	—
C. Additional Materials	Z-IA-72	—
Journal	Z-IA-72	—

*Main
Volume* *Supple-
ment*

Part 2. NAFTA/NAALC and Member Countries

Africa

South Africa.....	Z-IA-72	—
A. Primary Sources in English	Z-IA-72	—
Legislation	Z-IA-73	—
Case Law	Z-IA-73	—
B. General Secondary Materials	Z-IA-73	—
Books	Z-IA-73	—
Book Chapters	Z-IA-74	—
C. Additional Materials.....	Z-IA-74	—
Journal	Z-IA-75	—

Asia

China.....	Z-IA-75	—
A. Primary Sources in English	Z-IA-75	—
Legislation	Z-IA-75	—
B. General Secondary Materials	Z-IA-76	—
Books	Z-IA-76	—
Book Chapters	Z-IA-76	—
C. Additional Materials.....	Z-IA-77	—
Books	Z-IA-77	—
Articles & Book Chapters	Z-IA-77	—
Hong Kong.....	Z-IA-83	—
A. Primary Sources in English	Z-IA-83	—
Legislation	Z-IA-84	—
B. General Secondary Materials	Z-IA-84	—
Books	Z-IA-84	—
Book Chapters	Z-IA-84	—
C. Additional Materials.....	Z-IA-85	—
Books	Z-IA-85	—
Articles & Book Chapters	Z-IA-85	—
Japan	Z-IA-87	—
A. Primary Sources in English	Z-IA-87	—
Legislation	Z-IA-87	—
B. General Secondary Materials	Z-IA-88	—
Books	Z-IA-88	—
Book Chapters	Z-IA-88	—
C. Additional Materials.....	Z-IA-88	—

Bibliography (IA)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
Books	Z-IA-88	—
Journal	Z-IA-89	—
Articles & Book Chapters	Z-IA-89	—

South America

Brazil.....	Z-IA-94	—
A. Primary Sources in English	Z-IA-94	—
B. General Secondary Materials	Z-IA-95	—
Book Chapters	Z-IA-95	—
C. Additional Materials.....	Z-IA-95	—
Book	Z-IA-95	—
Articles & Book Chapters	Z-IA-95	—

BIBLIOGRAPHY (IB)	Z-IB-1	—
Introduction.....	Z-IB-1	—
A. Labor Law Encyclopedia & Dictionaries.....	Z-IB-2	—
Encyclopedia	Z-IB-2	—
Dictionaries.....	Z-IB-3	—
B. National Labor Law.....	Z-IB-4	—
Constitutions.....	Z-IB-4	—
Legislation	Z-IB-5	—
Case Law	Z-IB-7	—
C. Comparative Labor Law Resources.....	Z-IB-7	—
D. Select Online Labor Law Research Resources.....	Z-IB-9	—
E. Foreign & International Legal Research	Z-IB-11	—

Part 2. NAFTA/NAALC and Member Countries

NAFTA/NAALC	Z-IB-12	—
A. Primary Sources in English.....	Z-IB-12	—
B. General Secondary Materials	Z-IB-13	—
Book Chapters	Z-IB-13	—
C. Additional Materials	Z-IB-14	—
Books	Z-IB-14	—
Articles & Book Chapters	Z-IB-14	—
Canada.....	Z-IB-18	—

	<i>Main Volume</i>	<i>Supple- ment</i>
A. Primary Sources in English.....	Z-IB-18	—
Legislation	Z-IB-19	—
Case Law	Z-IB-19	—
B. General Secondary Materials	Z-IB-20	—
Books	Z-IB-20	—
Book Chapters	Z-IB-20	—
C. Additional Materials	Z-IB-21	—
Journal	Z-IB-21	—
Mexico	Z-IB-21	—
A. Primary Sources in English.....	Z-IB-21	—
B. General Secondary Materials	Z-IB-22	—
Books	Z-IB-22	—
Book Chapters	Z-IB-22	—
C. Additional Materials	Z-IB-23	—
Books	Z-IB-23	—
Articles & Book Chapters	Z-IB-23	—
United States	Z-IB-26	—
A. Primary Sources in English.....	Z-IB-26	—
Legislation & Case Law	Z-IB-27	—
Material Available Through Bloomberg BNA.....	Z-IB-27	—
Section of Labor and Employment Law, American Bar Association.....	Z-IB-28	—
Section of Labor and Employment Law	Z-IB-28	—
B. General Secondary Materials	Z-IB-28	—
Books	Z-IB-28	—
Book Chapters & Articles	Z-IB-29	—
C. Additional Materials	Z-IB-30	—
Journals.....	Z-IB-30	—

Part 5. International Organizations

The International Labour Organization	Z-IB-30	—
B. General Secondary Materials	Z-IB-33	—
Books	Z-IB-33	—
C. Additional Materials	Z-IB-34	—
Books	Z-IB-34	—
Articles & Book Chapters	Z-IB-35	—

Bibliography (IB)—contd.	<i>Main Volume</i>	<i>Supple- ment</i>
The Organisation for Economic Co-operation and Development (OECD)	Z-IB-44	—
A. Primary Sources in English	Z-IB-45	—
C. Additional Materials	Z-IB-45	—
Articles & Book Chapters	Z-IB-45	—
World Trade Organization	Z-IB-46	—
C. Additional Materials	Z-IB-46	—
Books	Z-IB-46	—
Articles & Book Chapters	Z-IB-46	—
 <i>Part 6. Issues for Multinational Corporations</i> 		
Corporate Codes of Conduct on Labor Standards ...	Z-IB-48	—
C. Additional Materials	Z-IB-48	—
Books	Z-IB-48	—
Articles & Book Chapters	Z-IB-49	—