

ECIJA

MAYO 2024

HR Horizon Scanner

Austria

Compulsory provision of written information to all employees on day 1

What?

A service sheet containing additional mandatory information must be provided to all new employees on day one of their employment unless the required information is contained in the written employment contract.

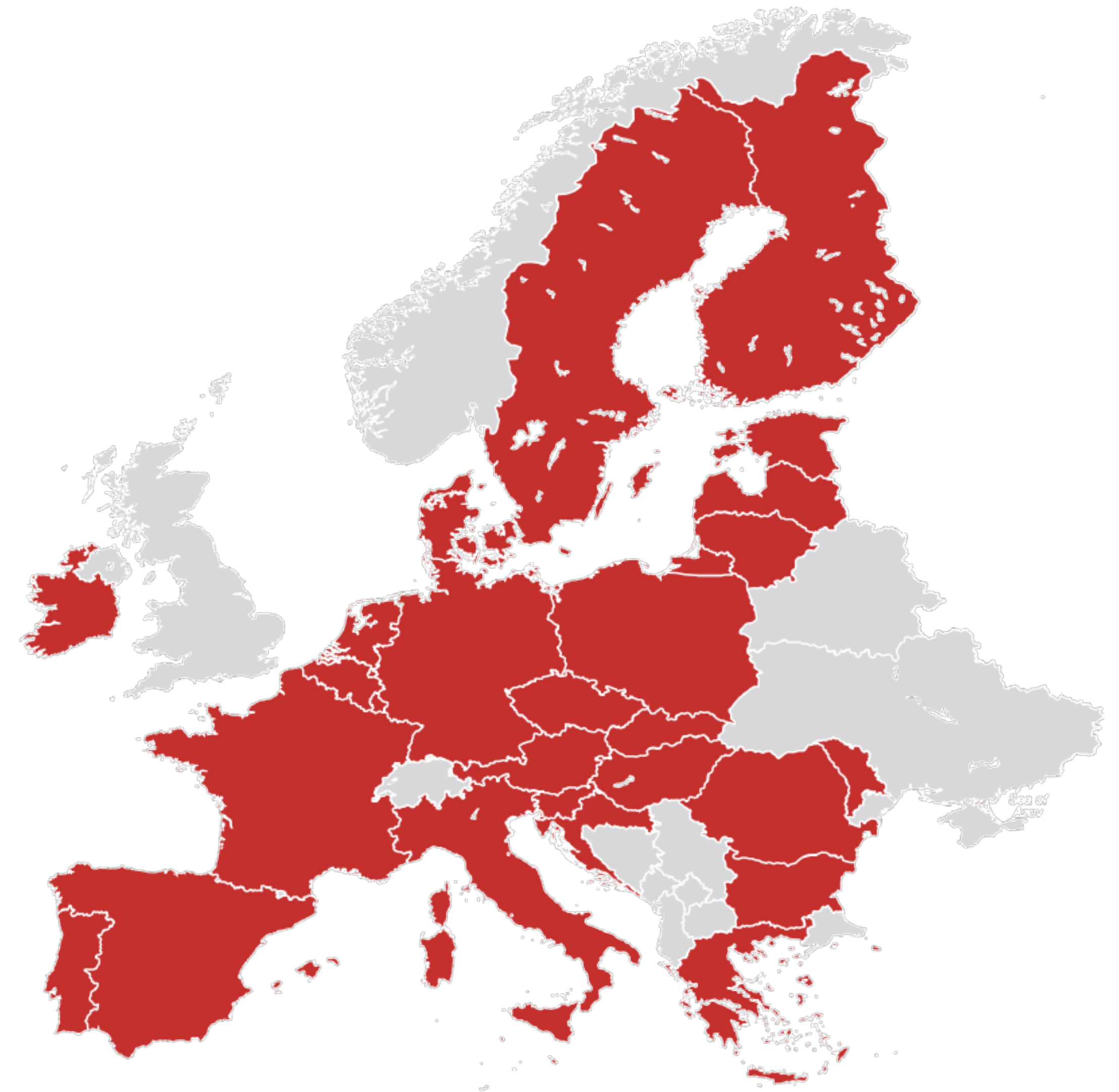
When?

Employment relationships entered on and after 28 March 2024. Documents do not need to be provided to existing staff.

So what?

If the employer fails to comply with the new regulation fines of EUR100 – EUR2,000 may be imposed. Additionally, employees enjoy a stricter prohibition of unfavourable treatment, protection against dismissal and a right to request written justification following a dismissal in connection to the service sheet.

[Find out more](#)



Austria

Multiple employment is now a statutory right of employees

What?

Employers can no longer simply prohibit all second jobs, but rather only certain second employment of employees, as people are legally entitled to undertake multiple employment under Austrian law.

When?

The changes took effect on 28 March 2024. They are also applicable for employment relationships entered into before that date.

So what?

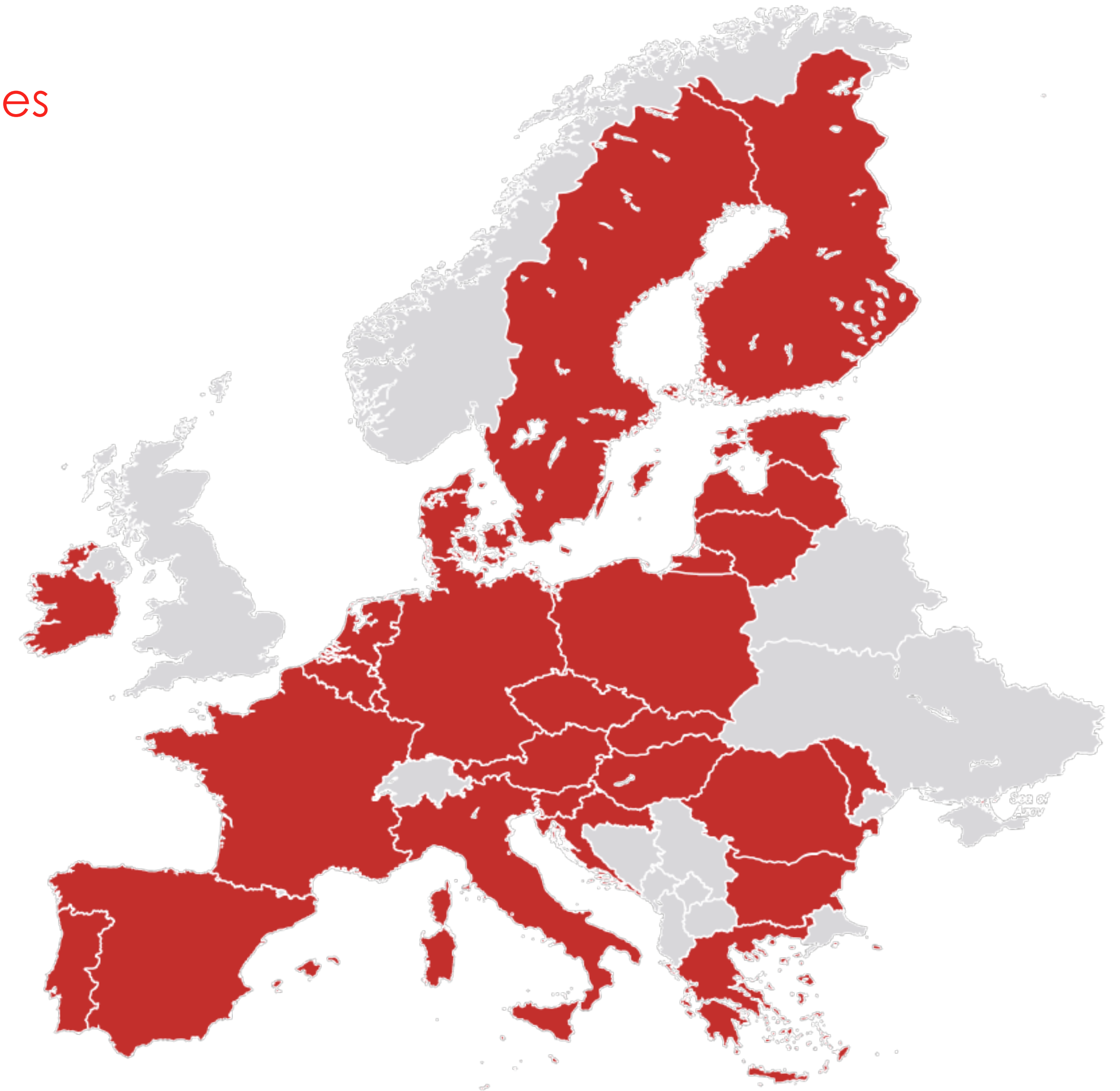
Standard contract clauses prohibiting any kind of second employment are not in accordance with the law; the employer may only object if:

- the statutory maximum working time limits are not complied with;
- there is an unfavourable impact on the employer's business (e.g. absence of adequate performance); or
- the statutory non-competition clause for white-collar workers is impaired.

You may wish to review "exclusive service" requirements of any Austrian staff or consider the impact on partners' business models.

[Find out more](#)

Private and confidential



Austria

Work-related training counts as working time and the employer has to pay for it

What?

Training measures, which are a requirement for the employment according to statutory regulations, collective standards, or individual employment contracts, are to be paid by the employer and count as working time.

When?

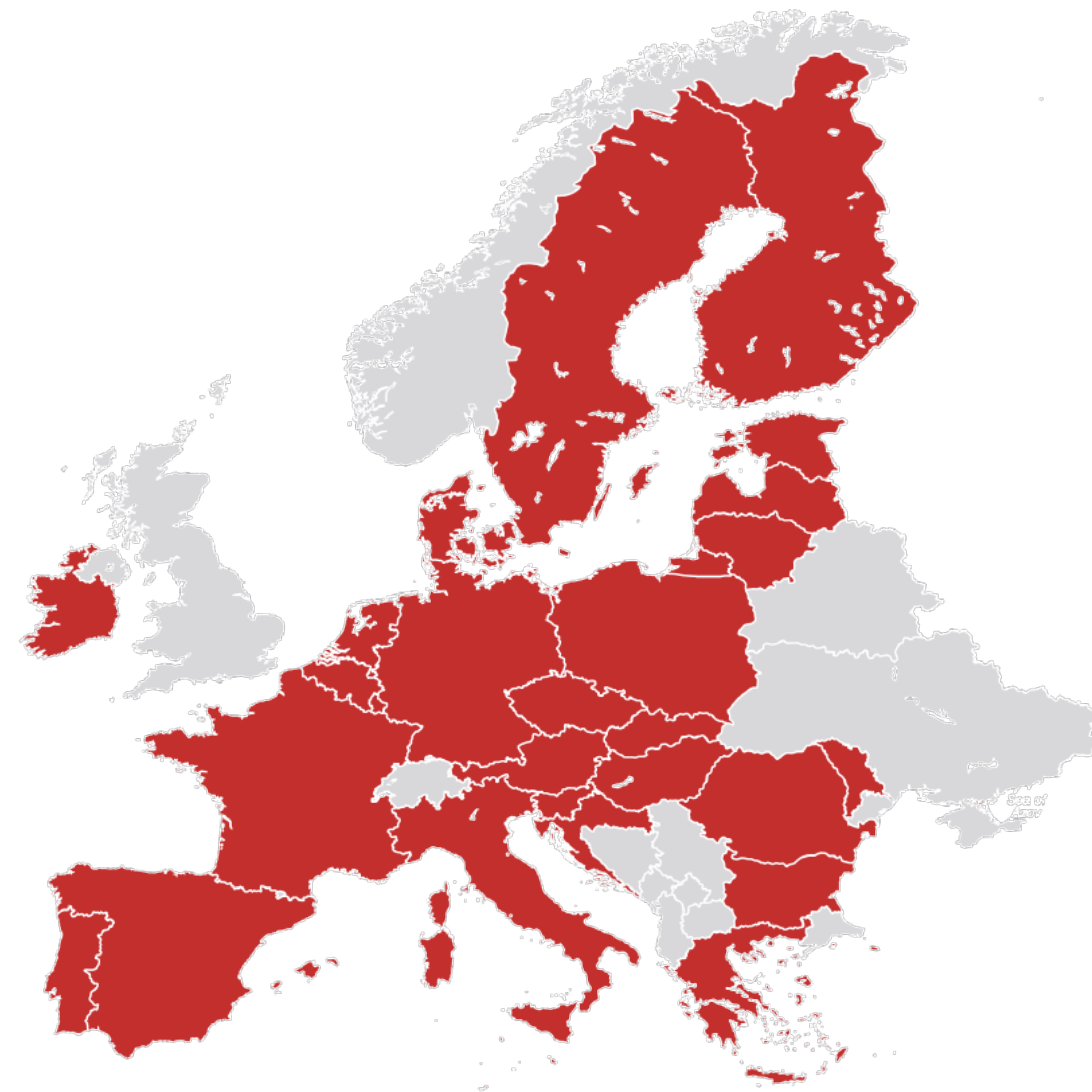
The changes took effect on 28 March 2024; however, they might be applicable to employment relationships entered into before that date depending on the individual case.

So what?

The costs of training necessary for a job are to be covered by the employer unless they are borne by a third party. The time spent at training counts as regular working time and misclassifying training could lead to violations of employee's rights. Additionally, employees enjoy a stricter prohibition of unfavourable treatment, protection against dismissal and a right to request written justification following a dismissal for this reason.

[Find out more](#)

Private and confidential



Belgium

The Federal Learning Account is now online: a tool to manage employee training

What?

The Federal Learning Account (FLA) is a new online tool in which employers register training rights and training for their employees. Employers have until 1 December 2024 to make the registrations.

When?

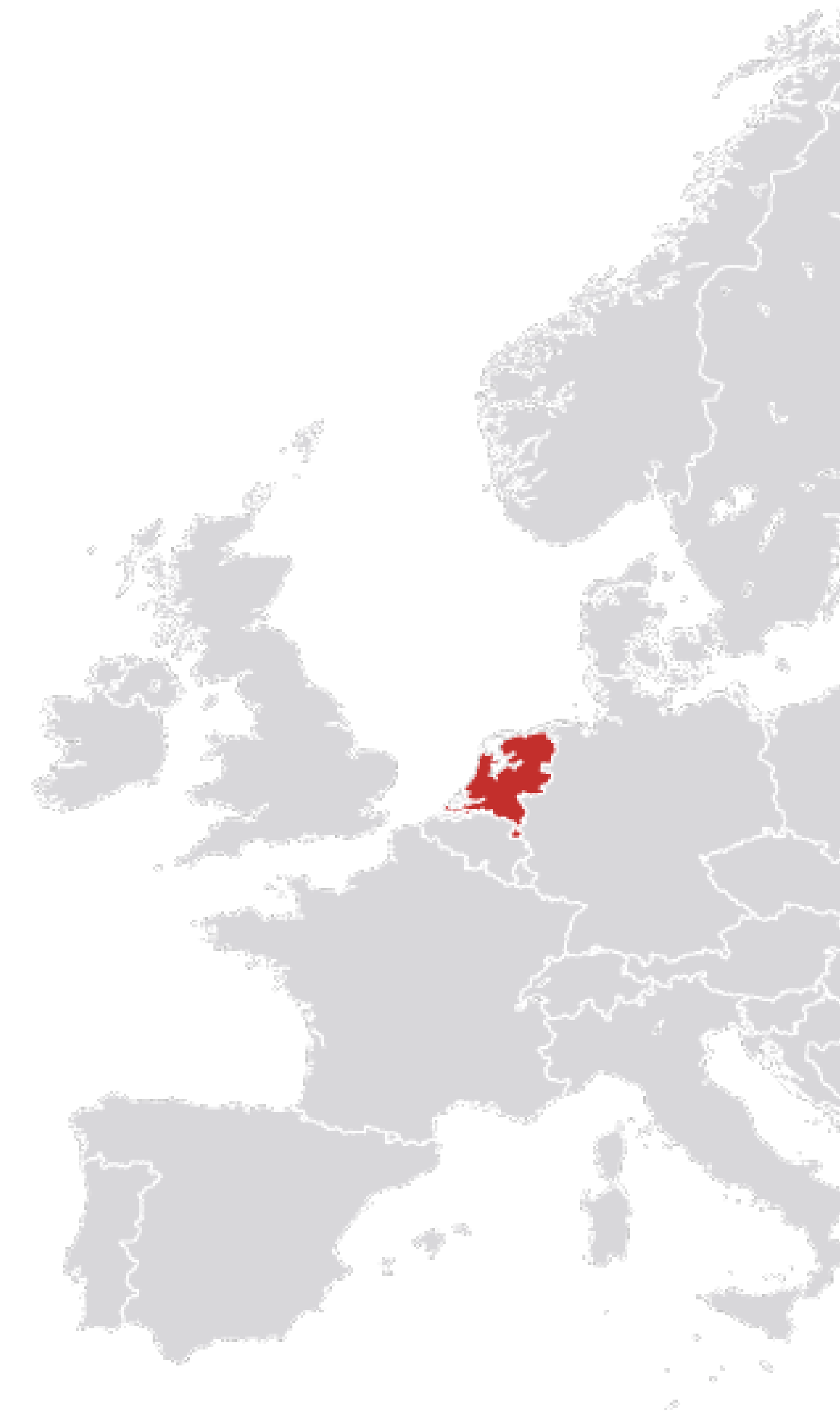
From 1 April 2024.

So what?

Employees will be able to track their training rights in a digital individual training account, which will gradually evolve into a central training hub where they can find all their training and diplomas. By formalising training rights, employees may feel more valued and invested in. This could lead to increased employee engagement, retention, and attraction of talent. The number of days of training to which employees are entitled depends on the size of the company and any agreements made in collective agreements or at company level.

[Find out more](#)

Private and confidential



Belgium

New obligation for employer claiming medical force majeure

What?

When an employee is permanently unfit to perform the work agreed in the employment contract, medical force majeure can be invoked to terminate the employment contract.

When?

From 1 April 2024.

So what?

If the employer invokes medical force majeure to terminate an employee's employment contract, the employer must pay a contribution of EUR1,800 to a 'Back to Work Fund'. This is a funding system for purchasing specialised customised services such as career guidance or personalised coaching, for those who have been recognised as unfit for work and whose employment contract has been terminated by the employer due to medical force majeure.

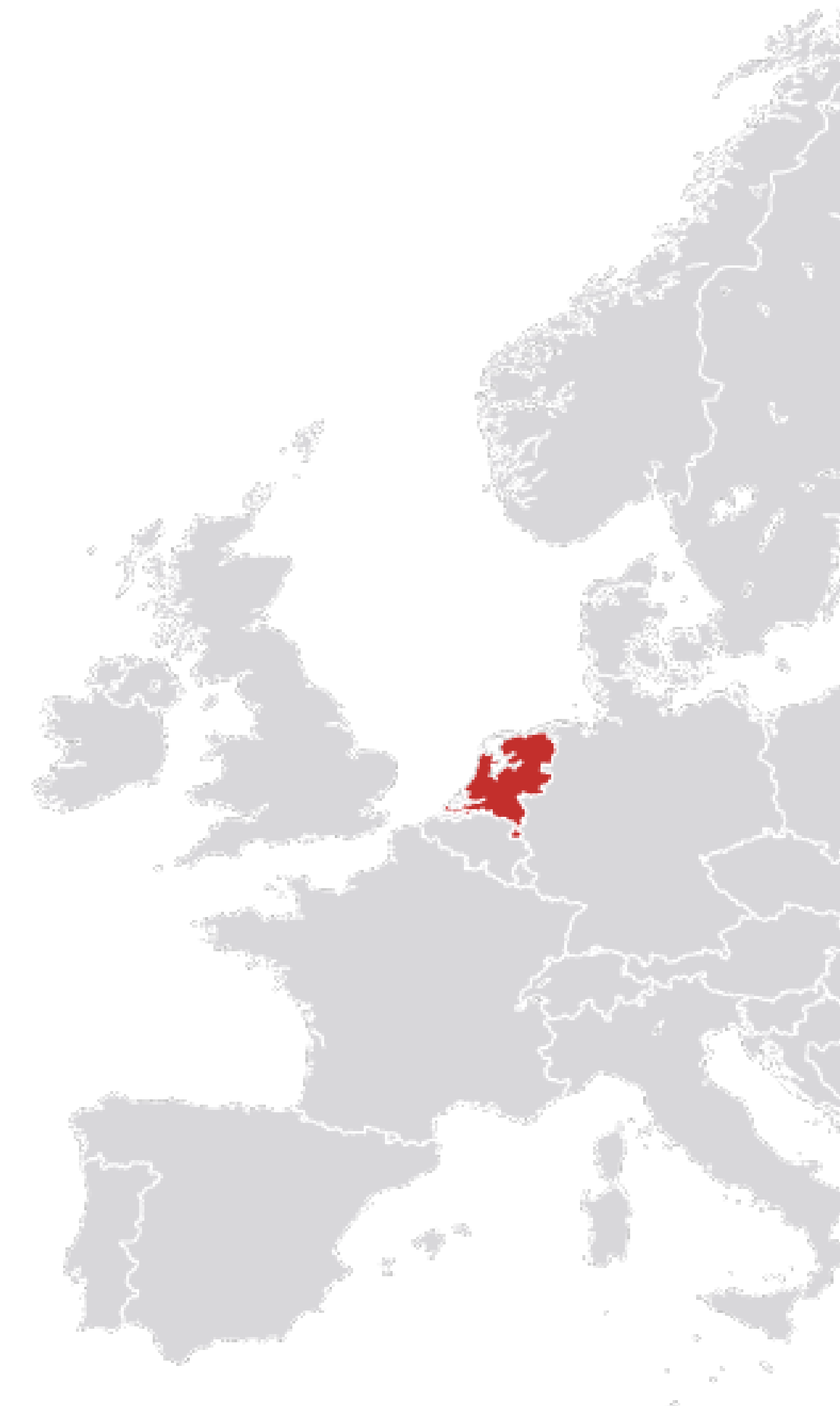
Specifically, the employer who claims medical force majeure within a period of 45 calendar days after the employment contract was terminated must:

- notify the TNW Fund of the identification details of both the employer and the employee concerned; and
 - pay the contribution of EUR1,800 to the TNW Fund.
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The employer will be able to make this notification by electronic (or paper) form and will then receive an invitation from the TNW fund to pay.

[Find out more](#)

Private and confidential



Spain

Can an employee be forced to activate their webcam in a work video call?

What?

We naturally connect our webcam for meetings with customers, suppliers, or co-workers, but at other times, and for different reasons, we deactivate the camera and use only the microphone. In this scenario, it is important to ask whether the company could force its employees to activate the webcam during work video calls, and, if so, whether this company decision could be violating any fundamental rights of the employee.

When?

Currently happening.

So what?

An employer's obligation to keep on the webcam of corporate equipment owned by the Company, even if only for telematic work meetings, affects the fundamental rights of employees. Thus, requiring a prior analysis of the intended measure, to verify compliance with the principle of proportionality and minimum intervention (Barbulescu Test) set forth in the doctrine of the Supreme and Constitutional Courts. In this regard, all measures that affect or may affect fundamental rights must be suitable, necessary, and proportional. So, the maintenance of the webcam may be appropriate when it is an intrinsic function of the job. You may need to check this point if employee's object.

[Find out more](#)

Private and confidential



Spain

The case of Alba Renai: can an employee be dismissed so that a robot can take their place?

What?

Alba Renai is a virtual influencer created by artificial intelligence who has been working as a presenter on a weekly special segment of "Survivor". This has opened the debate on whether machines will really end up taking over the labour market.

When?

Debut on 7 March 2024.

So what?

Spanish legislation allows a company to dismiss its employees and replace them with robots if the cause is due to justified technical or technological issues. In the dismissal letter, the company must state the reasons for the decision and explain in detail the reasons for the changes within the company. For a court or tribunal to declare the dismissal as valid, the company must prove the robotization has helped improve quality, reduce work times, increase productivity and that it is not necessary to have some employees in the company. Therefore, consider on the basis of objective reasons of a technical nature, whether the automation of certain processes would allow for competitiveness to be enhanced and results to be improved.

[Find out more](#)

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Spain

The reform of unfair dismissal proposed by the European Committee of Social Rights will modify the Workers' Statute

What?

A resolution of the European Committee of Social Rights has been published which considers the compensation for unfair dismissal set at 33 days per year worked does not always comply with the principle of compensation established by the European Social Charter and Convention 158 of the International Labour Organization.

When?

It is not yet known when changes will be made.

So what?

Spanish legislation does not comply with the European Social Charter regarding severance pay as a severance payment of 33 days per year of service does not necessarily cover the damage that the dismissal may cause. We will keep under review any changes in Spanish law as a result.

[Find out more](#)

Private and confidential



UK

New rules around flexible working requests

What?

Employees will be entitled to submit flexible working requests from their first day of employment. This marks a departure from the previous rule that required employees to complete 26 weeks of service prior to making such a request, which was limited to one per year, now employees can make two requests in any 12-month period.

When?

6 April 2024 onwards.

So what?

Amend staff communications and raise awareness in HR that more frequent requests may arise. Employers must promptly consult with their employees regarding such requests and provide a decision within a 2-month period from receipt. The criteria for declining a flexible working request shall remain unchanged.

[Find out more](#)

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UK

Changes to holiday pay

What?

Under the new regulations, holiday entitlement for part-year workers (employees who have at least one week per year where they do not work and are not paid) and irregular hours workers (whose paid hours of work in each pay period are wholly or mainly variable) will be calculated at a rate of 12.07% of the actual hours worked in a given pay period.

When?

These changes can be applied from holiday years starting on or after 1 April 2024.

So what?

You are presented with two options for managing holiday remuneration:

- **Holiday Pay on Taking Leave:** Employers may opt to provide holiday pay during the time when employees take their scheduled leave.
- **Rolled-Up Holiday Pay:** Alternatively, employers can choose to incorporate an additional monetary amount into regular wages that equates to the accrued holiday pay for that period, based on 12.07% of the wages earned in that timeframe. This amount should be distinctly itemised on the employee's payslip. While employees retain their right to take leave, any time off taken under this arrangement would not be compensated as they would have already received their holiday pay upfront.

Consider whether payroll needs amending.

[Find out more](#)

Private and confidential



UK

UK-EU relationship: European Commission proposes opening negotiations to facilitate youth mobility

What?

In 2023, the UK initiated negotiations with several individual EU states for bilateral youth mobility schemes. This approach could lead to a varied landscape of agreements, causing inconsistent experiences for young individuals from different EU countries. To address this issue and ensure uniformity, the Commission is advocating for a common EU-wide framework governing youth mobility between the EU and the UK.

When?

The Commission's recommendation will be discussed in Council. If the Council consents, the Commission will have the authority to commence negotiations with the UK.

So what?

Be aware that the prospective EU-UK youth mobility agreement would facilitate easier movement of young people between the EU and UK for internships and broaden the pool of potential employees, allowing the HR department to tap into a diverse set of skills and languages which can be particularly beneficial in customer-facing roles.

[Find out more](#)

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