

ADVANT Pulse

Your Labour & Employment News

Issue N°3 - December 2022

WELCOME

News concerning Labor and Employment Law remains particularly intense in Germany, Italy and France at the end of 2022. In addition to « classic » topics inherent to Labor relations and Litigation, the

topics covered in the third edition of **ADVANT** Pulse reflect the legal treatment of the major societal issues common in the European Union, whether it be the inexorable rise of remote working, the fight against inflation or against discriminations. This confirms

once again the imperious need for major companies to benefit from strategic and innovative Legal assistance on the scale of our continent, which the Member Firms of the L&E Practice Group of **ADVANT** provide to all their clients. Enjoy your reading!

IN FOCUS

Your top recent Labour & Employment articles from **ADVANT** member firms.



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THE VALUE-SHARING BONUS (“PRIME DE PARTAGE DE LA VALEUR”)

- **ADVANT** Altana

In December 2018, “with the aim of supporting the purchasing power of households” the Government decided to open to companies **the possibility of paying a bonus to employees** with a remuneration of less than 3 French minimum...

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EVIDENCE OF DISCRIMINATION IN THE WORKPLACE

- **ADVANT** Altana

The French Labor Code, inspired by European Union rules, requires the alleged victim of discrimination not to demonstrate the intention to discriminate but the appearance of discrimination.

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THE SCALE APPLICABLE TO COMPENSATION FOR UNFAIR DISMISSAL – “BARÈME MACRON”

- **ADVANT** Altana

Under French law, if a dismissal is without real and serious cause, the judges may either (i) propose the reinstatement of the employee in the company (very rare in practice),...

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SAME HOLIDAY PAY FOR ALL – ECJ STRENGTHENS THE RIGHTS OF TEMPORARY AGENCY WORKERS

- **ADVANT** Beiten

On 12 May 2022, the European Court of Justice (ECJ) handed down its preliminary ruling in a case involving two temporary agency workers in Portugal (Case No. C-426/20). They had been assigned to the user undertaking for two years...

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FEDERAL LABOUR COURT HOLDS COVID TEST REQUIREMENT IN THE WORKPLACE IS VALID

- **ADVANT** Beiten

The Federal Labour Court (Bundesarbeitsgericht, BAG) handed down its first judgment on workplace hygiene concepts and provided legal certainty for employers when adopting workplace regulations to protect against Corona risks.

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THE REVISED CORONAVIRUS OCCUPATION HEALTH AND SAFETY REGULATION IN A NUTSHELL

- **ADVANT** Beiten

On 31 August 2022, the Federal Cabinet adopted a new Occupational Health and Safety Regulation for Dealing with the SARS-CoV-2 Virus (Corona-ArbSchV).

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SPECTACULAR TURN OF EVENTS IN ERFURT: EMPLOYERS ARE NOW OBLIGED TO RECORD STAFF'S WORKING HOURS AFTER ALL

- **ADVANT** Beiten

It is safe to say that this is the most important decision of the year in labour law and a true surprise for the companies: the Federal Labour Court (BAG) made it clear that all employers are obliged to record the working hours of their..

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ONE OF A KIND: THE GERMAN SUPPLY CHAIN ACT

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The German Supply Chain Act (Lieferkettensorgfaltspflichtengesetz – LkSG) commences in 2023.

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REVIREMENT OF THE HIGH COURT ON WHEN THE PRESCRIPTION TO BRING CLAIMS AGAINST THE EMPLOYERS STARTS TO RUN

- **ADVANT** Nctm

In Italy, the economic rights of the employees are subject to prescription by the expiry of a 5 years period of time.

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THE EMPLOYEE'S RIGHT TO RECEIVE A DOUBLE SALARY

- **ADVANT** Nctm

The Supreme Court has definitively consolidated the principle expressed with Verdict 2990/2018 that ruled that ...

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REMOTE WORKING AND CAREGIVERS' RIGHTS: A BLURRED LINE BETWEEN A RIGHT OF THE EMPLOYEE AND A DECISION OF THE EMPLOYER

- **ADVANT** Nctm

With the legislative decree published in June 2022 (no. 105/2022), Italy has finally enacted the European Directive 2019/1158 on work-life balance for parents and caregivers.

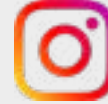
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