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## Brexit: Details of new immigration scheme revealed



The UK is to close its borders to unskilled workers and those who can't speak English as part of a fundamental overhaul of immigration laws designed to end the use of "cheap EU labour" by employers.

Publishing details of an "Australian-style" points system on Wednesday, the government said it is using a unique opportunity to take "full control" of British borders "for the first time in decades" and eliminate the "distortion" caused by EU freedom of movement.

The government intends to launch a "comprehensive" campaign to prepare employers for the transformation in January next year when EU citizens will be treated the same as other nationals.

A 10-page briefing document outlining the new immigration policy states:

- *UK borders will be closed to non-skilled workers, and all migrants will have to speak English.*
- *Anyone wanting to come to the UK to work must have a job offer with a salary threshold of £25,600 – though a salary "floor" of £20,480 will be acceptable in special cases where there might be a skills shortage, such as in nursing.*
- *There will be no route for self-employed people coming into the UK, spelling the end to, for example, Polish plumbers or Romanian builders arriving without a job.*
- *Border control will no longer accept ID cards from countries such as France and Italy. This, it is understood, is an attempt to clamp down on non-EU workers beating the system with forged or stolen ID cards.*

- *The skills threshold for foreign nationals wanting to work in the UK will be lowered from degree to A-levels or their equivalent. The cap on the numbers of skilled workers is being scrapped – and a small number of highly skilled workers will be allowed to come in without a job.*
- *The right of artists, entertainers, sports people and musicians to enter for performances, competitions and auditions will be retained.*

The new policy drew immediate criticism from employers, particularly over the addition of waiters, waitresses and “elementary” agriculture and fishery workers to the list of low-skilled workers. Tom Hadley, director of policy at the Recruitment and Employment Confederation, said: “Jobs the government considers ‘low-skilled’ are vital to wellbeing and business growth. The announcement threatens to shut out the people we need to provide services the public rely on. We need access to workers that can help us look after the elderly, build homes and keep the economy strong.”

The Confederation of British Industry director general Carolyn Fairbairn said the removal of the cap on the number of skilled workers was “welcome”, but she warned that in “some sectors, firms would be left wondering how they would recruit the people needed to run their businesses. With already low unemployment, firms in care, construction, hospitality, food and drink could be most affected,” she said.

With its 80-strong majority, the government can deliver on its new policy with an immigration bill expected to ease through parliament in the coming months. “UK businesses will need to adapt and adjust to the end of free movement, and we will not seek to recreate the outcomes from free movement within the points-based system,” said the government in a briefing paper. It also said that employers would have to work harder to recruit and retain British staff.

“It is important that employers move away from a reliance on the UK’s immigration system as an alternative to investment in staff retention, productivity, and wider investment in technology and automation,” the briefing paper added.

*The government’s policy paper can be found [here](#)*

*For a comment on the proposals see this [Twitter thread](#) by Prof PJ Cardwell : [twitter.com/Cardwell\\_PJ](https://twitter.com/Cardwell_PJ)*

## UNI Global: recognition success at VEON’s Banglalink?

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**Robbie Gilbert writes:** UNI Global is claiming success in achieving recognition for enterprise union BLEU in Dutch telecoms giant VEON’s Bangladesh subsidiary. The Swiss-based international union with its roots in the communications sector marked its 20<sup>th</sup> anniversary last month. It has been active in Bangladesh since before the 2013 Rana Plaza tragedy that drew public attention to conditions in the garment sector there.

UNI used the National Contact Point (NCP) procedures, linked to the OECD Guidelines for Multinational Enterprises, to put pressure on the company. Back in July 2016, the union raised a ‘specific instance’ with the Netherlands NCP, based in the Government’s Foreign Office. UNI Global accused VEON (then called VimpelCom) of “serious violations of workers’ human and labour rights, as well as of international Labor standards,” as codified in ILO Conventions.

UNI sought recognition of BLEU by VEON’s Banglalink subsidiary for collective bargaining purposes on the one hand; and a negotiated global settlement between VEON and UNI on the other, “to prevent similar violations elsewhere.”

## What has *actually* been achieved

A number of points remain unclear about what has actually been achieved, and why.

The Dutch NCP, to whom the case had been referred, was unable to promote a mediated settlement on UNI's complaint. VEON maintained that it was committed to working with legitimate, representative unions wherever it operates; but BLEU had not been able to obtain registration as a trade union in accordance with Bangladeshi law.

VEON argued that the NCP should not ask the company to enter into mediated discussions or negotiations with BLEU or UNI as that was "likely to constitute a potential infringement of Bangladeshi law and would be in direct contravention of the MNE Guidelines." Cooperation with the NCP process, including mediation, is voluntary. In the circumstances, the Netherlands NCP was only able to issue a 'final statement'. This made 6 'recommendations' to VEON, all tending to favour union recognition, and the NCP promised to follow up on these after 12 months.



However, just before the NCP's statement emerged, it seems that the Bangladeshi authorities finally registered BLEU as a trade union. Possibly this was influenced by the upcoming report from the OECD NCP. Other factors, however, may have been in play. The ILO had held a centennial meeting in Dhaka at the end of November, promoting adherence to its Conventions, not least those dealing with collective representation. Ursula Burns (pictured), however, Chairman and outgoing CEO of VEON, the parent company of Banglalink, arrived for her first visit to Dhaka on January 21, and had meetings with various stakeholders during her 2 days there. It is possible the union issues were raised then.

Or it might simply have been that objections to the validity of BLEU's claim to having the 30% membership that is necessary for official registration as a trade union in Bangladesh had been resolved.

In their press statement, and despite a headline that speaks of winning 'recognition', UNI claims no more than that the workers had won registration for BLEU as a union from the Bangladeshi Government. General Secretary Christy Hoffman concedes, "the fight is not over." She then adds that "Banglalink workers should not have to wait another four years to have a fair collective agreement." Which tends to suggest that UNI Global does not believe they have yet achieved their recognition objectives.

## Global: New study finds slavery is not a crime in 94 countries

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Slavery is not a crime in almost half the countries in the world, a study of global laws says, urging states to close legal loopholes that allow abusers to escape punishment. Many countries lack laws that directly criminalise and punish exerting ownership or control over another person, according to the *Antislavery in Domestic Legislation* database launched at the United Nations headquarters in New York.

"Slavery is far from being illegal everywhere and we hope our research will move the conversation beyond this popular myth," said Katarina Schwarz, a researcher at the University of Nottingham's Rights Lab, which led work on the slavery database.

"It will surprise many people to learn that in all of these countries there are no criminal laws in place to prosecute, convict and punish people for subjecting people to the most extreme forms of exploitation."

More than 40 million people are held in modern slavery, which includes forced labour and forced marriage, according to estimates by the International Labour Organisation and the anti-slavery group the Walk Free Foundation.

But although historical laws that once allowed slavery have been deleted worldwide, researchers for the database said that many of the 193 UN member states have not gone on to explicitly criminalise slavery and other exploitation.

There is no criminal law against slavery in 94 countries - almost half of UN states - said researchers at Rights Lab, which reviewed the study's findings with the Castan Centre for Human Rights Law at Monash University in Australia.

It concluded that almost two-thirds of countries apparently failed to criminalise any of the main four practices associated with slavery - serfdom, debt bondage, forced marriage and child trafficking - except in the context of human trafficking.

## Spain: Court says workers can have pay deducted for smoking breaks

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Spain's high court has ruled in favour of an energy company that stopped paying employees who took time out to smoke. Galp says it was implementing Spanish law when it began deducting time spent off premises from employees' working days, and the Lisbon headquartered company also includes a quick coffee break or breakfast with a colleague in its policy.

Recent changes to Spanish law require employers to record staff entrances and departures from the workplace, and this recording of when employees leave and enter the office allows companies to calculate how much time workers are spending on the job. The trade union that brought the case to court plans to appeal the decision. Workers in Spain put in more hours annually than most Europeans, with the exception of Italy and Portugal. In 2018, an employer in Spain could expect their employees to work 1,701 hours, compared to 1,363 in Germany or 1,538 in the UK.

Full story Here: [www.bbc.com/news](http://www.bbc.com/news)

## US: New Senate Privacy Bill targets employment data

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Gillibrand

**[Daniel Chasen](#) of HR Policy writes:** Senator Kirsten Gillibrand (D-NY) unveiled a draft privacy measure that would establish a Data Protection Agency to aggressively regulate the processing of personal data, including “employment-related information.”

**Employment data in the crosshairs:** The [Data Protection Act of 2020](#) defines “personal data” as, among other things, “information such as employment status, employment history, or other professional or employment-related information.” Further, the Data Protection Agency would regulate “business practices that pertain to the eligibility of an individual for rights, benefits, or privileges in employment (including hiring, firing, promotion, demotion, and compensation).”

**The Data Protection Agency would have the authority to enforce federal privacy laws and issue regulations.** As part of its enforcement, the agency would be able to commence a civil action to seek “all appropriate legal and equitable relief including a permanent or temporary injunction as permitted by law.”

The agency “may require reports and conduct examinations” of any company with annual gross revenues exceeding \$25 million merely for the purposes of:

- “Obtaining information about activities subject to [federal data privacy laws] and the associated compliance systems or procedures” of such a company;
- “Detecting and assessing associated risks to individuals and groups of individuals”; and
- “Requiring and overseeing ex-ante impact assessments and ex-post outcome audits of high-risk data practices to advance fair and just data practices.”

**The measure would not pre-empt state laws.** If passed, companies would have to additionally comply with any state or local privacy law, such as the California Consumer Privacy Act.

**The scoop:** The measure has not yet been introduced, and it is not clear whether it will receive any support. Regardless, its mere introduction highlights the vulnerability of employment data to being swept up into the intensifying efforts to regulate consumer data, where a stronger case for regulation has been made.

## UK/ECHR: Defeat in data case may trigger pressure to quit ECtHR

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Last week, the [Financial Times](#) reported on the loss of high-profile case by the UK at the European Court of Human Rights. The report suggests that the loss could embolden those in Boris Johnson’s Conservative party who want to pull out of the Strasbourg judicial body as a follow-up to Brexit.

The European Court of Human Rights (ECtHR) is distinct and separate from the EU’s European Court of Justice (ECJ/CJEU). The ECtHR is an international court under the aegis of [the Council of Europe](#) which was founded in 1949 and has 47 member states. The Court was established by European Convention on Human Rights and hears cases where a member state is accused of breaching the human, civil and political rights set out in the convention. The seven-judge panel ruled unanimously against the UK and supported the claim that police in Northern Ireland had breached the privacy of a convicted drink driver whose DNA profile, fingerprints and photograph were stored indefinitely without proper safeguards.

According to the FT a range of senior conservatives, as well as Mr Johnson’s chief adviser, Dominic Cummings, have called for the UK to quit the Court. Belarus is the only European non-member. In a March 2018 blogpost Cummings said: “We’re leaving the EU next March. Then we’ll be coming for the ECHR referendum and we’ll win that by more than 52-48.” The December 2019 Conservative manifesto called for an “update” of the Human Rights Act, while Boris Johnson has pledged to conduct a sweeping review of the constitutional relationship between government and courts.

A withdrawal could have a knock-on effect on talks on the post-Brexit relationship with the EU as many in Brussels see the protections the ECHR court offer as essential for the UK to be seen as a trusted partner in future police and judicial cooperation.

## Gig Economy: App-Based drivers launch new global network

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“Global labour solidarity” may not be dead, argues [Bama Athreya](#) and says that “... governments and consumers will have much to gain if labour power can provide a check on the runaway predatory business model that platform companies have exported around the world.” [Read her comment here](#)



## China: Coronavirus - to work or not to work

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[Aret Van Heerden](#) writes: Starting on December 8, 2019, reports of a strange new respiratory infection started filtering out of Wuhan, Hubei Province, in China. For the next month information about the virus was suppressed, misinterpreted or so inadequate as to make effective planning and preparation difficult.

The timing could not have been worse. The annual spring festival meant people were gearing up to take literally billions of trips with the potential to spread the virus. Could they have been stopped? Probably not, but the uncertainty over the nature of the virus resulted in the inevitable. The virus was spread, and the authorities had to take drastic action to contain it. Some 20 cities representing 80% of GDP and 90% of exports were effectively locked down. The authorities were not taking any chances.

Economically, the stakes are huge. China is the world largest trading nation and many industrial sectors depend on it as a supplier, and increasingly, as a market.

The supply chain disruptions are scary. From screens to sneakers, active pharmaceutical ingredients to auto parts, China is a critical link in the value chain. The knock-on effects are slowly being understood. Commentators were hoping that factories would be able to restart on Feb 5, then Feb 11, and now maybe Feb 19, but our research tells us that the situation is a lot more complicated than that. WHO chief Tedros Adhanom Ghebreyesus told reporters on Feb 11 that the world must “wake up and consider this enemy virus as public enemy number one” and South Korea is now taking of an “economic emergency”.

What research? We have been tracking ten social media platforms to capture the voices of all stakeholders - public authorities, companies, employees, local residents - and understand how they are experiencing the crisis. What have we learnt so far?

The Chinese health care system is seriously overstretched. There is a shortage of doctors, testing kits, protective equipment and other resources needed to manage the crisis. This makes the number of people infected very hard to estimate, and the 14-24 day incubation period means a lot of infected people may pass screening. Watching the struggles of frontline medical personnel trying to cope with the case load is humbling and inspiring at the same time, but it also raises concerns about how other countries will manage if the virus spreads.

The number of people infected in neighbouring countries, and around the world, is frankly unknown for the simple reason that they have no testing kits. Ethiopia, for example, has maintained its flights to and from China, and yet there is no lab in Ethiopia that could test for the infection. We will almost certainly see outbreaks in India, Indonesia, Russia, Thailand and Vietnam because of the people and product flowing between them and China, and if it reaches Africa one billion people could be at risk.

There are about 800 million Chinese trying to get back to work and this presents the real risk of **a second wave of infections**. Not everyone can work from home. Movement and human contact are the biggest risk factors and we are about to see mega amounts of both as people move back to the cities where they work.



Employers have a duty to provide a safe and healthy workplace, and the mechanics of doing that under these circumstances are daunting. Getting farms, mines, shops, offices and factories to comply with the necessary hygiene standards will be a huge challenge, and logistics providers will be particularly exposed.

Many workplaces have central air conditioning that could distribute the virus, while dormitories may have too little ventilation. Masks and gloves are uncomfortable, not always

effective, and temperature screening can be inaccurate. In addition, disposable PPE poses another risk of contamination if the waste is not properly handled.

The employee relations implications are starting to surface. Employees are wondering if they will be paid for the quarantine period, and many are worried that their employers will have to cut back. We have followed discussion forums in which production line workers complain of having to maintain normal production levels despite the inconvenience stemming from the new hygiene measures, while others protest at being prevented from leaving the factory site.

Chinese employees are in a very difficult position. People are saddened by the human cost of the epidemic, frustrated at being confined for weeks on end, insecure about losing income (and maybe even their jobs), worried about rising prices for consumer basics and wondering if it is safe to go back to work.

Statistically speaking, we do not think that the virus is close to peaking and the disruption will last for several more months.

The possibility of a deadly virus outbreak has been a weak signal in the planning of many countries and companies, but it is clear that few were prepared for this in terms of awareness, training or equipment. Just witness the shortage of masks. This experience is likely to prompt further reflection on how to configure global value chains to reduce the risks of disruption. Companies thinking of reducing the dominant role of China will have to confront the fact that moving a final assembly facility from China to another country may be possible but moving an entire supply chain is something else. The electronics companies that moved production to Vietnam, for example, are still dependent on components from China and elsewhere. Moving may elongate the supply chain, not shorten it, thus making it even more vulnerable. The global shortage of hard and soft skills will also be a major constraint, and climate change will have to be factored in as countries run out of water and other ecosystem services. When you get down to looking at options for relocation the list gets very short indeed.

There has been a historic effort by all stakeholders to contain the epidemic through mass quarantine and testing but **restarting the economy changes everything**. It unleashes risk factors and creates potential conflicts of pay, conditions of work, quarantine and forced time off. Whether every stakeholder will be able to put public health and safety above all else and make adjustments to the way they work remains to be seen. Jobs, and lives, depend on it, and not just in China.

*We will have a report ready for clients in a week and are already set-up to do deep dives into particular locations and topics. You can contact me at [auret@equiception.net](mailto:auret@equiception.net)*

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# THE BEERG AGENDA:

**MANAGING EUROPEAN EMPLOYEE RELATIONS IN CHALLENGING TIMES: Hotel Estela, April 22 - 24**  
*Managing Employee Relations* is BEERG's flagship training program. The program is regularly updated and refined to take account of prevailing global developments, with an emphasis on the emerging challenges for multinational companies within Europe... and beyond. Topics covered in the April 2020 programme will include:

- *EU employment law and social policy - why it matters*
- *Understanding European Works Councils*
- *Negotiating and renegotiating EWC agreements*
- *Managing your EWC to mesh with business requirements*
- *Planning, negotiating and delivering change projects*
- *Beyond Europe – the emerging global hard and soft law framework on corporate responsibility for global supply chains*

For further information on the April 2020 program, contact: [tom.hayes@beerg.com](mailto:tom.hayes@beerg.com)

## **BEERG MEMBERS NETWORK MEETING: Hotel Estela, Barcelona, Sitges, June 10 - 12**

Our June meeting is from Wed, June 10 to Fri, June 12, at the Hotel Estela, Sitges, Barcelona. We have a special session from 14:00h to 1600h on Wed entitled: "*Reflecting on a Life in US Labor Relations*". featuring Rick Warters, who retired from UTC last year. The meeting begins with a poolside reception on Wednesday evening and will see sessions on Thursday and Friday on such topics as:

- *The Irish Data Protection Regime: Too Many Big Eggs in one Small Basket?*
- *The Gig Economy: Different Courts, Different Countries, Different Decision*
- *Brexit: So, How's That Working Out for You?*
- *Recording Working Time: Everybody Back on the Clock?*
- *Goodbye Social Dialogue, Hello Social (Media) Voice?*
- *The US: Four More Years?*
- *The EU Social Policy Agenda: Back Alive and Kicking After Brexit?*

If you plan to join the meeting drop an email to [tom.hayes@beerg.com](mailto:tom.hayes@beerg.com). To reserve a room, contact: [convenciones@hotelestela.com](mailto:convenciones@hotelestela.com)

## **BEERG Dates for your Diary:**

<b>Date</b>	<b>Event</b>	<b>Venue</b>
22 - 24 April	BEERG April Training Programme	<i>Hotel Estela, Port d'Aiguadolc, Sitges, Barcelona, Spain</i>
10 - 12 June	BEERG Members' Network Summit	<i>Hotel Estela, Port d'Aiguadolc, Sitges, Barcelona, Spain</i>
30 Sept & Oct 1	BEERG Members' Network Meeting	<i>Hotel Pullman Centre, Gare du Midi, Place Victor Horta 1, 1060 Brussels</i>
14 - 16 Oct	BEERG October Training Programme	<i>Hotel Estela, Port d'Aiguadolc, Sitges, Barcelona, Spain</i>