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## Future of Work: Unions: We need you in the office

IndustriAll Global Union wants unions to ensure a “minimum compulsory physical presence by workers in the workplace to maintain social bonds with colleagues and workers' representatives.” In a paper on telework, the union federation says:

*Telework also presents challenges to the central role of the workplace in the organization and development of trade unions.*

*Our current model of trade unionism arose by organizing workers at the workplace, and through taking a collective approach to work and the relationship between workers and their representatives.*

*Teleworking risks increasing the individualization of work, isolating workers at home. Unions should guarantee a minimum compulsory physical presence by workers in the workplace to maintain social bonds with colleagues and workers' representatives. Employers must also ensure that unions have secure access to company communication tools to maintain regular communication with workers.*

*See full paper [here](#)*

This appears to suggest that workers should be obliged to come into the workplace, whether the work requires it or not, simply so union structures can be maintained in place. No doubt, the disaggregation of collective workplaces into multiple remote work locations presents problems for unions. But suggesting that workers be made to turn up at workplaces simply so the union can stay in contact with them is unlikely to be well received by employees who now value the freedom and work/life balance choices that



remote work offers. The IndustriAll approach mirrors the comments of managers who want workers back in the workplace so they can “keep an eye on them”. As a recent [article](#) in the *Financial Times* noted:

*Across New York and other big cities, chief executives have returned to offices that are, oftentimes, their seat of power and most cherished environment. Yet statistics suggest their workers do not feel the same pull — whether it is because of health concerns, a lack of childcare, or the misery of commuting.*

It will take some time for the new world of work to bed down. Meanwhile, IndustriAll Europe has pulled together various articles and papers it has issued on telework and how trade unions should approach the issue. They can be found [here](#).

## Future of Work: The long view

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Rightly so, we are all concerned with what happens in our markets and workplaces today and tomorrow. It is the problems of today and tomorrow we have to confront and deal with in the here and now.

But every so often it is worth standing back and taking a longer view, as does this recent [lead story](#) in the *New York Times* on global population trends. The article notes:

*All over the world, countries are confronting population stagnation and a fertility bust, a dizzying reversal unmatched in recorded history that will make first-birthday parties a rarer sight than funerals, and empty homes a common eyesore.*

*Maternity wards are already shutting down in Italy. Ghost cities are appearing in north-eastern China. Universities in South Korea can't find enough students, and in Germany, hundreds of thousands of properties have been razed, with the land turned into parks.*

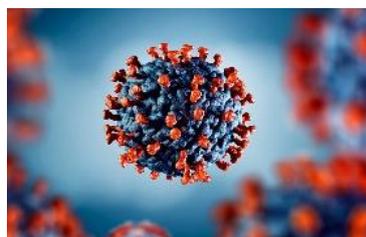
The authors go on to note:

*Like an avalanche, the demographic forces — pushing toward more deaths than births — seem to be expanding and accelerating. Though some countries continue to see their populations grow, especially in Africa, fertility rates are falling nearly everywhere else. Demographers now predict that by the latter half of the century or possibly earlier, the global population will enter a sustained decline for the first time.*

Well worth a read.

## Covid-19: restructuring in the time of the pandemic

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Our colleagues in *Ius Laboris* have put together a useful guide to restructuring in current, Covid, circumstances. The guide notes that Covid “has created unprecedented challenges for businesses worldwide and meeting those challenges unfortunately means that in some cases, redundancies are unavoidable.”

You can access the guide [here](#)

## Disconnecting: An Irish trade union view

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Ireland recently published a “code of practice” on the right to disconnect, the right of employees not to take phone calls or answer emails outside of working hours. While not legally binding, the code is “persuasive” and can be relied on in complaints that may be brought before employment tribunals.

In this [interview](#), Patricia King, the general secretary of the Irish Congress of Trade Unions, talks about how the trade unions see the code and also offers some comments on remote working and Irish government policy in that regard.

## Gig Economy: Australian Deliveroo rider an “employee”

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It would appear that courts around the world are slowly closing down the ability of platform companies to categorise their workers as “independent contractors” rather than as employees. The latest decision comes from Australia’s Fair Work Commission which has ruled that a Deliveroo rider was an employee not a contractor, a decision that could have far-reaching consequences for the entire gig-economy in Australia.

Commissioner Ian Cambridge ruled that the rider, who was sacked via email for being too slow during the height of the Covid-19 pandemic, was unfairly dismissed and was the subject of “harsh, unjust and unreasonable” treatment. Deliveroo’s termination system “involved an entirely unjust and unreasonable process,” he said.

The Commission ruled that the worker, a Brazilian national who migrated to Australia, was in fact an employee due to the “level of control that Deliveroo possessed” over him. [here](#)

## Data Protection: “Fixing the GDPR: Towards Version 2.0”

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Alex Voss is a German MEP, a member of the centre-right, European Peoples’ Party (EPP). As he signalled in our [BEERG Byte #25](#) some weeks ago, has now produced an [own-initiative report](#) on the workings of the GDPR – *Fixing the GDPR: Towards Version 2.0*. Writing in the Introduction, Voss says:

*The promises of the General Data Protection Regulation (GDPR) are manifold. It is supposed to protect privacy and guarantee the self-determination of the individual. It is supposed to put digital gatekeepers in their place. It is supposed to be a bulwark against the surveillance state and surveillance capitalism. The law is - for its advocates - the new gold standard for data protection.*



However, he goes on to say,

*...if you are trying to make an honest assessment of the GDPR three years after its application, you will however hear very different views. Many citizens, research institutes, charitable organizations and small companies strongly complain about yet another EU bureaucracy monster that overcomplicates their daily lives and massively increases their expenses, being out of all proportion in terms of a cost-benefit ratio. Moreover, you will notice well-founded criticism based on fundamental rights, claiming the GDPR to have a detrimental effect on civil liberties and to undermine important standards of the rule of law.*

Voss does not want to... “lower the EU’s high data protection standards”... but, he argues:

*... what the list is clearly demonstrating is that the law, in its current form, at the same time abridges other fundamental rights, leads to a compliance costs explosion and severely hampers Europe’s digital transformation. We owe it to our citizens to acknowledge these facts and to start fixing the GDPR-related problems through legal adjustments as well as better guidance.*

Voss calls for a “new mindset” when it comes to the use of data:

*In our digital world, data offers various chances to improve the living standards and to address current problems such as climate change or a pandemic. Only at the second step, we should focus on the risks and build up effective safeguards to prevent potential misuse. Digitalization is a huge chance for the EU. Let us start by making the GDPR a more balanced law,*

*We will look at the Voss Report in more detail over the coming weeks.*

## EU/UK data transfers: Some important developments

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**Derek Mooney writes:** The issue of UK data adequacy and the future of UK/EU data transfers was put firmly on the EU political agenda this week with two unrelated, but significant developments. The first was the vote in the European Parliament on 21 May 2021, where MEPs urging the European Commission to review its two draft adequacy decisions with respect to the United Kingdom. The resolution was passed by a vote of 344 in favour to 311 against, with 28 abstaining.

MEPs expressed concerns that the two implementing decisions were not consistent with EU law, and if the Commission were to adopt them without having addressed all the concerns expressed in the resolution, it would be going beyond its remit as outlined in the GDPR. The resolution focussed on MEP concerns over the adequacy of the UK data protection regime, including the onward transfer of data, the lack of limitations on the use of UK bulk data and claims that the Information Commissioner's Office ('ICO') is slow on enforcement.

In a related move, one day earlier, on 20 May 2021, MEPs rejected a separate motion on UK adequacy which argued that the UK data protection regime provided an adequate level of protection to that provided under EU law. The margin there was even tighter, with 335 in favour of the motion from the centre right EPP and ECR groups and 350 against, with 8 abstaining. You can read the European Parliament’s press announcement [HERE](#).

MEANWHILE, in a separate development, the Grand Chamber of the European Court of Human Rights (not to be confused with the European Court of Justice) found that the UK intelligence system’s methods for bulk interception of online communications violated the right to privacy and the GCHQ regime for collection of data was unlawful.

The judgement brings to finality a legal challenge to [GCHQ](#)'s bulk interception of online communications begun in 2013 after the Snowden revelations. Therefore the ECHR ruling was based on the UK's 2000 Regulation of Investigatory Powers Act and not the 2016 Investigatory Powers Act, which replaced it.

A UK government spokesperson was keen to make this point adding that: *"The UK has one of the most robust and transparent oversight regimes for the protection of personal data and privacy anywhere in the world. This unprecedented transparency sets a new international benchmark for how the law can protect both privacy and security whilst continuing to respond dynamically to an evolving threat picture."*

Finally, to follow up on last week's BEERG item on the €525,000 fine imposed by the Dutch data protection authority for failing to appoint an EU representative, we note that several legal firms are now advising British client companies that they may be in breach of GDPR if they do not have a data protection representative present in the EU. Pinsent Mason's Wouter Seinen says:

*"Due to the binary nature of the data rep requirement, it is quite easy for a regulator to establish that an organisation is in breach, whilst it is almost impossible to find an excuse for not having met this requirement. This is why this topic should be higher on the risk radar of non-European businesses — in particular operators of apps and websites."*

## Brexit: Key immigration action points for HR in 2021

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**[Andrew Osborne](#) and his colleagues at [Lewis Silkin](#) write:** Free movement between the UK and the EEA/Switzerland came to an end at 11pm on 31 December 2020. Free movement has been replaced in the UK by the domestic immigration system, including the new Points-Based Immigration System (PBIS).

EEA/Swiss nationals, excluding Irish nationals ('EEA nationals') who want to work in the UK now need some form of visa permission, depending on when they arrived in the country. This change has massive implications for UK employers. Employers will need to ensure they understand how the rules affect their business, how their recruitment plans and budgets are impacted, and whether their staff have the correct status to allow them to continue working both in the UK and abroad. With this in mind, we set out [here](#) key action points for the first half of 2021.

## BEERG Bytes: BEERG Byte #26 with Prof Tom Kochan

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We have just recorded [BEERG Byte \(#26\)](#) with Tom Kochan, professor of industrial relations, work and employment, at the MIT Sloan School of Management. In this edition, the two Toms discuss the current state of US industrial relations. They explore whether the system is broken, if it can be fixed and what the future holds for U.S. industrial relations.

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## Remote Working: New online BEERG developments tracker

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Check out our online [Remote Working Tracker](https://beerg.com/remote-working-tracker/). Here you will find recent stories, news items, articles and op-eds relating to remote working.

Stories will appear on the page in the order of publication – but are not necessarily posted in that order. So when you log in look out for NEW in the headline to indicate that the story has been posted over the previous 48 hours. We aim to update the page once every 2 days.

Link: <https://beerg.com/remote-working-tracker/>

*If you find a link or story which you think should appear there, please email: [dmooney@beerg.com](mailto:dmooney@beerg.com)*

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# BEERG

VIRTUAL SUMMIT  
Summer 2021



**BEERG Summer Summit @ 12 Noon (CET) on June 17 – in a virtual Sitges, via Zoom**

On **Thursday June 17<sup>th</sup>**, BEERG will host its “Summer Summit”. Regrettably, for the second year in a row, it cannot be held face-to-face in our favourite location, outside Barcelona. So, it will be hosted virtually, via Zoom, instead in our own virtual Sitges.

**The summit will begin at 12 noon (CET) and consist of three 90-minute sessions, 30 minutes apart**

The agenda details have been circulated and we are finalising our speaker panels, these will be sent around in a more detailed programme in early June.

While all three sessions are stand-alone, you will only require one Zoom registration. So, when you register you will automatically be registered for all three, but you can decide on the day which sessions to attend.

*You will be responsible for making your own arrangements for accommodation, lunch, coffee breaks, aperitifs and dinner on the day!!*

To register, email: [dmooney@beerg.com](mailto:dmooney@beerg.com)



**NB: BEERG meetings & events will be “online-only” up to October 2021**

*In early September we will consult members and revisit this position based on the prevailing national and individual company travel advice and vaccination roll-outs.*

### BEERG 2021 Dates for your Diary:

Date	Event	Venue
June 17	BEERG Summer Summit	ZOOM
TBA	BEERG Members’ Network Meeting [Nov]	TBC