

#GlobalBenefitsBulletin Highlights

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Canada: Ontario pay transparency law



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NOTE



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Key Updates

Australia

WATCH

2018-19 Budget



Australia's 2018-19 federal budget features a number of notable provisions:

- The Pension Work Bonus Program would increase the employment income a pensioner may earn without pension payments being affected from A\$250 per fortnight to A\$300. A complementary skills and training program would help older workers over age 45 to stay in the workforce.
- The Australian Tax Office (ATO) would be authorized to combine small inactive super accounts with a member's active account.
- From July 1, 2018, people with multiple employers and income over A\$263,157 could elect to have some income sources exempt from superannuation guarantee contributions.
- Superannuation exit fees would be banned and passive fees on accounts with balances below A\$6,000 would be limited to 3% from July 1, 2019.
- Superannuation fund members under age 25, those with under A\$6,000 in their accounts and those who have suspended contributions (i.e., no contributions received for 13 months) would no longer be automatically opted-in to pay for life insurance or disability insurance coverage within super, effective July 1, 2019.
- An existing pension loan scheme would be liberalized to let the government offer a viable alternative to banksponsored products in the reverse mortgage market to not just pensioners, but to all Australians of age pension age. People would also be allowed to borrow to create an income stream 50% higher than the full pension.
- There will soon be a public consultation on draft amendments to Corporations Act 2001 that would introduce standardized metrics disclosure of retirement income products.
- The work test (minimum hours of employment) for allowing superannuation contributions between ages 65 -74 would be relaxed from July 1, 2019.
- Measures would be taken to make home care more affordable and accessible so it may advance as an alternative to nursing home residence.
- The waiting period before migrants are eligible for welfare payments would increase from three years to four from July 1, 2018.

Many of these proposals have been delivered to Parliament in Appropriation Bill (No. 1) 2018-2019 and Appropriation Bill (No. 2) 2018-2019 which are available in the links provided.

Link

https://goo.gl/b8U3wP https://goo.gl/nGdXxu https://goo.al/vfvt41

Australia

NOTE

Skilling Australians Fund bill passed



Migration Amendment (Skilling Australians Fund) Bill 2018 has now cleared Parliament and received Royal Assent. It will come into effect on approximately November 22, 2018. The labour market testing to determine whether qualified Australians are available to fill a position will have to occur within four months ahead of a visa application being submitted for a foreign worker and local advertising for the position must run for at least four weeks. Employers that nominate a foreign worker for

- Temporary Skill Shortage (TSS) visa
- Employer Nomination Scheme (ENS) (subclass 186) visa
- Regional Sponsored Migration Scheme (RSMS) (subclass 187) visa will pay a levy to help finance the Skilling Australia Fund, which will subsidies training Australians in marketable skills.

Link

https://goo.gl/aNBN4L

Brazil

WATCH

Labor reform revision decree lapses



Talent

Provisional Measure 808 which had revised contentious elements of the controversial new labor code failed to get congressional confirmation by the April 23, 2018 deadline for being ratified as permanent law. As this decree provided the important clarification that the reform applied retroactively to all employment contracts, its expiration leaves much uncertain. Among the other key provisions that lapsed are:

- The ban on firing full-time workers then rehiring them as part-timers or temps.
- A higher tax on bonuses.
- A requirement for union approval of 12-hour work shifts.
- A lower cap on moral damage awards.
- A ban on pregnant workers operating under hazardous conditions without their doctor's permission.

The government has not yet announced how it plans to replace the decree, but a special commission appointed by the Superior Labor Court to address the retroactivity issue should issue its decision in the next few weeks.

Link

https://goo.gl/Xh4gnG

Brazil

WATCH

Legal challenges to labor reform



The major package of labor reforms under Law 13,467 is now facing more legal challenges. The National Association of Labor Court Judges has issued a list of 125 aspects of the law that are either unconstitutional or incompatible with existing laws. It has flagged four top concerns:

*The issue of retroactivity for contracts in place before November 2017, which the Superior Labor Court's special commission is due to decide on soon would face a challenge from these judges.

- A worker who has lost a labor court case would have to pay court costs before filing an appeal.
- The payment of union dues by all workers would become optional for non-union staff.
- Fifteen areas previously covered by labor laws may now be subject to collective bargaining agreements.

Link

https://goo.gl/jZiyBt

Canada

RESPOND

Ontario - New Funding Framework



On April 20, 2018, Ontario Regulation 250/18 was filed.

These regulations will bring the new funding framework for defined benefit pension plans into force effective May 1, 2018. Valuation reports dated on or after December 31, 2017 that are filed on or after May 1, 2018 must follow the new funding rules. The filing deadline for required funding reports with valuation dates on or after December 31, 2017 and before March 1, 2018, has been extended to November 30, 2018.

The Ontario New Funding Framework and the Ontario Regulation 250/18 documents are available in the links provided.

Link

https://goo.gl/HmFkgR https://goo.gl/eEbXU3

Canada

RESPOND Ontario pay transparency law



On May 7, 2018, Bill 3, Pay Transparency Act, 2018 received Royal Assent.

This bill establishes the Pay Transparency Act, 2018 (Act). The Act would establish requirements relating to the disclosure of information about the compensation of employees and prospective employees. Among other matters, the Act:

- Requires all publicly advertised job postings to include a salary rate or range.
- Bars employers from asking a job candidate about their past compensation.
- Prohibits reprisals against employees who discuss or disclose compensation.
- Requires employers with 100 or more employees and prescribed employers to prepare pay transparency reports that include information about the employer, the employer's workforce composition, and differences in compensation in the employer's workforce with respect to gender and other prescribed characteristics.

Generally, this bill will come into force on January 1, 2019.

Information on Bill 3, Pay Transparency Act, 2018 is available on the link provided.

Link

https://goo.gl/68UnoX

Ethiopia

WATCH

Labour bill advances



Social partner consultations over the Draft Labor Law have concluded with the Confederation of Ethiopian Trade Unions (CETU) flagging 18 of the 53 amendments as objectionable. The bill is now before the Council of Ministers with several provisions now in the spotlight:

- The 45-day probation period for new hires would double to 90 days.
- The minimum 24-hour period of uninterrupted rest per week would become four days off per month.
- The 14 days annual leave from first year of service with additional days accruing would be replaced by an entitlement to 14 days only after five years on the job.
- Grounds for justified dismissal would include late arrival to work twice in one month or five times in six months. Critics maintain that this is unreasonable, particularly as the capital is notorious for heavy traffic jams.
- Fixed-term contracts would be limited to 45 days, but employers have noted that recruiting a suitable permanent employee often takes longer.

European Union

WATCH

Revised posting of workers directive advances



The European Council has approved a new mark-up of the revised posting of workers directive that it negotiated with the European Parliament. Among the highlights:

- Equal pay would start from day one of employment.
- Collective agreements in all sectors would be able to apply to posted workers.
- After 12 months with a six-month extension possible a posted worker would be almost fully subject to the host country labor laws.
 - Posted workers provided through temporary agencies would be entitled to the same terms and conditions as local temporary workers.
- Separate legislation would address these issues for the road transport sector.

There must be another vote in Parliament before final adoption and once the directive comes into force, Member States will have two years to transpose it.

Link

https://goo.gl/ZgHSyt

European Union

NOTE

New pension reporting requirements



Retiremer

The European Insurance and Occupational Pensions Authority (EIOPA) has posted the final draft of its occupational pension fund reporting requirements, a consolidation of reporting standards developed in collaboration with the European Central Bank. Mandatory scheme disclosure to national pension authorities will include:

- Balance sheet information.
- Inputs and assumptions used for valuations.
- Flow data.

Quarterly reporting requirements will take effect in the third quarter of 2019 and annual requirements at the end of 2019.

Link

https://goo.gl/dQxqqo

European Union/United Kingdom

WATCH

Post-Brexit future of social security coordination outlined



The Draft Agreement between the EU and the UK on the UK's withdrawal from the EU would keep key regulations, including EU Reg 883/2004 on coordination of national social security systems for a 21-month transition from March 29, 2019 through December 31, 2020. Subsequent to the transition, a free trade agreement between the EU and the UK is anticipated, but social security reciprocity would likely be set by bilateral agreements between the UK and individual EU Member States.

Link

https://goo.gl/RioieS

France

WATCH

Package of employment support measures



Talent

The Labor Ministry has drafted the bill "Freedom to choose their professional future" which would refine existing apprenticeship, vocational training and unemployment insurance schemes to increase opportunities for career development:

- People with five years of work experience who leave their jobs for retraining or starting a new business would be able to collect unemployment benefits but there would be tighter enforcement of eligibility for unemployment benefits.
- Each worker would be allotted an annual EUR 500 in a personal account for job training that could accumulate up to EUR 5,000. Some unskilled workers would have their accounts credited up to EUR 800 per year, capped at EUR 8,000.
- Apprenticeship programs would pay better and the maximum age for participation would rise from 26 to 30.
- The bill includes more aggressive measures for closing the gender pay gap.
- Employer fees for vocational training programs would be consolidated but not increased.
- There is a social partner consultation underway on improving the job market for disabled workers.

Link

https://goo.gl/LfawGN https://goo.gl/bo8TEv

Germany

WATCH

Measure would cap temporary staff and allow temporary part-time status



The Labor Minister announced the arrival of draft legislation on the right to work reduced hours for a fixed period with quarantee of return to full time. It also includes the grand coalition pact proposals on limiting fixed-term work. Employers with over 75 employees would be allowed no more than 2.5% of staff on fixed-term contracts. The 24-month limit on temporary employment would be cut to 18 months.

Link

https://aoo.al/H9x3L9 https://goo.gl/JinEHG https://goo.gl/LYDRtR

Hong Kong

WATCH

Tax break proposed for voluntary MPF contributions



The Financial Services and Treasury Bureau has outlined its proposed tax regime for deferred annuity premiums and voluntary contributions to the Mandatory Provident Fund (MPF) in a message to the Legislative Council. Each would have an annual tax deduction on up to HK \$36,000 (US \$4,600). The MPF tax relief would be contingent on postponing withdrawal to age 65 and any riders such as death benefits would be taxable. A qualifying deferred annuity product would have a total premium of no less than HK \$180,000 with contributions spread out over at least five years. Unlike the MPF, it would allow withdrawals as early as age 50. Stakeholders are warning that tax harmonization should not leave so large a gap in withdrawal age between the two products. The legislation should reach plenary debate in the 4th guarter of this year.

India

WATCH

Proposals on NPS governance, withdrawals and investments



The Pension Fund Regulatory and Development Authority (PFRDA) board has approved a proposal on setting a 75% capup from 50% - on equity investments for private-sector workers participating in the active choice fund of the National Pension Scheme (NPS). The level would taper off after age 50. The board also decided to allow partial NPS withdrawals for business start-ups or skills training. In addition, the PFRDA has directed all pension funds to comply with a Common Stewardship Code to help standardize corporate governance and customer service.

Link

https://goo.gl/Ngj5yb

Indonesia

NOTE

Work visas streamlined



Talent

Presidential Regulation No. 20/2018 on the Use of Foreign Workers in Indonesia will:

- Exempt foreign workers on short visits from the Expatriate Placement Program.
- Combine the limited stay visa (VITAS) with the limited stay permit and cap the processing time at two working days.
- Bar foreign workers from certain designated occupations
- Require an effort to hire an Indonesian national for a position before resorting to a skilled foreign worker.

The regulation goes into effect on June 29, 2018.

Link

https://goo.gl/uxKo6Y

Japan

WATCH

Cabinet approves working time



overtime work and establish penalties for infractions but stakeholders object to a provision that would exempt certain highly paid workers from this limit. The scope of the kodo (sophisticated) professionals system exemption ,"ko-pro," is not clear, but detractors have proposed that the urgent working time bill be allowed to proceed without it and that ko-pro be fleshed out in subsequent stand-alone legislation.

Lithuania

WATCH

Second pillar reform planned



The Ministry of Social Security and Labor has outlined government plans to reform the second pillar pension system:

• The voluntary scheme would have mandatory auto-enrolment for workers under age 40. Along with the chance to opt out, these participants would be able to defer or suspend payments.

The Cabinet has endorsed a revision of the "Work style reform" bill and forwarded it to the Diet. The bill would set a cap on

- Over a five-year period, the 2% second pillar contribution diverted from the state pension would phase out and the 2% member contribution would rise to 4%. Employers and employees could get tax relief on additional contributions.
- Life cycle investment strategies would be required.
- Maximum pension fees would be reduced by 50% and lower minimum assets would be required for purchase of an annuity.

A slide version is available in the link provided. If passed in the Seimas in time, the legislation will take effect in 2019.

Link

https://goo.gl/3vcHyK https://goo.gl/yMTVdv

Netherlands

NOTE

30% ruling period set to shrink



Talent

The Finance Ministry disclosed that the Council of Ministers has endorsed its proposal to trim the 30% ruling's 30% tax exemption on the employment income of qualifying expatriates from eight years to five years. This followed a report concluding that the 30% regime is more generous than those in neighboring countries. The measure will be part of Tax Plan 2019 with a January 2019 target for entry into force. Foreign workers already benefiting from the 30% rule will not be grandfathered.

Link

https://goo.gl/2Gnmtp

New Zealand

NOTE

Ruling on compensation for meetings



Talent

Employment New Zealand has flagged an Employment Court ruling decision that could have broad impact. A retail chain has been challenged for holding unpaid sales meetings outside of the normal work schedule. While "optional", the meetings were difficult to avoid as they concerned a key part of the staff's function. The court found that a range of activities that are "integral to the employee's role" cannot go uncompensated just because they are offsite or outside work hours. The court also advised the retailer that the use of incentive pay and commissions may not offset a base pay below the minimum wage.

Link

https://goo.gl/zzNtuY

Nigeria

WATCH

HMOs fall short of accreditation standards



Health

The National Health Insurance Scheme Governing Council has divulged that its review of the nation's health maintenance organization (HMO) sector found that only one of the 57 passed a review of accreditation standards. Of the remainder, 33 will have provisional accreditation (good for three months) and a chance to re-apply while the rest were delisted. Criteria for accreditation include capitalization level, compliance with lax laws, and governance structure.

Philippines

WATCH

Decree on banning illegal contracting



Talent

The President observed Labor Day by signing, an executive order (EO) requiring Congress to draft legislation banning the illegal contracting and subcontracting of workers. He conceded that he himself is not authorized to impose this ban. The EO states that all workers must have security of tenure, as well as the right to form unions and engage in collective bargaining. The Secretary of Labor will confer with social partners on those functions that may legitimately be contracted out. The President also took the occasion to call for a full revision of the "outdated" Labor Code. The EO follows a Department of Labor and Employment (DOLE) Department Order on Contracting and Subcontracting that sought a tighter regulatory framework for this practice, which DOLE itself was not empowered to fully ban.

Link

https://goo.gl/Kq58FV https://goo.gl/or5Cdk

Philippines

NOTE

Worker regularization enforcement



Talent

The government's various efforts to end labor-only contracting have now reached a milestone with the Department of Labor and Employment (DOLE) announcement that a company's appeal against a DOLE order to regularize 7,306 workers will be denied. The workers must be granted employment status and paid the monetary benefits owed them. The press release named dozens of additional companies that the DOLE is now targeting for the same practices.

Link

https://goo.gl/rKGLV7

Russia

NOTE

Notification requirements for foreign hires



Talent

The Interior Ministry's Order No. 11 has introduced the requirement that employers and employment agencies notify the ministry about employment and termination of foreign workers, including independent contractors. Also, skilled foreign workers must obtain ministry approval for work permits.

Link

https://goo.gl/UVdpLb

Russia

WATCH

Retirement age hike proposal



The Prime Minister has disclosed that social security reform discussions, featuring the perennial "third rail" topic of a retirement age hike, have been going on for over a year and that the government is "on the threshold" of preparing the necessary legislation. The pension age of 55 for women and 60 for men has gone unchanged since the 1940s. The two scenarios in contention are raising the threshold by one year per year until it is 65 for both men and women or bringing men to age 65 at a rate of four months per year while women climb six months per year to 63. A choice is expected this month.

Link

https://goo.gl/k7mxtp

South Korea

NOTE

Occupational safety for "emotional" labor



Talen

The National Assembly has passed a package of amendments to the Occupational Safety and Health Act to provide some protection for workers involved in emotional labor where there is some risk of emotional or psychological strain. This will include both harassment from colleagues and abusive customers. Employers must provide permanent or temporary relief to workers whose duties have caused emotional harm and they must take preventive measures against workplace emotional abuse. The latter will be fleshed out in the forthcoming Enforcement Regulation of the Occupational Safety and Health Act. The law will come into effect on October 18, 2018.

Link

https://goo.gl/e4YgJP

Spain

RESPOND New pension fee limits, withdrawal rules relaxed



Royal Decree 62/2018 amended the regulations on distributions and fees for occupational pensions:

- From January 1, 2025, members of a variety of pension schemes and retirement savings plans will be free to withdraw funds that have been held at least 10 years. At present, there are very limited opportunities to take any withdrawals before normal retirement age.
- Effective April 10, 2018, the 1.5% limit on management fees for pension funds is replaced by a range from 0.85% to 1.5% determined by the ratio of fixed-income assets to those invested in equities.
- Also from April 10, the 0.25% maximum deposit fee on new contributions to pension schemes is cut to 0.20%.

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https://goo.gl/SQNLE1

United Kingdom

WATCH

AG opinion faults low PPF limit



Retirement

Link

The European Court of Justice (ECJ) Advocate General's (AG) opinion in Case C-17/17 found the Pension Protection Fund's (PPF) annual compensation limit of BPS 35,000 "unlawful." The PPF is subject to EU Directive 2008/94 which the opinion concludes should entitle pension scheme members in employer insolvency to at least 50% of acquired rights. The AG opinion is advisory and not binding on the ECJ.

https://goo.gl/KLhdD5 https://goo.gl/UjqbtB

Uruguay

WATCH

Labor reform measures



The Senate is reviewing a bill, already passed in the House of Representatives that would set quotas for hiring of the disabled in the private sector. The Executive Branch has now proposed draft amendments based on recommendations from the Tripartite Council. A few different quota levels are in contention.

Also, the Ministry of Labor is supporting legislation on protecting the acquired rights of employees in a company bankruptcy. The "labor guarantees" including salaries and bonuses, would be ensured by a Guarantee Fund that is independently managed and would be financed by existing employer contributions.

Link

https://goo.gl/F2dX3R https://goo.gl/1vs4iP

United States/European Union

RESPOND Some US-based MNCs are overdue for GDPR preparation



In advance of the May 25th compliance deadline for the EU's General Data Protection Regulation (GDPR), analysts warn that many affected parties in the U.S. do not fully understand how this differs from the existing Privacy Shield Framework. The U.S. Department of Commerce has created a website to help US-based multinationals adapt to the new rules. Aon has produced the aptly titled bulletin, The Clock Is Ticking: Is Your Company Ready For GDPR?

https://goo.gl/ZQ9DD8 Link

> https://goo.gl/BkXPvo https://goo.gl/NWZBnd https://goo.gl/Ezp4z8

Uzbekistan

WATCH

Labor Code reform package



The Ministry of Employment and Labor Relations posted a set of draft Labor Code amendments last November that did not make its December 2017 deadline for arrival in Parliament, but is expected to arrive there - and pass - by the end of this year. Among the highlights:

- Fixed-term contracts would be allowed under far more circumstances and must be used in several cases where a normal employment contract would not be a good faith approach to the assignment.
- Temporary workers would be eligible for contracts of up to two months, renewable once, before they must either be dismissed or switched to permanent status.
- The Soviet era employment record books would be phased out and replaced by electronic payroll records.
- The employee notice period for dismissal would be halved to one month and a threshold for labor department notification of mass dismissals would be set at 10% of workplace in enterprises with fewer than 100 employees.
- A regulatory framework would be established for a system of paying hourly wages.

Link

https://goo.gl/6jQpNs

Vietnam

WATCH

Proposal to shift compensation formula



Talan

A Labour Ministry draft decree would reportedly shift the emphasis of compensation from seniority to productivity. The legislation would either remove or modify the wage ladder model that provides for automatic wage increases over time. It would also rescind or modify the measure that requires a 7% bonus to employees working under hazardous or strenuous conditions.

Other Notable Updates

Area	Country	Date	Name
8	Aruba	5/3	Temporary changes for health levies
	Bahrain	5/10	National Health Insurance Law
	Brazil	5/17	Process for new drug approval
Health	Philippines	5/3	Health insurance inventory
	US	5/10	Departments Release Clarification of Final Rules for Grandfathered Plans, Pre-existing Condition Exclusions, Lifetime and Annual Limits, Rescissions, Dependent Coverage, Appeals, and Patient Protections under the Affordable Care Act
	US	5/10	For HSA Limits, What Goes Up Must Come Down—and Up Again
	US	5/24	IRS Announces 2019 HSA Limits
	Chile	5/31	Investment ban exceptions
	China	5/31	Minimum pension raised
Retirement	El Salvador	5/17	Social security system upgrades
accareance.	India	5/3	New NPS registration requirements
	India	5/17	New EPF rate set
	Latvia	5/10	Survivor benefit
	Scotland	5/17	Social security law passed
	UK	5/24	Pensions Regulator's guidance on cyber security
	UK	5/24	DC bulk transfers without consent – DWP guidance
	US	5/24	Retirement Legal Consulting and Compliance Quarterly Update
	US	5/31	Aon Releases White Paper: An Overview of the Multiemployer Pension Plan System: Risks Facing Participating Employers and Ways to Manage Them
	Uzbekistan	5/17	Pension reform outlined
	China	5/10	Insurance market to allow greater foreign presence
Risk			

Area	Country	Date	Name
	Algeria	5/10	Tighter rules for trade unions
	Belgium	5/3	Measure introduces consultation on disconnection
Talent	Belgium	5/17	Notice periods shortened
raient	Belgium	5/24	Ruling on tax treatment of seconded worker
	Benin	5/31	E-Visa program
	Brazil	5/3	Reapplication may be necessary for permanent residence visas
	Brazil	5/17	Labor court access to liens improved
	Canada	5/24	Ruling backs post-employment disability claim
	Canada	5/24	Ontario public holiday pay
	Chad	5/17	New holiday
	China	5/10	Larger tax break for education expenses
	Costa Rica	5/10	Regulations on breastfeeding facilities
	Finland	5/24	Guidance on tax treatment of job-related education
	Ghana	5/24	Succession plans for expatriate assignments
	Guatemala	5/17	Police clearance certificates
	India	5/17	Ruling on tax treatment of travel expenses
	Ireland	5/24	Spotlight on sham self-employment
	Italy	5/10	New insurance policy standards
	Italy	5/24	Ruling on dismissal in reorganization
	Kazakhstan	5/3	Foreign worker health coverage clarified
	Kazakhstan	5/17	Labor Code amendments
	Kenya	5/10	Amnesty window for undocumented workers
	Morocco	5/24	ICT restrictions
	Myanmar	5/17	Workplace safety guide
	Netherlands	5/3	Ruling on scope of holiday pay
	Panama	5/10	Workplace breastfeeding guidelines
	Philippines	5/24	New fines under occupational safety rules
	Russia	5/24	Lower hurdles for compliance audits

Area	Country	Date	Name
Ŕ	Rwanda	5/17	Tax exemption for share scheme earnings
	Rwanda	5/31	Definition of 'employee' expanded
Talant	Senegal	5/10	New work permit rules
Talent	Seychelles	5/31	Parental leave measures come into force
	Slovenia	5/10	ICT rules adopted
	South Africa	5/10	Ceiling on travel allowance tax exemption
	South Korea	5/31	Employer subsidies for shorter workweek
	Spain	5/10	Pay disparity ruling
	Spain	5/17	Occupational safety incentive
	Switzerland	5/3	New tax regime coming for cross-border workers
	Thailand	5/31	Emergency decree on short business visits
	Turkey	5/10	Tax break for creche and day care services
	Turkey	5/17	New hiring incentives
	Turkey	5/24	Tax relief on mutual termination agreements
	Turkey	5/31	Larger tax break for off-site creche
	Uganda	5/17	Mandatory employment contracts
	UK	5/3	Higher maternity leave pay not discriminatory
	US	5/17	Ruling on gig worker status under FLSA
	US	5/31	High Court Upholds Employment Arbitration Agreements Waiving Class Action Rights
	Zimbabwe	5/31	E-Visa program

Contacts	
If you have questions plea	se contact your Aon Hewitt representative or send a note to Country.Profiles@aonhewitt.com .
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