



#GlobalBenefitsBulletin Highlights

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Key



Retirement



Talent



Health



Risk

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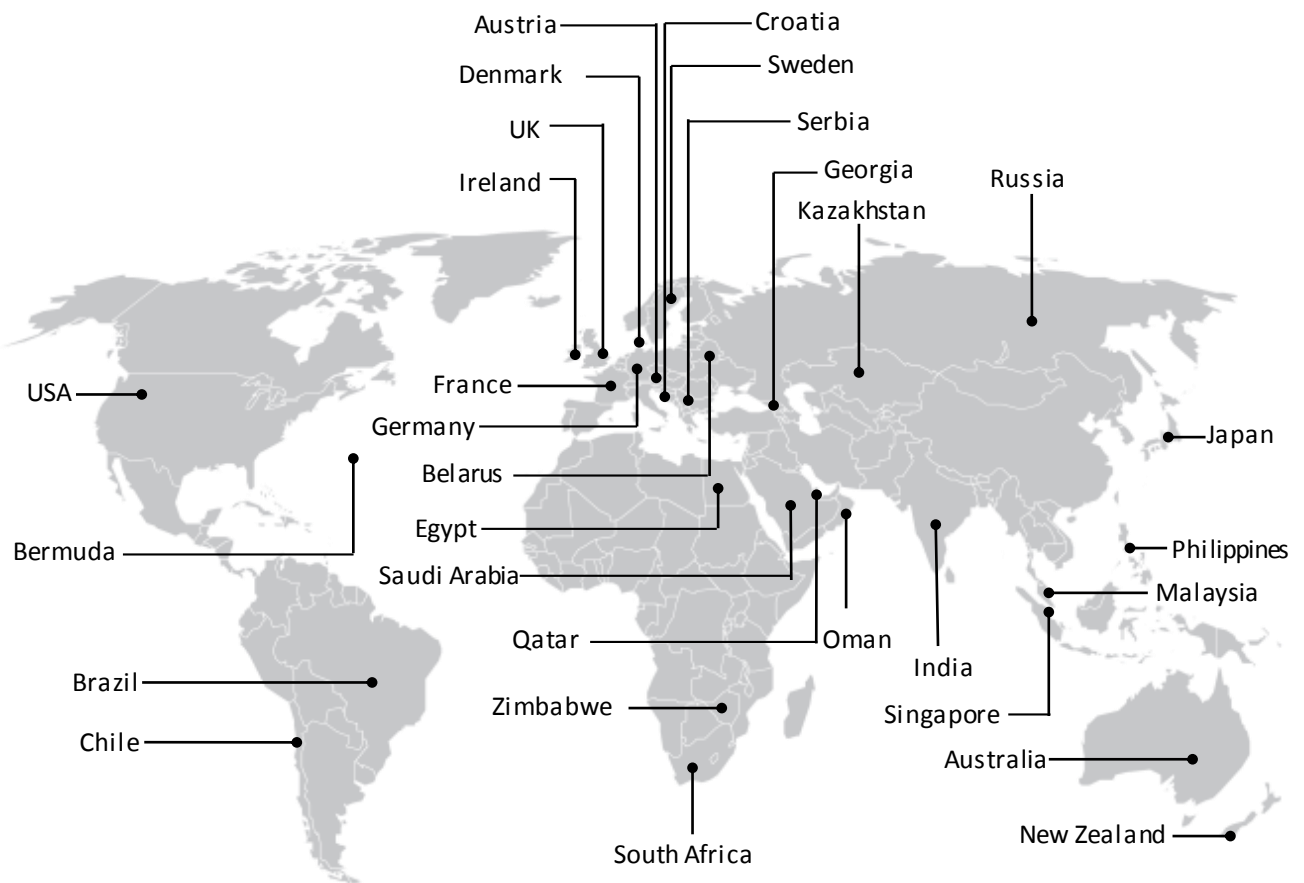
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Coverage – GBB Highlights October 2019



Key Updates

Australia: Note



Limits on default life insurance in a super

The Treasury Laws Amendment (Putting Members' Interests First) [Bill 2019](#) has been approved in both houses of Parliament and now awaits Royal Assent. It will prohibit superannuation trustees from providing default life insurance on an opt-out basis to members under age 25 and those with balances below \$6,000. It applies to all new products from April 1, 2020 and existing members who have a balance below \$6,000 will also cease to have life insurance unless they advise the Trustee that they elect to have that cover and there is an exemption for workers in qualifying "dangerous occupation."

Members with balances below \$6,000 at November 1, 2019 must be advised by December 1, 2019 that their insurance cover will cease with effect from April 1, 2020 unless they elect to continue that cover. All new members from November 1, 2019 must be advised of the new rules that apply from April 1, 2020.

Australia: Watch



Retirement income system review

The Treasurer has [called](#) for a year-long independent review of the entire retirement income system. Concerns include longevity and the efficiency of tax incentives. The review will also consider the merits of renewing a long-stalled initiative first introduced in 2012 to raise the 9.5% employer superannuation contribution to 12% by 2025. The committee's report is due by June 2020.

Australia: Note



Ruling on paid leave calculations

A recent Full Federal Court decision ([Mondelez Australia Pty Ltd v AMWU](#)) concluded that the calculation of certain leave [entitlements](#) including sick leave and carer's leave must employ a definition of "working day" that reflects the number of hours actually worked, e.g., someone who typically works 12 hours per day cannot be credited with a standard 7.6 hour day.

The Australian Government and the employer have applied to the High Court seeking special leave to appeal the decision.

Key Updates

Austria: Note



Tax treatment of foreign health insurance contributions

The Austrian Supreme Court for tax matters (Verwaltungsgerichtshof) recently issued a judgement clarifying the tax treatment of foreign health insurance contributions for foreign workers who are subject to Austrian income tax. Contributions to statutory health insurance in one's home country is fully tax deductible. Tax relief on mandatory contributions to private health insurance in one's home country is capped at the Austrian maximum threshold for health insurance.

Austria: Note



Company-sponsored health insurance to be prohibited

Parliament has reportedly adopted a measure calling for the dissolution of company-sponsored private health insurance schemes. This is a relatively small step in the consolidation of health insurance providers into a single national health insurance fund (OGK) under the current health reform, with about 30,000 workers affected. The OGK launch is slated for the start of next year if constitutional challenges are exhausted.

Belarus: Note



Labor Code amendments

A recently-passed package of Labor Code amendments featuring a regulatory framework for remote work has a few other notable provisions:

- There is a special category of employment contract that allows a maximum five-year term and a maximum three-year renewal. The employee's signed consent is required for either period to be shorter.
- The minimum severance pay when a worker refuses to accept a significant reduction in hours is doubled to one month's average salary.
- The prohibition on overtime and holiday work as well as business trips for women with children under age three may be waived under written agreements.
- Fathers will be entitled to up to 14 days unpaid leave within six months of a child's birth.

The law will come into force on January 28, 2020.

Key Updates

Bermuda: Respond



Family leave, vacation enhancements include introduction of paternity leave

Parliament has passed the Employment (Maternity Leave Extension and Paternity Leave) Amendment Act [2019](#), which introduces a five-day paid paternity leave for fathers who have been with the employer for at least a year. The maternity leave entitlement after one year is 13 weeks paid leave, up from eight paid and four unpaid. Those who fall short of one year of service will qualify for 13 weeks paid leave. In addition, the statutory annual leave of two weeks' pay after a year on the job will be complemented by one week's pay after six months on the job. Date of entry into force has not been set.

Brazil: Note



Ruling against double bonuses for dangerous work

The Superior Labor Court has issued a [judgement](#) prohibiting the popular practice of claiming double bonuses for hazardous work. Workers may claim a bonus of up to 40% of minimum wage for work deemed unhealthy and they may receive 30% of their own base salary for dangerous work, but they may no longer receive both.

Chile: Note



Ruling against pre-existing condition exclusions

The Supreme Court has directed an isapre health plan to enroll a person it had previously rejected for pre-existing conditions (diabetes type 1 and nearsightedness). This had been the fourth isapre to reject him and a majority of the court concluded that "our legal system enshrines the right of persons to freely choose the public or private health system [from] which they wish to benefit."

Chile: Watch



Universal Crib Room Bill

The Minister of Labor and Social Welfare [announced](#) that the Working Committee of the Senate approved the Universal Crib Room bill. The bill will extend the benefit of having a crib room for children under the age of two to all workers (dependent and independent) and to companies that employ less than 20 women. The benefit would entail an additional employer contribution of 0.1% compensation and the state would contribute the balance. The bill has now proceeded to the Senate Education Committee.

Key Updates

Croatia: Respond



Tax relief on certain perquisites

A set of [amendments](#) to personal income tax laws introduced tax breaks on some popular perquisites, effective September 1. Provided the expenses are adequately documented:

- Employer payment of employee meal costs is tax-exempt up to HRK 12,000 per year. Lump-sum payment of meal costs, e.g., into an account, is capped at HRK 5,000 per year.
- There is tax relief up to HRK 2,500 annually for reimbursement of employee holiday expenses.
- Accommodation expenses and child care for preschoolers are tax-exempt for full actual costs.
- The tax breaks on daily allowances for business trips inside Croatia are significantly increased.

Denmark: Watch



Bill on pension portability

Bill [L25](#), now before Parliament, features proposed changes to the tax regime for pensions, mostly technical adjustments. Most notably, it would provide a tax exemption for transfer of contributions between employer-sponsored plans. The target date for entry into force is January 1, 2020.

Egypt: Watch



Private-sector role in health reform

The administration has confirmed that the forthcoming draft insurance law will include a "complementary and subsidiary" role for the private health insurance sector in the new universal health insurance system. The private sector will provide health insurance services through the General Authority for Comprehensive Health Insurance. There is also confirmation that the mandatory coverage will extend to expatriates and casual workers.

Key Updates

France: Respond



New disabled worker rules

The French government has issued decrees effective January 1, 2020 regarding the Obligation d'Emploi des Travailleurs Handicapés (Employment Obligation of Disabled Workers or OETH) which was amended by the [Professional Future Law of 2018](#). The decrees include:

- a mandatory monthly declaration completed by the employer which contains information pertaining to the OETH beneficiaries it employs;
- a requirement for the employer to submit an "Application of an Agreement" which sets out a plan for compliance with the OETH that is subject to annual review; and
- a schedule of financial contribution requirements for noncompliance with the OETH.

There are additional provisions of the Professional Future Law of 2018 set to come into effect on January 1, 2020:

- If a person's disability is irreversible, the recognition of their status as a disabled worker will no longer need to be renewed every five years.
- The OETH will be applicable at the company level in multi-establishment companies.
- The extra-financial performance declarations for larger companies will now report on actions taken to improve conditions for disabled workers.
- A person must be designated to advise and assist disabled workers at companies with 250 employees or more.

Also, from January 1, 2019 to December 31, 2021, the government is conducting a pilot project on OETH status for temporary workers. The government will submit a report to Parliament by June 30, 2021.

France: Note



Anxiety damage rulings

The Court of Cassation delivered a ruling last spring that an employer who negligently exposed a worker to asbestos must pay damages for leaving the worker with chronic anxiety over the possibility of asbestos-related illness. The Court has now found in a second case that anxiety damages were due for exposure to pesticides, electromagnetic fields, gasoline vapors, or other pathogens. An employer able to prove adequate protection and training would not be held liable.

Key Updates

Georgia: Respond



Minimum expatriate salary rises

From July 30, 2019, the minimum monthly salary for foreign workers has increased from twice the national subsistence wage to five times the subsistence wage, (currently GEL 1,034, approximately USD 350). An unofficial minimum wage of GEL 20 per month was set in 1999. Foreign workers already under an employment residence permit are grandfathered but they must comply with the new minimum when they renew the permit. Those guaranteed benefits and allowances that are set out in the employment contract may be included in the minimum wage calculation.

Germany: Note



Electronic sick notes

Parliament has passed legislation sponsored by the Economics Ministry that would end the use of the hardcopy Arbeitsunfähigkeitsbescheinigung (incapacity to work certificate), by January 1, 2021. It will be fully replaced by an electronic certificate sent from the doctor's office directly to the health insurers companies which will forward them to employers with commentary on the expected period of absence.

Germany: Watch



Tax package before Parliament

The upper house of Parliament (Bundesrat) is reviewing Bill No. [454/19](#), a package of employment tax measures with some notable provisions, slated to take effect for the tax year 2020:

- The average hourly wage which can be applied for a flat calculation of the exemption would rise from EUR 12 to EUR 15.
- The annual tax-exempt health allowance would rise from EUR 500 to EUR 600.
- The daily income cap of the flat tax regime for short-term workers would increase from EUR 72 to EUR 120.

Key Updates

India: Watch



Draft social security code

A draft [social security code](#) is now posted for public consultation. This consolidation of several existing laws would:

- "corporatize" the Employees' Provident Fund Organization (EPFO) and the Employees' State Insurance Corporation (ESIC) and appoint CEOs to manage them;
- make gig workers eligible for a full range of social security schemes;
- set compensation for maternity leave at one's average salary calculated from the three preceding months; and
- commit to an array of "suitable welfare schemes" for the unorganized sector.

Feedback is welcome through October 25, 2019.

India: Note



Insurance Regulatory and development Authority of India (IRDAI) circulars address health plan exclusions and pre-existing conditions

On September 27, 2019, the Insurance Regulatory and development Authority of India (IRDAI) issued a circular setting [guidelines](#) for exclusions in health insurance contracts. The guidelines specify the illnesses that may be excluded from health insurance [coverage](#). IRDAI released another [circular](#) on that date that requires insurers to extend health insurance coverage to policy holders who dislodge a pre-existing disease. These circulars are expected to bring far greater portability to the health insurance market. The provisions of the guidelines are effective October 1, 2019 and health insurance products that do not comply with guidelines cannot be offered or promoted after October 1, 2020.

Ireland: Watch



Bill to enhance parental leave

A trio of ministries have [introduced](#) the Parental Leave and Benefit [Bill 2019](#) to enhance family leave entitlements from November 1, 2019 if passed in time. Under this law, both parents would be entitled to two additional weeks of parental leave during the first year of a child's life. The benefit would be paid at the same rate as maternity and paternity leave compensation.

Key Updates

Ireland: Watch



2020 Budget

Ireland's [2020 Budget](#) contains a few notable proposals:

- The definition of qualifying company under the Key Employee Engagement Programme (KEEP) stock scheme would expand to include companies operating through a group structure and the definition of qualifying workers would expand to cover part-time and flexible working.
- The tax break for hiring skilled foreign workers under the Special Assignee Relief Programme (SARP), which is set to lapse on December 31, 2020 would extend through December 31, 2022. Those claiming the relief in 2022 would benefit from it through 2026.
- The 0% Benefits in Kind (BIK) status for electric cars would continue through 2022.

Japan: Note



Consumption tax rises

After a number of false starts, the final tranche in a consumption tax increase (from 8% to 10%) came into effect on October 1, 2019. The tax started a climb from 5% in April 2014 with the entire hike earmarked for an urgent infusion of funds to the social security system.

Japan: Watch



Proposals to raise pension eligibility age

The Welfare Ministry submitted proposed changes to corporate defined contribution plans, individual defined contribution pension plans (iDeCo), and corporate defined benefit plans to a Social Security Council subcommittee. They include raising the eligibility age for defined contribution pension plans from 65 to 70 and giving people the choice to start receiving pension payments after age 70 (the current rule requires people to begin accepting payments between the ages of 60 and 70). There is a proposal to raise the age limit for company employees joining iDeCo plans from 60 to 65. People in the plans would also be able to defer payments until after 70. In addition, the age range to start receiving payments would change from between 60 and 65 to between 65 and 70 for defined benefit corporate pension plans.

Key Updates

Kazakhstan: Note



Unified National Pension Fund (UNPF) employer contribution now on calendar

The President has declared that the repeatedly postponed 5% employer contribution to Unified National Pension Fund (UNPF) is now scheduled for 2023. In addition, working groups of experts and social partners have been convened to report on long-term financing needs of the scheme and to come up with further refinements.

Malaysia: Watch



Gig economy task force

After the government [intervened](#) in a high-profile dispute between gig economy workers and the platform they served, the Cabinet [appointed](#) a tripartite committee to conduct a thorough study of issues raised by the gig economy, including whether it warrants an amendment to the Employment Act expanding the definition of "employee" to include gig economy workers.

Malaysia: Watch



2020 Budget

The Finance Ministry has delivered the [2020 Budget](#). Among the highlights:

- Maternity leave would increase from 60 days to 90 in 2021.
- The Employees Provident Fund (EPF) would expand coverage to contract workers.
- The Self-Employment Social Security Scheme would extend to independent contractors in 18 more sectors.
- The RM 1,100 per month minimum wage would rise to RM 1,200 per month - for urban areas only - from January 1, 2020.
- The income threshold for entitlement to overtime premiums would double to RM 4,000 (US \$955.68) per month.
- Initiatives to improve the job market for women and youth would include hiring incentives and wage supplements.
- Skills training programs would target the unemployed and allowances for apprentices would rise.

Key Updates

New Zealand: Watch



Changes planned for temporary work visa system

The Ministry of Business, Innovation and Employment has [outlined](#) plans a number of proposed changes to the employer-assisted temporary work visa system that should come between 2019-2021:

- Combining several work visa categories into a single Temporary Work Visa.
- Bolstering the labor market test for low-wage workers and waiving it for higher paid workers.
- Replacing the skills bands for visa eligibility with a remuneration threshold.
- Allowing lower paid workers to bring their families to New Zealand.
- Arranging for sectoral agreements that exchange easier job market access for foreign workers with job market improvements for New Zealanders.

Oman: Note



Regulations for health insurance scheme stakeholders

The Capital Markets Authority (CMA) has published [Decision 78/2019](#), regulations fleshing out the compulsory health insurance scheme (Dhamani). It sets out licensing and dispute resolution processes as well as the rights and responsibilities of insurers, providers, third-party administrators, employers, and workers. The "Dhamani Platform", an e-health care system encompassing health services and health insurance is due for a mid-2020 rollout.

Philippines: Note



Alien Employment Permits (AEP) process changes

The Department of Labor and Employment (DOLE) has recently issued Advisory No. [19-08](#) which obliges foreign nationals seeking Alien Employment Permits (AEP) to appear personally to file their applications. The customary filings from agents, consultancy, and law firms will not be accepted. The change went into effect on October 1, 2019, but stakeholders await implementing guidance.

Meanwhile, DOLE [observed](#) the debut of the first of several one-stop centers for AEP applications will combine multiple services including Bureau of Internal Revenue (BIR) and Professional Regulation Commission (PRC) counters to streamline the application process.

Key Updates

Qatar: Watch



Proposals for occupational safety in summertime

A [study](#) sponsored by the International Labour Organization (ILO) and Qatar's labour ministry proposes stronger safeguards against workplace heat exposure in the summer months. They include "mandatory heat stress mitigation plans" for all employers, seasonal workday adjustments, periodic physical exams, and standards for access to water and shade.

Russia: Watch



Electronic employment records bills advances

Parliament's lower house, the Duma, has [passed](#) in first reading legislation that would amend the Labor Code to transition from hardcopy to electronic employment record books. Paper records would only be maintained after January 1, 2021 for those workers who have submitted a written application by the end of 2020. The bills face two more votes in the Duma and one in the Federational Council before they reach the President's desk.

Russia: Watch



Wage guarantee scheme

The government has unveiled plans for a new social security scheme to insure against loss of wages. Severance pay guarantee was included in earlier reporting but was not confirmed at this stage. Employers would pay 0.02% of salary to pre-fund this benefit.

Russia: Note



Fewer job restrictions for women

The Ministry of Labor and Social Protection of the Russian Federation issued an order reducing the list of professions in which women are [prohibited](#). The ministerial order, which takes effect on January 1, 2021, reduces the current list of 456 occupations in 38 industries to 100 occupations in 21 industries. The employment restrictions bar women from working in the chemical industry, metallurgy, oil production, coal mining, and many other sectors. The order identifies some occupations where employers may hire women provided they are maintaining a safe working environment that has been certified by state authorities.

Key Updates

Saudi Arabia: Respond



Visit visa standardization

The Council of Ministers has finalized a decision "effective immediately" standardizing validity periods and fees for all visit visas including work visit visas. Durations are either three-month single-entry or 12-month multiple entry and the standard fee is now SAR 300 (about USD 80). Visa applications that are already pending must conform to the new standards.

Serbia: Note



Streamlined application processes

Several administrative changes will make it easier to obtain work and residence permits:

- From January 1, 2020, temporary residence permit applications may be filed online.
 - Also from that date, long-term stay visas applications may be filed from abroad.
 - From December 20, 2020, a single online joint application filed overseas will suffice for work and residence permits.
-

Singapore: Note



Changes to compensation subject to Central Provident Fund (CPF) contributions

The Central Provident Fund (CPF) Board has [posted](#) some adjustments to the definition of salary subject to CPF contributions. Effective January 1, 2020:

- Employer reimbursement of holiday expenses including travel and accommodations is pensionable salary.
 - CPF contributions are no longer required for medical and dental care provided overseas.
 - Dental services for an employee's spouse and children are exempt from CPF contributions.
-

Key Updates

South Africa: Watch



Private health care regulator sought

The Competition Commission (Commission) published the results of the market inquiry into the status of competition in the private health care [sector](#) that it initiated in 2013. The Commission focused on determining whether there were obstacles to competition in the private health care market resulting in higher health care cost and reduced access to care. The five-year investigation produced [recommendations](#) for the successful implementation of the National Health Insurance Bill. The Commission concluded that the supply side of the market was under-regulated, which had a negative impact on competition and consumers. It proposed the establishment of an independent regulatory authority, the Supply-Side Regulator for Health (SSRH) with responsibilities that encompass: health care facility planning (including licensing); economic value assessments; health services monitoring; and health services pricing. The Health Minister will now review the Commission's recommendations.

South Africa: Watch



Consultation on foreign employment remuneration exemption

The South African Revenue Service is holding a public consultation on DRAFT INTERPRETATION NOTE 16 ([Issue 3](#)) which sets out details of the tax regime for the foreign employment remuneration exemption. From March 1, 2020, the annual exemption will be capped at 1 million South African rand (US\$65,917). The note explains the types of remuneration that would qualify and confirms that the amount over 1 million rands would be subject to the normal tax rates. Comments are welcome through December 13, 2019.

Sweden: Respond



Tax regime for healthcare allowances

A recent Supreme Administrative Court [decision](#) concluded that employer health care allowances exceeding the 5,000 Swedish kroner (US\$517) threshold for tax-free employee benefits are fully taxable, not just taxed on the amount over 5,000 kroner. Subsequent Tax Agency [guidance](#) commits to updating the instructions in light of this ruling and offers the clarification that employers who paid excess allowances will not be required to make retroactive corrections.

Key Updates

United Kingdom: Note



Health coverage transition for UK nationals in EU under a no-deal Brexit

The Department of Health and Social Care has [advised](#) UK nationals living in the EU, including UK workers temporarily posted in the EU. In the event of a no-deal Brexit, most UK nationals in the EU would see health care reimbursements continue for six months after exit date. Those already receiving treatment would be covered for up to a year.

United States of America: Respond



Department of Labor (DOL) Releases Final Rule on Overtime Pay

On September 24, 2019, the Department of Labor (DOL) released a final rule on overtime pay. The final rule updates the earnings thresholds necessary to exempt executive, administrative, and professional employees from the Fair Labor Standards Act's minimum wage and overtime pay requirements and allows employers to count a portion of certain bonuses/commissions towards meeting the salary level. According to the news release, the new thresholds account for growth in employee earnings since the thresholds were last updated in 2004. In the final rule the DOL is:

- Raising the "standard salary level" from the currently enforced level of \$455 to \$684 per week (equivalent to \$35,568 per year for a full-year worker);
- Raising the total annual compensation level for "highly compensated" employees from the currently enforced level of \$100,000 to \$107,432 per year;
- Allowing employers to use nondiscretionary bonuses and incentive payments (including commissions) that are paid at least annually to satisfy up to 10% of the standard salary level, in recognition of evolving pay practices; and
- Revising the special salary levels for workers in U.S. territories and in the motion picture industry.

The final rule will become effective on January 1, 2020.

The final rule is available [here](#).

The news release is available [here](#).

A fact sheet is available [here](#).

Frequently asked questions about the final rule are available [here](#).

Key Updates

United States of America: Note



"Public charge" screening for immigrants

The U.S. Department of Homeland Security (DHS) published the Inadmissibility on Public Charge Grounds final rule which introduces screening of applicants for admission or adjustment of status to the [United States](#) for prior receipt of public benefits. The rule outlines the "totality of the circumstances" test (applicant's age, health, family status, financial status and assets, education, and skills, in addition to the receipt of any public benefits and other potentially negative factors that may demonstrate that the applicant will not be able to earn a living) that the DHS will apply when conducting a public charge admissibility [determination](#). The rule requires applicants for a green card (including spouses and minor children of employer-sponsored green card applicants) to complete the new Form I-944, Declaration of Self-Sufficiency. This form and the appropriate supporting documentation will entail a significant amount of preparation time. DHS will apply the final rule only to applications and petitions postmarked (or, if applicable, submitted electronically) on or after October 15, 2019. Earlier applications will not be subject to the rule. On October 11, a federal judge blocked implementation of this rule and the DHS is now seeking injunctive relief.


Zimbabwe: Note




Bill would allow foreign investments for pensions

The Insurance and Pensions Commission (Ipec) is reportedly preparing the final draft of Pensions and Provident Fund Bill for publication. The legislation would allow pension funds to invest up to 20% of assets (later 30%) offshore provided they have "met...local obligations." The bill would also reinforce corporate governance in the sector and strengthen Ipec's enforcement authority.


Other Notable Updates

Area	Country	Date	Name
	India	10/10	Premium payment flexibility
	USA	10/10	Departments Release Frequently Asked Questions (FAQs) on Mental Health Parity Rules
	USA	10/10	President Trump Signs Executive Order Promoting Private Medicare Coverage
	Uzbekistan	10/31	Health reform timetable

	Australia	10/31	Rules on super contributions for those with multiple employers
	Finland	10/31	Pension contributions tweaked
	Greece	10/24	Tax treatment of contributions to a foreign pension
	Greece	10/24	Ruling against some provisions of pension law
	India	10/10	Employees' Provident Fund (EPF) interest rate rises
	India	10/24	Ruling on foreign worker Employees Provident Fund (EPF) contributions
	Mexico	10/4	Mutual funds approved for Afores investment
	Mexico	10/10	Unit of Measurement and Updating (UMA) barred from state pension formula
	Sweden	10/4	Delay for premium pension reform
	USA	10/24	Internal Revenue Service (IRS) Releases Final Regulations on 401(k) Hardship Distributions
	USA	10/31	Social Security Administration Releases 2020 Indexed Figures

	Argentina	10/24	Workers compensation formula changed
	India	10/24	Benefit illustration guidance

Other Notable Updates

Area	Country	Date	Name
	Belgium	10/4	Tax exempt overtime period increased
	Bulgaria	10/31	Tax break on life event allowances
	Canada	10/10	Trans-border data flows
	Canada	10/24	British Columbia (BC) ruling on discretionary bonuses
	El Salvador	10/4	Higher Labour Council returns
	EU	10/31	Whistleblower Directive adopted
	EU/Austria	10/24	Ruling over posted worker noncompliance penalties
	Germany	10/10	Pantry items not a taxable benefit
	Hungary	10/24	Supreme Court guidance on noncompete clauses
	Indonesia	10/24	Decree lists positions open to foreign workers
	Japan	10/4	Workstyle reform resource page
	Jordan	10/24	New rules for skilled work permits
	Luxembourg	10/24	Apprenticeship law
	Luxembourg	10/31	Right-to-disconnect ruling
	Malaysia	10/10	Campaign for telecommuting
	Malta	10/24	Ruling on non-compete clauses
	New Zealand	10/4	Tax treatment of digital currency
	New Zealand	10/10	Talent Work Visa changes
	Panama	10/24	New hire incentives
	Poland	10/10	Tax break for commuting is more than doubled
	South Korea	10/24	Paternity leave increase
	Switzerland	10/24	Two-week paternity leave confirmed
	Thailand	10/31	Health insurance prerequisite for older foreigners
	USA	10/31	Mandatory health coverage for visas
	Uzbekistan	10/10	Incentives for hiring disabled workers



Additional information plus other updates can be found in Greater Insight which is updated & emailed on a weekly basis [Click here to access to Greater Insight Login Page](#)

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