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Ireland: Parliamentary committee hearing on EWC disputes procedures



Tom Hayes writes: The Irish Parliament's (Oireachtas) Employment Committee has scheduled a hearing on the Irish European Works Council legislation and disputes procedures for the morning of June 22. The Committee has invited SIPTU, the major Irish trade union, and BEERG to present evidence on the problems with the legislation as it currently stands.

When the legislation was drafted in 1996 it was anticipated that Regulations would be made setting out the details of how disputes between EWCs and central management were to be resolved. Because relatively few Irish multinationals came within the scope of the legislation, five or six at the most, and because just a handful of US-based multinationals based their EWCs in Ireland, most preferring the UK, there were never any disputes. So, there was never any pressure for the Regulations to be made.

Because of Brexit, there could be now over 100 EWCs based in Ireland. As we have previously reported, we know of a number of disputes bubbling up, involving the EWCs in the British Council, Verizon, and Kingspan. Following a complaint from SIPTU, the European Commission has also begun proceedings against the Irish government over deficiencies in the legislation.

When we in BEERG became aware that Brexit would mean many EWCs moving to Ireland, we wrote to the Irish Minister highlighting our concerns with the legislation. We also asked Kevin Duffy, the former chair of the Labour Court and a barrister, for an opinion on the matter. Kevin confirmed that the best approach would be to amend the legislation to allow for disputes to be referred for mediation to the Workplace Relations Commission, before being referred to the Labour Court for, first, a recommendation, and then, if necessary, a binding decision. Such a model already exists in the *Employees (Provision of Information and Consultation) Act 2006* [here](#).

A phased approach to dispute resolution would be preferable to what we have experienced in the UK, a jump from a dispute between an EWC/SNB and central management straight into court without any intermediary steps.

I plan to appear before the Committee in person on June 22. Should you have any comments or observations you would like to see us make to the Committee, email me at tom.hayes@beerg.com We can also furnish members with contact details of the Oireachtas Committee members if you would like to contact them direct in support of our call for the deficiencies to be addressed.

The hearing will be livestreamed. We'll circulate details near the event.

GDPR: Four years on... a global domino effect... or none at all?

Derek Mooney writes: On May 25th, the GDPR celebrated its fourth anniversary! *Hip- Hip... nothing... OK then.* Amid a range of interesting and informative reviews of the impact GDPR has made on businesses, not just those whose sole function is data processing, and on regulatory systems, we came across these two articles – which could be said to come from either end of the spectrum.

The first comes from [Aséle Ibrahimova](#) and [Sarah O'Brien](#) of Reed Smith and is entitled: [How the GDPR has had a domino effect](#). In it they look at how over twenty countries (outside the EU) have used GDPR as a model to shape their own rules on the handling of personal data and considers how certain elements of the GDPR have been or are being adopted in different countries.

The other article comes from Max Schrem's None of Your Business (NOYB) data privacy group and takes the contrary view, claiming instead that [GDPR has not changed a culture of non-compliance](#) and that a large part of the data industry has learned to live with GDPR without actually changing practices. It concludes that more must be done on enforcement and that it is up to privacy activists, such as NOYB to do more.

Future Work Roundup: *I want to work from the Cote D'Azur?*



The French bank **BNP Paribas** is being sued by a former regional director who says she was left with no choice but to quit after her request to work remotely from the French Riviera, where her husband had got a new job, was vetoed.

Sandrine Sustar, who was based in the northern French city of Lille, argues that working from home was not problematic during Covid-19 lockdowns and there was no reason to prevent her from doing so from the south of France.

"She was offering to come back to the office once a week at her own costs," Sustar's lawyer, Eva Nabet, said at a Paris employment tribunal hearing. "But the company refused." Sustar says the bank's stance forced her to resign and she is seeking about €100,000 (\$107,000) under a legal procedure that enables workers to collect unfair dismissal compensation if they can demonstrate that their employer's behaviour was so unreasonable they couldn't stay.

By way of contrast with BNP, **Zopa** the British digital bank, has told staff they can work remotely abroad for up to 120 days a year without any change to their pay. The move is an expansion of a policy Zopa introduced a year ago, when it said staff could work abroad for as many as 90 days a year.

It has identified 13 countries — including Spain, Greece, Portugal, Italy, Bermuda, and Barbados — where employees could base themselves without facing onerous tax, legal and right-to-work obstacles. “We recognise the world of work is changing,” Helen Beurier, Zopa’s chief people officer, said. “The concept of work-life balance is no longer relevant. There isn’t really a difference between work life and your personal life.”

The UK-based consultancy, **Global Counsel**, has published a report on the *Future of Employment Regulation*. The report examines the impact of technology on workplaces and considers the views of businesses on the need for new regulations. It is based on a survey of over 200 business leaders. The full report is available [here](#).

US: Webinar on US labor relations



LERA, the Labor and Employee Relations Association, recently hosted a webinar, moderated by Wilma Liebman, former Chair of the National Labor Relations Board, and Tom Kochan, George Maverick Bunker Professor of Management at the MIT Sloan School of Management, on *Inflection Points in Labor-Management Relations and Worker Activism: A Glance Back and a Look Ahead*.

The webinar also features Noam Schreiber of the *New York Times*. A very interesting discussion that is well worth watching. There is a lot going on in US labor relations at this time. Whether these diverse developments amount to a major turning point, with labor unions about to make a comeback, remains to be seen. **You can watch it on YouTube [here](#)**

In the UK, Sharon Graham, who last year was elected the first female general secretary of Unite the Union, said in an interview with the *Financial Times* that she believed that “this was a moment for the union movement to be reborn” You can read the interview [here](#).



P&O Ferries: *We were right to sack 800 crew members*



The ultimate owner of P&O Ferries, Sultan Ahmed bin Sulayem of Dubai, said its management had done an ‘amazing job’ after it sacked 800 crew members in March. He said it now too late to reverse the dismissals as they were “in the past”. Sulayem said that Peter Hebblethwaite, P&O’s chief executive, “has done an amazing job because he managed to save the company instead of 3,000 people [being] out of a job”.

“We said many times, [the UK government] can’t do anything now because [the P&O decision] is in the past,” he said, stressing the company only had two options available to it, to either switch to a cheaper workforce or cease operating. Sulayem said only one staff member had rejected the terms offered so “nobody was hurt”. The choice P&O faced, he added, was either to sack the sailors or “bring down the company”.

Agency workers have replaced former crew and he said the company could now compete effectively: “Now the shipping vessels are serving the UK.” He also suggested the government should be more appreciative because the company was helping ministers make a success of Brexit.

Sulayem linked the job losses with a perceived lack of support during the coronavirus pandemic: “Had they helped the company, it would have been a different situation.” P&O received £11mn in furlough money from the government, according to Grant Shapps, transport secretary, who has called for it to be repaid.

We in BEERG are not convinced that the argument “sure, we broke employment law, but you can’t do anything about it because it is done and you can’t make us go back and undo it” is one we would recommend to member companies.

Russia: “Company grab” law being pushed through



Russia is pushing through a new law allowing it to take control of the local businesses of western companies that decide to leave following Russia’s invasion of Ukraine. The law, which could be in place within weeks, will give the government wide-ranging powers to intervene where there is a threat to local jobs or industry, making it more difficult for western companies to quit the country unless they are prepared to take a big financial hit.

The bill opens the way for Russia to appoint administrators over companies owned by foreigners in “unfriendly” countries, who want to quit the country. Moscow typically refers to countries as “unfriendly” if they have imposed economic sanctions on Russia, meaning any firms in the European Union or United States are at risk.

The draft law outlines how Russia could appoint an administrator to firms where at least 25% of the shares are in “unfriendly” foreign hands. It lays down a wide range of criteria for intervention, such as when a company plays a critical role as a local employer or provides important services. It makes clear that the state can justify taking control on many grounds.

The state-appointed administrator would also be allowed to sell the confiscated business, while its former owners would be barred from doing business in Russia.

Unions: Strategic Litigation as a Legal Crossroads

“Looking forward to starting our ETUI workshop on strategic litigation this afternoon, beginning with a discussion on the intersection between Occupational Safety and Health & data protection to empower workers and to protect their health and safety when AI is implemented in the workplace”



We saw this on Twitter and thought that this is a sign of things to come.

Are unions and works councils gearing up to take legal cases over issues that intersect human resource management, health and safety, and data protection? Demands for information on algorithms will be at the heart of any such actions.

Brian Sheehan: Happy retirement to an old friend



Tom Hayes writes: This week, Brian Sheehan, the editor of the weekly Irish report *Industrial Relations News*, retires. Brian has edited *IRN* since 1986 and has made it a weekly must-read for all those interested in Irish industrial relations. Brian and I have been friends for as long as he has edited *IRN*. Not only do we share a fascination with industrial relations, but we are both died-in-the-wool Manchester United fans, during good times, and bad.

On my own behalf and on behalf of all of us in BEERG/HR Policy Global... I wish Brian well in his retirement... not that he is not putting his pen aside entirely, he will continue to write for *IRN* and will cover issues of interest to us in BEERG such as EWCs.

We hope Brian has many years ahead of him. And good luck to Andy Prendergast who takes over as editor from Brian.

THE BEERG AGENDA:

Note that BEERG events are now 'in person' unless listed as a webinar

BEERG Members' Network Annual Summit

Hotel Estela, Sitges Spain: Jun 15 - 17

Our June Summit will have 4 working sessions:

- EU Employment and Labour Law Legal Landscape,
- Disrupting the Disruptors: A Company Case Study,
- From the Fax to the Cloud - From Working 9-to-5 to Timeless Work,
- Political Perspectives: Europe: Ukraine/Russia; post-election France; A US view

The full agenda, with the list of guest speakers, is available [online](#)

Please note the Hotel Estela is almost fully booked for accommodation

[Book June meeting](#)

Executive Training: Fundamentals of Global LR

Webinar: June 28 - 30

This course of three sessions, over three days, explores the strategic mindset and thought process of a successful global labor relations executive. This course is not an introduction to LR principles, it examines the strategic awareness needed to lead global labor relations.

[Book June Webinar](#)

BEERG Members' Network Meeting

Pullman Hotel, Gare du Midi Brussels Sept 29/30

The September BEERG Network Meeting in Brussels is open to BEERG members, HR Policy Global members. Click link on right to book a place at the meeting. A draft agenda with details and accommodation booking form will be available by mid-July

[Book Sept Meeting](#)

BEERG Training: Managing European Employee Relations

Hotel Estela Sitges: Oct 18-21

Over the past fifteen years, hundreds of executives have participated in our twice yearly BEERG training programs. We have radically restructured our program to include a twin track component offering participants a tailored choice of modules. Download the training brochure and draft course schedule [ONLINE HERE](#).

[Book Oct Training](#)

*BEERG/HR Policy Global Members can self-register online for these events via the links supplied. Members who get the "No Tickets Available for Purchase" message online should contact [Derek](#).

BEERG Dates for your Diary:

Date	Event	Booking Links	Venue
Jun 15 – 17	BEERG June Members' Network Summit Meeting	Book June Summit	Hotel Estela, Port d'Aiguadolc, Sitges, Barcelona, Spain
June 28 – 30	BEERG Training: Fundamentals of Global Labor Relations: A Training Program for HR Executives	Book June Webinar	Webinar on Zoom
Sept 29/30	BEERG Members' Network Meeting	Book Sept Meeting	Hotel Pullman, Gare du Midi, Place Victor Horta 1, 1060 Brussels
Oct 18 - 21	BEERG Training: "Managing European Employee Relations"	Book Oct Training	Hotel Estela, Port d'Aiguadolc, Sitges, Barcelona, Spain