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EU: Commissioners-designate answer MEPs written questions

Summary: As part of the confirmation process commissioners-designate Roxana Mînzatu (People, Skills and Preparedness), and Micheal McGrath (Justice, incl Data Privacy) have replied to written questions from MEPs outlining their plans on employment rights and on digital rights and data protection



In a written response to questions from the European Parliament, and ahead of a confirmation hearings in early November, the Commissioner-designate for “People, Skills and Preparedness”, Roxana Mînzatu, who will also be an Executive Vice-President of the Commission, told MEPs, that she will “continue the work in relation to the right to disconnect and telework, reflecting our dedication to workers’ rights in the digital age. What is a right off-line, should also be a right online.” This means she will push ahead with a Directive on this issue.

She said that the Commission will “continue collecting evidence for a new initiative on algorithmic management, incorporating the ‘human in control’ principle in the world of work.” Expect a proposal for a Directive on “AI in the Workplace” in the near future. Mînzatu also said she wants a

“Quality jobs roadmap to be our new paradigm that will allow us to fully exploit the opportunities that new technologies and digital ecosystems bring for innovation, increased productivity and competitiveness.”

If you know what any of this means, drop us an email. In particular, if you can define what “quality jobs” means and who gets to define whether jobs are “quality” jobs or not, we’d like to know.

The Commissioner-designate also told MEPs that she fully supports strengthening “social dialogue and collective bargaining, building on the Minimum Wage Directive and the 2023 Council Recommendation on social dialogue. I will start by proposing, early 2025, a new Pact for European Social Dialogue, working together with European trade unions and employers.” She goes on to say:

Collective bargaining and social dialogue are in fact essential for a flexible and inclusive adaptation to the upcoming challenges of European labour markets, connected to the three transitions: green, digital and demographic. Workers' and their representatives' right to information, consultation and participation is key to enable them to have an active role in anticipating and managing the digital and green transitions.

The European Commission has been saying much the same thing for the past thirty years, and yet union membership and collective bargaining coverage across the EU continues to decline. There is no evidence that this is going to change as a result of EU initiatives. Once the new Commission is in place, expect talks to open between the Council, the Commission and the Parliament on the rewriting of the European Works Council Directive.

MEANWHILE, the Irish nominee for Justice Commissioner designate, Micheal McGrath, in his written response to MEP's questions commits to upholding and enforcing GDPR regulations, ensuring consistency with other digital laws, and addressing any gaps in the existing legal framework. McGrath replies are strong on broad and worthy commitments, but sparse on specifics. He commits to engaging with co-legislators (ministers and MEPs) to deliver speedy adoption of a procedural rules proposal to support GDPR enforcement in complex cases, by data protection authorities. Where this leaves the one-stop-shop principle is unclear.

The Commissioner-designate does highlight the importance of international data flows for the EU's digital economy and commits to promoting international cooperation on data protection. He says he will intensify talks with various third countries, like Brazil and Kenya, on data protection laws. He says the Commission aims to facilitate trusted data transfers with international organizations using adequacy decisions or other GDPR-provided mechanisms.

HOWEVER, as an [opinion piece](#) by four senior academics in the EU Observer ominously highlights, McGrath's inbox may be dominated by the problem of safeguarding and protecting the EU's democratic future. They warn:

"In reality, one member state - Hungary – is no longer a democracy, and several others are under threat.... [and that] ..."The incoming European Commission's policies on democracy protection both mischaracterise the threat and do not take it seriously enough."



Our April European Academy training program in Sitges, **Managing European Employee Relations in Europe Today**, will have a session on developing a Workplace AI Policy, led by Oliver Patel, Global Head of AI Governance at AstraZeneca. Full details of this program will be available in early January. Email tom.hayes@beerg.com to find out more

UK: Welcome to the Hotel Unite

Summary: A former senior official at one of the UK's largest trade unions, Unite, has lost an unfair dismissal claim amid ongoing investigations relating to the construction of its vastly over-budget hotel and conference centre in Birmingham



A former senior official at one of the UK's largest trade unions has lost an unfair dismissal claim amid a police investigation into allegations of bribery, fraud and money-laundering at the organisation. Howard Beckett was assistant general secretary at Unite the Union until his suspension in August 2022, four months after police raided the union's London headquarters.

Following the Employment Tribunal judgement, Beckett's lawyer told journalists that they will appeal the decision and that they have also launched legal action against Unite and its general secretary for breach of privacy.

Beckett was initially told his suspension was due to allegations of "misleading" the union's ruling executive council in relation to the construction of its vastly over-budget hotel and conference centre in Birmingham. The project was originally estimated to cost £7m but more than £100m was eventually spent. An independent valuation later concluded the finished building was worth only £29m.

General secretary Sharon Graham commissioned an inquiry which, the tribunal said, led to the discovery of £14m which did not feature "in the final accounts and it remains a mystery as to how and when this figure had been assessed and then presumably paid" to a contractor. The complex, which is now complete, houses Unite's regional headquarters, as well as a 170-bed hotel and 1,000-person conference centre

A spokesperson for Unite said the current general secretary, Sharon Graham, promised to leave "no stone unturned" when she commissioned two independent inquiries into the union's previous administration. They said: "The employment tribunal case involving the union's former assistant general secretary Howard Beckett, which he lost on all counts, begins to allow the story to be told. "We are also pursuing legal claims to recover money lost to the union and the general secretary has put safeguards in place to ensure that such things can never happen again."

At the time of writing, it is unclear that if, like Hotel California, you check in to Hotel Unite you can never leave.

UK: Government mulls new collective redundancy rules

Summary: *The UK government is contemplating significant amendments to the collective redundancy laws, impacting engagement with employee representative and the consultation process for redundancies across multiple sites*



The UK government is considering making significant changes to the law on collective redundancies. As it stands, employers have to consult employees' representatives if they are "contemplating" making more than 20 employees in an "establishment" redundant within a 90-day period. "Establishment" means a site or individual workplace. So, for example, if an employer with 5 "establishments" made 19 workers in each establishment redundant they would not have to consult with representatives.

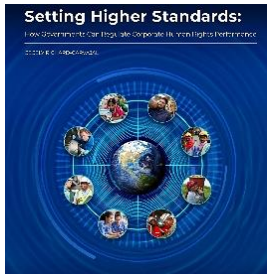
The government is looking at doing away with the distinction between "establishment" and "undertaking" so that it would be the overall number to be made redundant that would count, and not how many in individual workplaces. Other changes under consideration include:

- *increase the protective award to individual employees from 90 days to 180 days or even abolish the cap altogether to deter employers from trying to "buy off" potential employment claims about the lack of collective consultation. The award payment is made to individual employees where it is found that the employer has failed to properly inform and consult over the proposed redundancies; and*
- *allow employees claiming a protective award to ask for "interim relief" (essentially enabling them to remain employed or at least paid until a tribunal hearing).*

On top of this, the government has said that it plans to consult next year on extending the 45 day collective consultation period to 90 days if an employer is proposing 100 or more redundancies. For a more detailed comment on the proposed changes, see this from Lewis Silkin LLP [here](#).

Due Diligence: A taste of things to come

Summary: Amnesty's new focus on multinational corporations highlights a "NGO mission creep" shift from its original aim of advocating for political prisoners. Its most recent report criticizes working conditions at Carrefour and Amazon



Last week, the French newspaper *Le Figaro* reported that Amnesty International had produced a paper denouncing the working condition in Carrefour in Saudi Arabia. [here](#). It followed a similar paper Amnesty had written in 2023 about Amazon [here](#).

Now, I am old enough to remember when Amnesty was first set up in the 1960s to campaign on behalf of prisoners of conscience, people held in prison for their political beliefs. Something worth supporting.

But then Amnesty seems to have fallen victim to what might be called "NGO creep". Once an organisation like Amnesty is set up, those who work for it start to look for ways to expand its remit and to keep themselves employed. After all, there is only so much press coverage you can get out of pushing the cause of someone held in a hellhole in an authoritarian country far away because of their political opinions.

Why not pick on a few multinational undertakings? Say some bad things about them and you are bound to get a bit of press publicity. Now, of course, you are always going to find some bad things to say about any business if you look hard enough. But, for the most part, multinational undertakings tend to be better employers than most local businesses. They pay more and working conditions are better.

The Amnesty targeting of Carrefour and Amazon is a harbinger of things to come when the *Corporate Sustainability Reporting Directive* sees the first tranche of undertakings in scope reporting in 2025. Amnesty and other NGOs will not have to go looking. Management will have to report on over 2,000 data points and post the information on its website.

Here is a report from NYU/Stern which is worth reading. It "... assesses the rise and key tenets of business and human rights regulation and recommends to governments and companies how to maximize the effectiveness of these legislative initiatives. As much of the regulatory activity to date has occurred in Europe, this report also argues for enhanced US government engagement." [here](#).

Germany: VW – trouble ahead

Summary: Volkswagen is undergoing significant restructuring amid declining sales. It plans to close 3 plants in Germany and reduce the workforce by 10,000 – yet further evidence of the challenges faced by Europe's auto industry



We reported in recent issues on what is happening in Volkswagen as its management tries to come to grips with its declining economic performance. This week, Daniela Cavallo, the chair of the VW works council, told a meeting that the company planned to close 3 plants in Germany, cut headcount by 10,000, and reduce pay by 10%. IG Metall is pushing for a 7% increase during the next pay round.

Meanwhile, in Brussels talks are ongoing over the closure of VW's Audi plant, with the last cars scheduled to roll off the production line in late February 2025. Unions and employees' representatives are in

discussion over severance terms for the plant's 3,000 workers. While such talks would be tense at the best of times, they have become even more tense as whatever is agreed in Brussels will clearly set a baseline for negotiations in Germany.

The European car industry is under serious pressure as a result of falling demand, which has never returned to pre-Covid levels, the difficulty of transitioning from petrol to electrical propulsion, and competition from lower-cost and technologically better Chinese manufacturers.

Europe's automotive industry employs nearly 14mn people and accounts for 7% of the EU's GDP. It is heavily unionised, and its unions have always been leaders in setting pay and working conditions standards. Outside of the public services, it is one of the last bastions of the union movement in Europe.

EWCs: Article 13 exemption

Last Tuesday, we hosted a most productive and engaging open forum on the proposed EWC Directive revision. It focused on options open to undertakings with Article 13 agreements. Many thanks to everyone who participated. We will be revisiting this issue again in the near future. For the benefit of all members here are:



- (i) [Our recent analysis paper on this issue](#)
- (ii) [The discussion points paper for the event](#)



A Walk On The Wild Side

10-minute podcasts by Alan Wild...
...for HR professionals managing employee relations in global and millennial times



New Episodes

Taiwan & Vietnam Labor Regulations Update

Webinar Nov. 5, 9pm EST

Join us for an informative 75-minute-long catchup webinar on current employee and labor relations regulations in Taiwan and Vietnam, presented by our Baker McKenzie colleagues Seraphim Ma from Baker (Taiwan) and Hang Nguyen from (Vietnam).

[Taiwan +
Vietnam Update](#)

New York Time | Tuesday, Nov 5 at 9:00 – 10:15pm

Singapore Time | Wednesday, Nov 6 at 9:00 – 10:15 am

HR Policy Global Paris France Networking Luncheon

Paris Dec 12, 11:30H CET

Graciously hosted by our good friends Flichy Grange at their central Paris office, this 3-hour networking luncheon event provides members an opportunity to meet and discuss the latest developments in France and the EU.

[Book Paris Event](#)

*HR Policy Global Members can self-register for events via the links above. If you get a “No Tickets Available for Purchase” message, make sure you are logged in. Non-members should contact [Derek](#).

Upcoming Events Across Europe: See also: [Online list](#) of all upcoming HR Policy Global events

Date	Event	Booking Links	Venue
Dec 12	HR Policy Global Paris France Networking Luncheon	Book Paris Event	Flichy Grangé Avocats 16 Rue du 4 Septembre, 75002 Paris, FR

Meeting Schedule 2025 – confirmed dates and venues Jan – June 2025

Month/Date	Event	Location
January (Tues 14 th)	German Workshop	Frankfurt
February (Tues 4 th + Wed 5 th)	Europe Members' Network Meeting	Brussels
April (Tues 8 th to Thurs 10 th)	European Academy Training Program	Sitges/Barcelona
June (Wed 18 th to Fri 20 th)	Europe Members' Network Meeting	Sitges/Barcelona