

Euroview

Employment



Germany introduces new data protection laws

Data protection is something of a hot topic in Germany at the moment. Following a string of scandals involving some of the country's largest companies, legislators there have adopted a Bill that will further regulate the collection, processing and use of employee data.

The new legislation, set to come into force on 1 September 2009, will tighten restrictions on the use of employee data. It makes it clear that personal data may only be collected, processed or used for employment purposes if it is required in order to: (i) determine whether somebody should be offered employment (for example, questions concerning professional qualifications, abilities and experience); (ii) execute or terminate the employment relationship; or (iii) uncover criminal acts that may have been committed during the employment relationship.

Internal data protection officers are also set to gain new rights. All medium and large companies are required to appoint such an officer. Going forward they will be entitled to participate in continuing education and professional data protection training programmes at their employer's cost. Furthermore, under the proposals employers will only be able to dismiss such employees for certain specific reasons set out in the German Civil Code and in particular not for any reason related to their role or exercising the rights attached to it. This new right is similar to the protection enjoyed by Works Council Members. They will be entitled to bring a claim at any time up to a year after dismissal.

This is just the latest in a series of changes to Germany's data protection legislation aimed at reassuring the German public that their personal data is safe.

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Parental leave could increase to four months

European employer and trade union representatives (the so-called "Social Partners") have recently agreed that the minimum period of parental leave should increase from three to four months. To encourage a more equal take-up of leave by both parents, at least one of the four months must be provided on a non-transferable basis. Parents in the UK with one year's continuous employment are currently entitled to take up to 13 weeks' unpaid parental leave per child.

Parents returning to work after parental leave will be given the chance to request a change to their working conditions (e.g. hours) to facilitate childcare arrangements.

The European Commission will now put forward a draft Directive for consideration by the Council of Ministers. The UK will have up to three years to implement the terms of any new Directive.

Other European news in brief

France: On 1 July 2009 France's national minimum hourly wage increased from €8.71 to €8.82. The rate traditionally goes up annually on 1 July, but going forward the date will change to 1 January from the start of 2010. The Government has also set up an expert group to advise it going forward on the appropriate level of increase in the wage rate.

Ireland: The Irish Government has secured agreement from both employer and trade union representatives there to a new job subsidy scheme aimed at employers badly affected by the recession. The €250 million scheme will provide a subsidy of €9,100 per employee over fifteen months to qualifying exporting companies in the manufacturing and/or internationally traded services sector. The scheme is being introduced to assist in the retention of jobs and to help retain the economy's export potential. This is in addition to the €100 million Enterprise Stabilisation Fund put in place by the Irish Government earlier this year. The scheme will run from 24 August 2009.

Greece: On 1 July 2009 Greece imposed a smoking ban in public places, its third attempt to outlaw smoking in the last decade. Under the new law smoking will be banned in hospitals, schools, vehicles and in all public places. Cafes and bars over 70 square metres will however be allowed to create smoking areas, provided they are totally separate. Smaller premises will have to decide whether to go totally tobacco free or to just cater for smokers. In addition, companies with more than 50 employees will be allowed (but not required) to set up smoking areas on their premises. More than 37% of Greeks aged over 15 smoke on a daily basis, the highest level in the EU.

Sweden: On 1 July Sweden took over the Presidency of the EU for the next six months. The newly elected Parliament will begin its work in September and the next European Commission will be appointed in November. EU Commissioners are nominated by their national governments and must be approved by the European Parliament.

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FURTHER INFORMATION

For more information relating to this article, please contact:

Sue Nickson

Chief Operating Officer and International Head of Human Capital
E: sue.nickson@hammonds.com

Mark Shrives-Wright

Partner & Head of Leeds Human Capital
E: mark.shrives-wright@hammonds.com

David Whincup

Partner & Head of London Human Capital
E: david.whincup@hammonds.com

Nick Jones

Partner & Head of Manchester Human Capital
E: nick.jones@hammonds.com

Teresa Dolan

Partner & Head of Birmingham Human Capital (Employment)
E: teresa.dolan@hammonds.com

WWW.HAMMONDS.COM

If you do not wish to receive further legal updates or information about our products and services, please write to: Richard Green, Hammonds LLP, Freepost, 2 Park Lane, Leeds, LS3 2YY or email richard.green@hammonds.com.

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