

INTERNATIONAL LABOUR AND EMPLOYMENT COMPLIANCE HANDBOOK

Author Guide

[A] Aim of the Publication

As more and more companies invest overseas, the need for readily available, accurate, and detailed knowledge of labour and employment laws in multiple jurisdictions becomes an essential resource for employers and their counsel. Now, this one-of-a-kind new loose-leaf publication provides exactly such a tool. The Handbook promises to be the preeminent, indispensable source of information on labour and employment laws worldwide.

Each country chapter, written by a distinguished legal practitioner in that country, is based on a standard outline (see below) that allows users to compare the legal landscape and analyse solutions to employment problems in each jurisdiction.

For each category the chapter provides detailed coverage of applicable laws, with the addition of such practical features as checklists of do's and don'ts; step-by-step compliance measures with mandatory standards and procedures and recordkeeping requirements; specific applicable fines and penalties; and much more. Thoroughly practical in orientation, the Handbook is easy to understand for lawyers and non-lawyers alike, and is sure to be greatly welcomed by business executives and human resources professionals as well as corporate counsel and business lawyers.

[B] Contact Details

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[C] Submission Guidelines

- [1] A brief biographical note, including both the current affiliation as well as the e-mail address of the author(s), should be provided in the manuscript.
- [2] Only manuscripts in English will be considered for publication. Manuscripts should be written in standard English, while using 'ize' and 'ization' instead of 'ise' and 'isation'. Preferred reference source is the Oxford English Dictionary. However, in case of quotations the original spelling should be maintained. In case the complete manuscript is written by an American author, US spelling may also be used.
- [3] Manuscripts will be returned to the author if the English is below standard. In case of doubt about the correct use of the English language, authors are advised to have their text checked by a native speaker before submitting it.
- [4] Heading levels should be clearly indicated and should follow the standardized outline to allow for the full comparability of the contribution with other such contributions in the publication.
- [5] Special attention should be paid to quotations, footnotes, and references. All citations and quotations must be verified before submission of the manuscript. The accuracy of the contribution is the responsibility of the author. The journal has adopted the Association of Legal Writing Directors (ALWD) legal citation style to ensure uniformity. Citations should not appear in the text but in the footnotes. Footnotes should be numbered consecutively, using the footnote

function in Word so that if any footnotes are added or deleted the others are automatically renumbered.

- [6] Tables should be self-explanatory and their content should not be repeated in the text. Do not tabulate unnecessarily. Tables should be numbered and should include concise titles.
- [7] Figures should be submitted as separate files along with the manuscript, and it is very important that they are high quality: .tif or .jpg files with a resolution of at least 600 dpi. Image material that has been downloaded from the internet generally is not acceptable due to low resolution.
- [8] Submitted manuscripts are understood to be final versions. They must not have been published or submitted for publication elsewhere.
- [9] Manuscripts should be submitted electronically, in Word format.

For further information on style, see the [House Style Guide](#).

[D] Update Cycle

We strive to update the content of this publication annually. We will inform the author well in advance of their deadline and send a reminder at least two times if the deadline is not met. Should we fail to hear from an author after several reminders, we will consider replacing the author.

[E] Peer Review

This publication is peer reviewed under the responsibility of the general editor.

[F] Copyright

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- [3] The author shall receive for the rights granted an electronic copy of their contribution.

[G] Outline

The outline should be followed very closely even if some headings are not applicable. In such a case please write a line or two of text explaining why such a topic is not applicable. Additional, country-specific heads are allowed—as long as they are unnumbered.

1. LEGAL FRAMEWORK: EMPLOYMENT LAWS

2. CONTRACTS OF EMPLOYMENT

- 2.1. Overview
- 2.2. Written Employment Contracts
- 2.3. Oral Contracts
- 2.4. Employee Handbooks
- 2.5. Job Descriptions
- 2.6. Offer Letters
- 2.7. Checklist of Do's and Don'ts

3. RECRUITING, INTERVIEWING, SCREENING AND HIRING EMPLOYEES

- 3.1. Overview
- 3.2. Recruiting
- 3.3. Employment Applications
- 3.4. Pre-Employment Inquiries
- 3.5. Pre-Employment Tests and Examinations
- 3.6. Background, Reference, and Credit Checks
- 3.7. Interviewing
- 3.8. Hiring Procedures
- 3.9. Fines and Penalties
- 3.10. Checklist of Do's and Don'ts

4. MANAGING PERFORMANCE/CONDUCT

- 4.1. Overview
- 4.2. Coaching and Counseling
- 4.3. Written Evaluations
- 4.4. Warnings and Suspensions
- 4.5. Checklist of Do's and Don'ts

5. TERMINATION OF EMPLOYEES FOR PERFORMANCE OR DISCIPLINARY REASONS

- 5.1. Overview
- 5.2. Separation/Severance Pay
- 5.3. Fines and Penalties
- 5.4. Checklist of Do's and Don'ts

6. LAYOFFS, REDUCTIONS IN FORCE, AND/OR REDUNDANCIES AS A RESULT OF JOB ELIMINATIONS OR OTHER RESTRUCTURING

- 6.1. Overview
- 6.2. Reductions in Force/Layoffs/Job Eliminations
- 6.3. Fines and Penalties
- 6.4. Checklist of Do's and Don'ts

7. LABOUR AND EMPLOYMENT LAW RAMIFICATIONS UPON ACQUISITION OR SALE OF A BUSINESS

- 7.1. Overview
- 7.2. Acquisition of a Business
- 7.3. Acquisition Checklist
- 7.4. Sale of a Business
- 7.5. Sale Checklist

8. USE OF ALTERNATIVE WORKFORCES: INDEPENDENT CONTRACTORS, CONTRACT EMPLOYEES, AND TEMPORARY OR LEASED WORKERS

- 8.1. Overview
- 8.2. Independent Contractors
 - a. Definition
 - b. Creating the Relationship
 - c. Compensation
 - d. Other Terms and Conditions
- 8.3. Contract Workers
- 8.4. Leased Workers
- 8.5. Checklist of Do's and Don'ts

9. OBLIGATION TO BARGAIN COLLECTIVELY WITH TRADE UNIONS: EMPLOYEES' RIGHT TO STRIKE AND A COMPANY'S RIGHT TO CONTINUE BUSINESS OPERATIONS

- 9.1. Overview of Unions' Right to Organize
- 9.2. Right of Employees to Join Unions
- 9.3. How Employees Select Unions
- 9.4. Pre-Election Campaigning
- 9.5. Unfair Labour Practices
- 9.6. Relocation of Work/Shutdown of Business
- 9.7. Checklist of Do's and Don'ts

10. WORKING CONDITIONS: HOURS OF WORK AND PAYMENT OF WAGES—BY STATUTE OR COLLECTIVE AGREEMENTS

- 10.1. Overview of Wage and Hours Laws
- 10.2. Minimum Wage
- 10.3. Overtime
- 10.4. Meal and Rest Periods
- 10.5. Deductions from Wages
- 10.6. Garnishment
- 10.7. Exemptions to Wage and Hour Laws
- 10.8. Child Labor
- 10.9. Recordkeeping Requirements
 - a. Information That Must Be Maintained
 - b. Records That Must Be Retained
 - c. Failure to Maintain Required Records
- 10.10. Reductions in Compensation Caused by Economic Downturn
- 10.11. Checklist of Do's and Don'ts

11. OTHER WORKING CONDITIONS AND BENEFITS—BY STATUTE, COLLECTIVE AGREEMENTS, OR COMPANY POLICY

- 11.1. Health and Other Insurance
- 11.2. Pension and Retirement Benefits
- 11.3. Vacation and Holiday Payments on Termination
- 11.4. Leaves of Absence
 - a. Personal Leave
 - b. Medical or Sick Leave
 - c. Bereavement Leave
 - d. Family Leave
 - e. Pregnancy Leave
 - f. Maternity Leave
 - g. Injury at Work
- 11.5. Checklist of Do's and Don'ts

12. WORKERS' COMPENSATION

- 12.1. Overview
- 12.2. Checklist of Do's and Don'ts

13. COMPANY'S OBLIGATION TO PROVIDE SAFE AND HEALTHY WORKPLACE

- 13.1. Overview of Safety and Environmental Laws and Regulations
- 13.2. Requirements
- 13.3. Rights of Employees
- 13.4. Rights of Employer
- 13.5. Specific Standards
- 13.6. Injury or Accident at Work
- 13.7. Workplace Violence
- 13.8. Fines and Penalties
- 13.9. Checklists of Do's and Don'ts

14. IMMIGRATION, SECONDMENT AND FOREIGN ASSIGNMENT

- 14.1. Overview Laws Controlling Immigration
- 14.2. Recruiting, Screening and Hiring Process
- 14.3. Obligation of Employer to Enforce Immigration Laws
- 14.4. Fines and Penalties
- 14.5. Secondment/Foreign Assignment
- 14.6. Checklist of Do's and Don'ts

15. RESTRICTIVE COVENANTS AND PROTECTION OF TRADE SECRETS AND CONFIDENTIAL INFORMATION

- 15.1. Overview
- 15.2. The Law of Trade Secrets
- 15.3. Restrictive Covenants and Non-Compete Agreements
- 15.4. Checklist of Do's and Don'ts

16. PROTECTION OF WHISTLEBLOWING CLAIMS

16.1. Overview

16.2. Checklist of Do's and Don'ts

17. PROHIBITION OF DISCRIMINATION IN THE WORKPLACE

17.1. Overview of Anti-Discrimination Laws

17.2. Age Discrimination

17.3. Race Discrimination

17.4. Sex Discrimination/Sexual Harassment

17.5. Handicap and Disability Discrimination

17.6. National Origin Discrimination

17.7. Religious Discrimination

17.8. Military Status Discrimination

17.9. Pregnancy Discrimination

17.10. Marital Status Discrimination

17.11. Sexual Orientation Discrimination

17.12. Retaliation

17.13. Constructive Discharge

17.14. Checklist of Do's and Don'ts

18. SMOKING IN THE WORKPLACE

18.1. Overview

18.2. Checklist of Do's and Don'ts

19. USE OF DRUGS AND ALCOHOL IN THE WORKPLACE

19.1. Overview

19.2. Checklist of Do's and Don'ts

20. AIDS, HIV, SARS, BLOODBORNE PATHOGENS

20.1. Overview

20.2. Checklist of Do's and Don'ts

21. DRESS AND GROOMING REQUIREMENTS

21.1. Overview

21.2. Checklist of Do's and Don'ts

22. PRIVACY, TECHNOLOGY AND TRANSFER OF PERSONAL DATA

22.1. Privacy Rights of Employees

22.2. Checklist of Do's and Don'ts

23. WORKPLACE INVESTIGATIONS FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT, FRAUD, THEFT, AND WHISTLEBLOWING

23.1. Overview

23.2. Checklist of Do's and Don'ts

24. AFFIRMATIVE ACTION/NONDISCRIMINATION REQUIREMENTS

24.1. Overview

24.2. Checklist of Do's and Don'ts

25. RESOLUTION OF LABOR, DISCRIMINATION AND EMPLOYMENT DISPUTES: LITIGATION, ARBITRATION, MEDIATION AND CONCILIATION

25.1. Internal Dispute Resolution Process

25.2. Mediation and Conciliation

25.3. Arbitration

25.4. Litigation

25.5. Fines, Penalties and Damages

25.6. Checklist of Do's and Don'ts

26. EMPLOYER RECORDKEEPING, DATA PROTECTION, AND EMPLOYEE ACCESS TO PERSONNEL FILES AND RECORDS

26.1. Overview

26.2. Personnel Files

26.3. Confidentiality Rules

26.4. Employee Access

27. REQUIRED NOTICES AND POSTINGS

27.1. Overview

27.2. Checklist of Do's and Don'ts