Innangard

Cross-Border Employment Law Guide 2026

Critical Employment Law Changes and Practical Insights from 18 Countries

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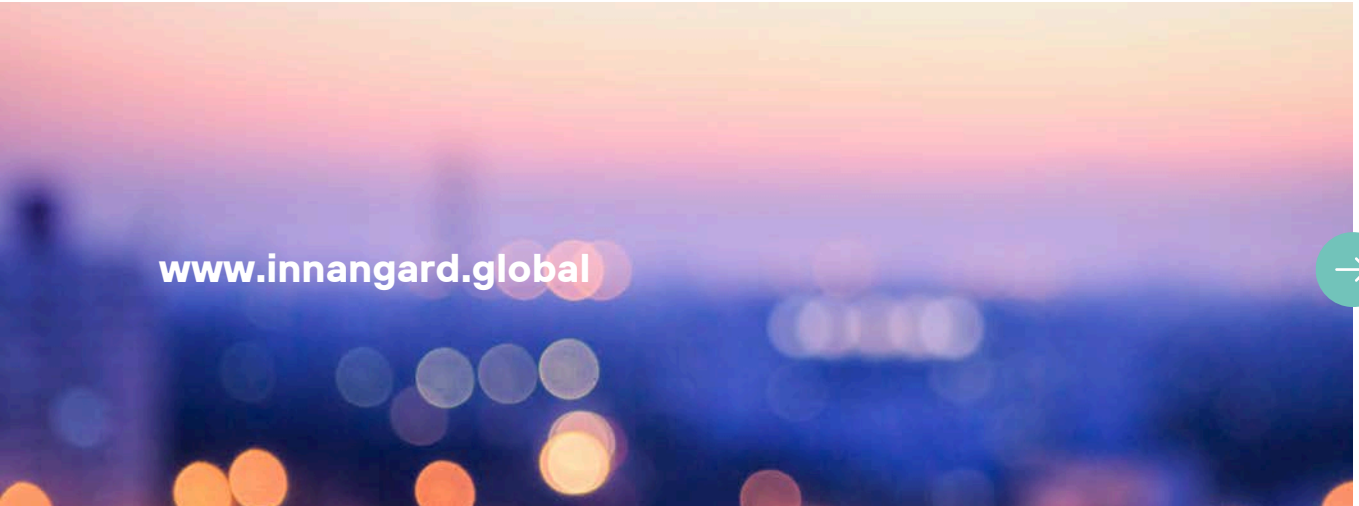
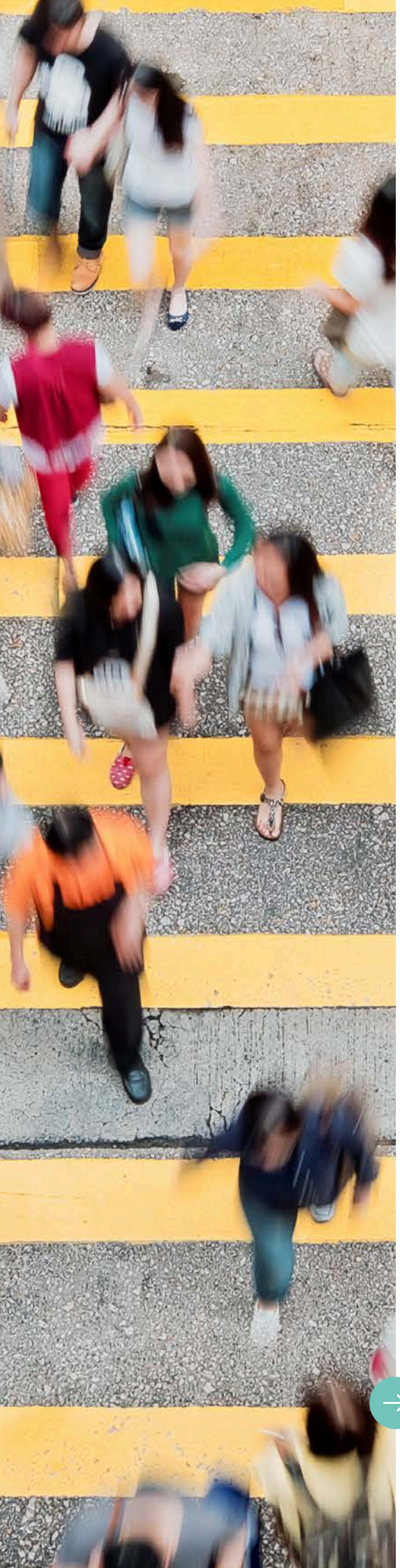
Table of contents





About this Guide

As global employment landscapes continue to evolve at an unprecedented pace, multinational employers face increasingly complex compliance challenges across diverse jurisdictions. From AI regulation and digital rights to enhanced worker protections and flexible work arrangements, 2026 brings a wave of significant employment law changes that require immediate attention and strategic planning.

This guide, developed by employment law experts of Innangard, provides essential insights into the most pressing employment law trends across 18 key jurisdictions.

Innangard is a network of leading employment law specialists from around the world, working collaboratively to deliver practical, cross-border employment law solutions for international businesses. Our alliance combines deep local expertise with global perspective, enabling us to identify emerging trends and provide actionable guidance for employers navigating the complexities of international employment compliance.

Each country section follows a structured format identifying a key trending topic, implications for employers, and practical solutions. This guide is designed to help HR professionals, legal teams, and business leaders quickly understand the critical employment law developments affecting their operations and implement effective compliance strategies. The trends highlighted here represent the most significant changes our Innangard members are seeing in their respective jurisdictions, focusing on issues that have immediate practical impact for employers operating internationally.

AUSTRALIA

The Right to Disconnect and Gig Worker Protections

People + Culture Strategies

The workplace relations landscape in Australia has undergone unprecedented changes in recent years. Reforms have bolstered the rights of employees, workers and unions. These additional rights include protections for gig workers and the right to disconnect.

The right to disconnect allows employees to refuse to read, reply or monitor any contact or attempted contact from either their employer or a third party (such as clients), where that contact is outside of their normal working hours, unless the refusal is unreasonable. This is significant for employers as it has changed the nature of how they communicate with their employees.

While the right to disconnect has attracted a lot of media attention, this has not translated into any significant cases before the Fair Work Commission (Australia's national industrial relations tribunal). However, many employers have implemented Right to Disconnect Policies to set expectations and provide guidance to managers and employees.

Recent reforms have also given rights to a group of gig workers who have not been covered by workplace relations legislation previously. Certain gig workers now have rights which allow them to seek orders for minimum terms and conditions, make collective agreements and bring claims for unfair contract terms and unfair deactivation. In light of these changes, organisations should revise their industrial relations strategy to specifically consider how it applies to gig economy workers.

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AUSTRIA

EU AI Act Compliance and Enhanced Worker Data Protection

GERLACH Rechtsanwälte

Implications for Employers

When employees' data is analysed and their behaviour or performance could be monitored or controlled, AI-based tools will most certainly have labour law implications. Austrian employers must soon comply with the EU AI Act's employment-related provisions, requiring transparency and human oversight for AI systems used in recruitment, performance evaluation, and workplace monitoring. Stricter data-protection requirements add further compliance burdens for employers that use employee-monitoring technologies and automated decision-making systems. It will be essential for employers to assess whether any AI-based applications and tools are designed in a way so that they comply with relevant laws. Before implementing any new tool, employers must also check whether a works agreement is required or, in establishments without a works council, whether employees' consent must be obtained.

Solutions

Conduct comprehensive AI-compliance audits of all existing HR technology systems and data-protection impact assessments where necessary. Create transparent internal policies explaining how AI is used in the employment context, especially regarding employment decisions, ensure human oversight of all automated processes, and provide employees with meaningful opportunities to challenge algorithmic decisions affecting them personally. Check the impact of the AI-based tool and whether there needs to be consent from the works council or all of the employees.

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BELGIUM

More Flexible Dismissal Rules

Bellaw
Van Eeckhoutte, Taquet & Clesse

The Belgian federal government announced several labour law measures in the so-called federal government agreement 2025-2029 at the beginning of 2025, partly due to a much-needed budgetary exercise and the need to be able to employ in a more flexible manner. Some of the measures are intended to make it easier and cheaper for employers to terminate an employment contract.

This is how the probationary period (a period of six months during which the parties can terminate the employment relationship with a notice period of just 1 week), which was abolished in 2014, is likely to be reintroduced from 2026 onwards. For an employee who is dismissed after five months, this will mean that they will not be entitled to five weeks' notice (current rule), but only one week.

Regulations governing employment contracts that have been in place for a very long time are also being tinkered with. The Belgian government has expressed its intention to cap the maximum notice period (or corresponding severance pay) at 52 weeks' salary. Currently, there is no cap, and the notice period increases by three weeks for each additional year of seniority from the fourth year of service onwards (in case of dismissal by the employer). The cap would mean that employees with 17 or 18 years of seniority would no longer be entitled to additional notice period or compensation.

This should make companies' dismissal costs cheaper and encourage employees to find new jobs more quickly.

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Strengthened Protection of Employees' Right to Rest

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River Delta Law Firm

Implications for Employers

Cathy Qu
Senior Partner

Recent policies and judicial practices in China have significantly reinforced employees' right to rest, leading to heightened compliance risks for employers.
Key challenges include:

- Both national and local governments have gradually increased the number and types of statutory holidays, extending or introducing new leaves such as marriage leave, maternity leave, paternity leave, parental leave, and elderly care leave.
- Employees are now more aware of their rights and actively preserve evidence in their daily work, leading to a rise trend in disputes related to overtime pay claims.
- If employers fail to arrange leave in a timely manner, employees may, upon termination, seek financial compensation for all accrued but unused annual leave from their entire employment period. Some judicial practices have begun supporting such claims.

Solutions

Improve Internal Approval and Management Systems: Establish and robust systems for overtime approval, annual leave scheduling, and attendance management. Ensure all processes are compliant and maintain proper records of approvals and executions.

Explore Special Working Hour Systems: For positions frequently involving overtime, consider adopting special systems like the comprehensive working hour system or the flexible working hour system to enhance workforce management flexibility.

Proactively Manage Leave Arrangements: Regularly review employee leave status, proactively schedule unused leave, and retain evidence of related communications and actions to mitigate dispute risks during employee termination.

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CJEU: Parents of Children with Disabilities are Protected Against Indirect Discrimination

Poul Schmith

Implications for Employers

The CJEU recently held that employees who provide the primary care for a child with a disability are protected against indirect discrimination on the same basis as employees with disabilities themselves. The protection against indirect discrimination may be relevant e.g. when assessing changes to employment terms and potential dismissals for such employees. The protection may also entail an obligation for employers to make reasonable and proportionate adjustments to working conditions in order to avoid disadvantaging such employees because of their care responsibilities. It is, however, a prerequisite that the employer is aware that the employee has a primary care obligation for a child with a disability within the meaning of the Danish Discrimination Act and that any required adjustments do not constitute a disproportionate burden on the employer.

Jonas Blegvad Jensen
Partner

Solutions

To ensure compliance with the discrimination protection, employers should liaise carefully with their advisors when dealing with employees who provide the primary care for a child with a disability. To ensure compliance employers may e.g., introduce regular impact assessments in connection with reorganizations to ensure that the need for reasonable and proportionate adjustments is identified and, where appropriate, implemented before any decision (in terms of e.g. dismissal and/or changes to the employment terms) is made. It may also be appropriate to adopt staff policies on obtaining and handling of the necessary documentation relating to an employee's care obligations for a child with a view to ensure compliance with applicable legislation.

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FRANCE

Employees' Right of Access to their Personal Data

WEIL & ASSOCIÉS PARIS

Implications for Employers

Implications for Employers: Based on the right of access to their personal data, employees are attempting to circumvent traditional rules of evidence by submitting access requests that divert this right from its intended purpose. For example, some employees request a copy of their entire email inbox to reconstruct their working hours when no other record exists; others ask for copies of quotes or estimates bearing their names to obtain the company's confidential commercial data. Conversely, employers tend to issue blanket refusals to obstruct such employee requests.

François Penillard
Partner

Solutions

According to case law, which currently tends to sketch out a balance, employers are advised to (i) comply with employees' access requests, failing which they may face financial penalties, (ii) but only if employees' access requests are justified and limited to what is strictly necessary; any abusive request should be rejected.

In any case, since employers can set data retention periods for personal data, it is in their best interest to do so, while naturally complying with applicable limitation periods.

In the event of a dispute between the parties, the CNIL (French Data Protection Authority) is the competent authority.

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GERMANY

Implementation of Pay Transparency Directive Raises Crucial Questions

seitz

The EU Pay Transparency Directive, which Germany must transpose by 7 June 2026, represents a fundamental shift in how pay differences must be justified. Unlike the current German Pay Transparency Act, the new rules abolish the long-standing privilege for collectively agreed pay structures. Collective agreements can no longer shield employers from scrutiny if they result in unjustified pay differences between men and women performing equal or equivalent work. The Directive forces companies to address not only equal work but also work of equal value—a complex concept extending beyond identical tasks to factors such as responsibility, workload and working conditions.

Ulf Goeke
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Implications for Employers

This expansion creates significant legal uncertainty. Pay disparities embedded in sectoral or company-level agreements must be assessed against objective, gender-neutral criteria. Employers bear the burden of proving compliance and may face joint pay assessments with employee representatives if a pay gap exceeding 5% is identified and not rectified within six months. Litigation risk increases considerably: employees may claim damages not only for lost wages but also for lost career opportunities, with default interest attached. The challenge lies in reconciling long-established tariff systems with the Directive's strict equality requirements.

Solutions

Employers must undertake comprehensive reviews of their pay structures, including collectively agreed schemes, to ensure differences can be objectively justified. Transparent job evaluation systems comparing competence, responsibility, workload and working conditions are essential. Early dialogue with unions and works councils can help adapt collective agreements to the new framework. Given the time-intensive nature of analysing equivalence and negotiating changes, companies should initiate this process immediately.

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The Recent Enabling Law on Employees' Remuneration and Collective Bargaining

Daverio&Florio

The Italian Parliament published Law No. 144 of September 26, 2025, in the Official Gazette No. 230 of October 3, 2025, delegating powers to the Government in matters of workers' remuneration and collective bargaining, as well as control and information procedures.

The delegation to the Government is conferred in order "to ensure the implementation of workers' right to fair and adequate remuneration" - as provided for by art. 36 of the Italian Constitution – "strengthening collective bargaining and establishing criteria that recognise the application of the minimum overall economic conditions provided for in the most widely applied national collective labour agreements."

The objectives of this law are:
a) ensuring fair and equitable remuneration for workers;
b) combating underpaid work, also in relation to specific organizational models of work and specific categories of workers;
c) encouraging the renewal of national collective labour agreements in accordance with the deadlines set by union and employers' representatives, in the interests of workers;
d) countering unfair competition practices implemented through the proliferation of contractual systems aimed at reducing labour costs and worker protections (so-called "contractual dumping").

These are certainly important developments with a significant impact on both collective bargaining and individual contracts (and there could be as well some relevant impact in case of a procurement contract). In light of the above, it will be important to monitor the forthcoming legislative decrees – which should be adopted within six months of the entry into force of the law in question, to understand the actual scope of the regulatory intervention.

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JAPAN

Possible Relaxation of Maximum Work Hours

CITY-YUWA PARTNERS

Implications for Employers

Akira Nagasaki
Partner

Japan's new prime minister, Sanae Takaiichi has instructed Minister of Health, Welfare and Labor to consider relaxing the work hours regulations. The current work hours regulations limit work hours to eight hours per day and 40 hours per week. Such instruction may reverse the recent trend towards having stricter rules for work hours - the common perception up to now was that Japanese workers were exhausted from overwork, and work-life balance was long overdue. While the business sector generally welcomes this policy change, the labor side is mostly against it. The details of the work hours relaxation is yet to be revealed, however, more policy reverses are expected to come, as Prime Minister Takaiichi is understood to be a hardline conservative, which usually equates to being business friendly.

Solutions

Employers should keep an eye on governmental policy changes and be ready to adapt with speed to optimize on new rules. On the other hand, employers are not likely to be exempted from the obligation to maintain the health and well-being of their employees, and if employees become ill due to overwork, the employer will be held liable. Thus, employers should conduct frequent self-checks on their employees, even more so, work hour regulation may no longer serve as a dampener that prevents employees from overworking.

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Reduction of the Workweek to 40 Hours

ASSEMBLA

President Sheinbaum has reaffirmed her commitment to reduce the standard workweek from 48 to 40 hours without salary reduction. In 2025, the Ministry of Labor (STPS) hosted national forums involving unions, employers, and experts to assess its impact. Key recommendations included gradual implementation, sector-specific exceptions (e.g., mining, healthcare, hospitality), and new overtime and salary frameworks. Stakeholders also called for incentives to offset payroll costs and productivity measures. A new bill is expected by the end of 2025, seeking to protect workers while ensuring business sustainability, especially for SMEs.

Sofía Gómez Bautista
Partner

Implications for Employers

The reform would entail substantial operational and financial adjustments, including changes to employee compensation, workforce redistribution, potential new hires, and modifications to employment contracts, ihandbooks, and collective bargaining agreements.

Practical Steps for Employers

Employers should plan to adapt efficiently by:

1. Conducting an operational impact assessment.
2. Redesign production processes.
3. Consider automation or technological support.
4. Negotiating with unions to mitigate double costs.
5. Redesigning compensation structures to manage overtime and productivity.
6. Encouraging flexible work schemes and time-management training.

It is expected that the STPS will incorporate most of the concerns raised by employers, ensuring that the transition is progressive and that the new framework allows flexibility for employers and unions to agree on work schedules consistent with each industry's needs.

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Qualification of Employment Contracts

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In the Netherlands, the qualification of employment relationships, particularly false self-employment, is a key topic in employment law. False self-employment occurs when a worker is formally self-employed but in practice works under conditions similar to an employee. The current framework is based on a law introduced in 2016 to regulate employment relationships and provide guidance on self-employment. The original approach caused confusion rather than clarity, and active enforcement (from the Dutch Tax Authority) was suspended from 2016 to 2024, except in clear cases of abuse.

Since 1 January 2025, the Dutch Tax Authority has resumed enforcement. While (in principle) no penalties will apply in 2025, retroactive wage tax and social security contributions can still be levied. Dutch case law, including the 'Deliveroo' and 'Uber' Supreme Court (Hoge Raad) rulings, confirms that actual working conditions, not contractual labels, determine employment status.

The proposed VBAR Act (Assessment of Employment Relationships and Legal Presumption Clarification Act), expected in 2026, aims to provide clarity by introducing a legal presumption of employment for lower-paid workers and defining genuine entrepreneurship. However, its implementation remains uncertain, with significant criticism.

Implications for Employers

Reclassification as 'employment' creates liability for retroactive taxes, social security, and employment benefits like dismissal protection. Misclassification also risks business continuity and reputation, especially for organizations relying on freelancers or platform workers.

Solutions

Given the renewed focus on false self-employment, employers and freelancers should review agreements to ensure they reflect reality. Coordinated tax, legal, and pension advice, along with clear documentation and transparent practices, are recommended to comply with the stricter Dutch framework.

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Overview on Labour Code Amendments

Implications for Employers

The Portuguese Government proposed several amendments to the Labour Code to promote social and territorial equality and cohesion and enhance productivity and economic competitiveness. We highlight the following: (i) Digital platform work – employees of digital platforms would be subject to the general presumption of employment applicable to other employees with an additional evidence regarding the existence, or not, of autonomy in the provision of services, weighed according to factors specific to the digital context. The amendments also remove the distinction between "digital platforms" and "intermediaries," preferring instead to a "beneficiary entity"; (ii) Telework – the new regime would increase flexibility, allowing employers to refuse telework requests without justification and eliminating the obligation to conduct medical examinations before or during telework arrangements; (iii) Unlawful dismissal – employers may request the court to exclude reinstatement of any employee and not only those in management positions or micro-companies' employees; (iv) Holiday leave – employees may take two additional days which are unpaid.

Solutions

The proposed measures remain subject to approval. If enacted, more flexible labour regulations are expected notably related to: (i) the presumption of employment for digital platforms (ii) the possibility for employers to refuse telework requests without justification or perform health checks before or during telework; (iii) to oppose to reintegrate any employee in case of unlawful dismissal on grounds that the employee's return would be seriously detrimental and disruptive to the company; (iv) the two additional holiday days would be treated as justified unpaid absences.

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Increase in the Number of Work-Force Reductions in the Current Economic Environment

Vernon | David

Implications for Employers

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2025 has been a difficult year in Romania with political uncertainties, the continuing war in Ukraine and tax increases as well as general business headwinds. Under these conditions, employers are being cautious, commonly instituting work-force downsizing either individually or through collective dismissals (locally referred to as “reorganizations”).

Reorganizations are complex, with many practical challenges and significant legal hurdles. As a general rule, a reduction in work-force requires a clear, real and serious cause. For this reason, any reorganization that is not supported by a strong and considered strategy and appropriate documentation, risks leading to litigation and possible nullification, with consequences that can affect both the employer's finances and its image.

Laura Danescu
Senior Associate

Solutions

There are three pillars that employers should focus on: (i) detailed analysis of internal documents such as individual and collective labour agreements; (ii) analysis of the company’s internal policies/regulations and its organizational chart; (iii) establishing a strategy considering the above (checking any limitations/prohibitions on dismissal, procedure for selecting employees to be dismissed, severance pay, etc.).
Once a well-defined plan is developed and the reorganization is initiated, employers must be careful with the preparation of documentation, communication with employees and employees’ representatives. Doting the i’s and crossing the t’s is imperative. Litigation is often dependent on following the finer points of a company’s internal regulations and legal provisions with even de minimis issues having oversized effects. However, with good planning and robust implementation, many of the risks can be mitigated and surmounted successfully.

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New Obligations for Companies in Disciplinary Dismissals

AUGUSTAABOGADOS

Implications for Employers

A recent Supreme Court judgment has introduced a major change in how disciplinary dismissals must be handled in Spain. Before dismissing an employee for reasons related to conduct or performance, companies must now offer the employee the chance to respond to the allegations. This derives from Article 7 of ILO Convention No. 158, which adds a safeguard not previously included in the Workers' Statute.

In practice, this means that employers must hold a prior hearing with the employee before deciding on a disciplinary dismissal, unless exceptional circumstances make it unreasonable—such as urgent safety risks, serious financial harm, or workplace violence. The Court clarified that this requirement cannot be replaced by other legal mechanisms, such as the pre-trial conciliation or a later court claim.

Immediate or "summary" dismissals without a prior hearing are no longer permissible. Non-compliance may result in the dismissal being declared unlawful or even void, with the risk of reinstatement and compensation.

Solutions

Companies operating in Spain should review and adapt their internal disciplinary procedures to ensure compliance with this new legal requirement.

The employee must be informed clearly of the alleged facts and given the opportunity to present their version before any decision is taken. The procedure should be fair, transparent, and properly documented, even if it does not amount to a formal contradictory file. When the employee cannot continue working, paid leave during the process may be appropriate.

All steps and justifications should be recorded, and collective bargaining agreements reviewed for related provisions.

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Transferability of Parental Leave to Non-Parents

CFH
LAW

Implications for Employers

From 1 July 2024, parents in Sweden can transfer part of their paid parental leave (480 days total number of parental leave days) to someone else who cares for the child (a relative, friend, etc.), provided that person is insured under the Swedish parental allowance system.

- If parents share custody: up to 45 days each per child can be transferred.
- If a parent has sole custody: up to 90 days can be transferred.
- The person receiving the transferred leave cannot be studying or job-seeking during the transferred days.

Carl-Fredrik Hedenström
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Solutions

Update parental leave policies to accommodate possible leave for other reasons than being a parent. Implement flexible scheduling systems that can accommodate varied parental leave responsibilities.

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Legal Situation In Switzerland Concerning AI-Based Recruitment Tools

MME
Legal | Tax | Compliance

Implications for Employers

The increasing use of artificial intelligence (AI) in recruitment, such as CV screening, video interviews with emotion recognition, and predictive hiring algorithms, is under growing legal and ethical scrutiny in Switzerland. While these tools promise efficiency, they may unintentionally introduce bias or violate privacy and data protection laws, particularly under the Swiss Federal Act on Data Protection (revised in 2023). Employers can be held liable if AI tools discriminate based on protected characteristics (e.g. gender) even if the discrimination was not intentional. Moreover, the Swiss Federal Council is actively monitoring AI regulation developments across the EU (e.g., the EU AI Act), which may influence future Swiss standards, especially for high-risk applications like hiring.

Solutions

Employers should thoroughly assess any AI-based recruitment tools before implementation. This includes conducting algorithmic impact assessments to detect potential bias and ensure compliance with data protection principles such as transparency, purpose limitation, and proportionality.
Key steps include:

- Informing candidates when AI is used in the recruitment process.
- Maintaining human oversight—final hiring decisions should not be made solely by machines.
- Training HR staff to interpret AI outputs critically and fairly.
- Working with legal counsel or compliance experts to vet third-party tools.

Employers should also document their decision-making processes and AI governance practices to demonstrate good faith and legal compliance in the event of a challenge. By using AI responsibly, employers can benefit from innovation while maintaining fairness, transparency, and legal integrity in hiring.

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Recent Occupational Health and Safety (OHS) Law Developments

GBG ATTORNEY PARTNERSHIP

Implications for Employers

Effective 1 January 2025, Turkey has expanded occupational health and safety obligations under Law No. 6331. All workplaces — including low-risk workplaces with fewer than 50 employees — must now appoint or externally procure an OHS specialist and workplace physician. The previous exemption for small, low-risk employers has been abolished.

The Communiqué on Workplace Hazard Classes (13 March 2025) updates hazard classifications based on NACE codes, which may reclassify certain sectors into higher-risk categories, affecting staffing, training, and reporting duties. Amendments to the Regulation on Occupational Health and Safety Training and Services authorize remote or distance OHS training for low-risk workplaces with fewer than 10 employees, while hazardous workplaces must continue face-to-face initial training. The regulation also enables trained employer representatives to deliver limited OHS services without mandatory examinations. Administrative fines for non-compliance have been strengthened.

Recent labour inspections by the Ministry of Labour and Social Security highlight increased scrutiny of psychosocial risks, including workload intensity, shift management, communication stress, and digital fatigue — reflecting a broader understanding of occupational safety that now encompasses mental wellbeing and sustainable work practices.

Solutions

Employers should review their hazard classifications and compliance obligations, appoint or contract certified OHS specialists and physicians, and update training programs to align with new remote learning standards. Multi-site employers may consolidate services under qualified representatives. Companies should allocate budgets for compliance, inspections, and renewals, and maintain internal checklists to ensure ongoing OHS audit readiness.

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Reduction in the Qualifying Period for Unfair Dismissal

CM | MURRAY

Implications for Employers

The UK government has introduced a Bill proposing a qualifying period of 6-months of employment before employees will be protected from unfair dismissal. Currently the qualifying period is 2 years.

At the same time, the Houses of Parliament are debating a Government proposal to remove or alter the compensation cap on such claims which would lead to much higher value claims.

This amendment is welcomed by business and by UK employment lawyers, as the previous proposal of a "day 1 right" supported by a new statutory probation period, was widely predicted to cause satellite litigation. Nonetheless it is a major change and employers will need to adapt working practices.

Solutions

Recruitment processes must be more robust; any mistakes must be found within the first 6 months, so that unsuitable employees can be dismissed before they gain additional rights. Employers should review and strengthen their pre-employment checks, including referencing and consider overhauling their induction processes, to set out clearly the standards which employees must reach.

Consistent performance reviews and transparency about how employees are getting on, will be key, ensuring there is a justified and clearly documented reason for dismissal at any time from 6 months onwards. All managers will need training in how to conduct a fair process and maintain prompt and adequate records of performance and conduct issues.

Well managed contractual probation periods should be used.

Employers will need an increased budget for legal advice and employment practices insurance.

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Innangard is an international employment law alliance uniting leading employment law and human resources specialists from around the world.

We provide employment, HR and compliance advice in each jurisdiction and on cross border cases in conjunction with other member firms.