

## MINUTES

Re: Minutes of the meeting "Establishing a PG Labour Law" on 27  
April 2012 in Cannes, France

To: GGI, Imke Landtaler

From: Andrea Hellmann (Vice Chairman and VP Europe),  
Jeffrey Kenens (Chairman)

Date : 15 mei 2012

### Participants

Dr. Angelika Baumhof  
Mr Olivier Biernat  
Dr. Michael Bihler  
Dr. Christian Conreder  
Mrs Andrea Hellmann  
Mr Richard Isham  
Mr Jeffrey Kenens

### Discussion and decisions

Jeffrey Kenens and Andrea Hellmann, the two initiators, as well as the other participants met for the inaugural meeting which took place in Cannes at the beach with bright sunshine.

Jeffrey Kenens welcomed all the participants and invited them to introduce themselves.

According to the agenda it was discussed how to establish this new PG most successfully. It was decided that this PG is open to any member of GGI regardless of being a lawyer, accountant, tax advisor etc. The field of employment law is interesting for many professionals. It is one of the goals of the PG to organise PG meetings that attract as many GGI members as possible. This would enable the participants not only to

exchange knowledge and experience, it would also enhance business opportunities which was defined as a second goal of the new PG.

We then discussed the following topics that could be interesting for future PG meetings:

Various types of employment contracts  
(insight into possibilities of flexible employment relationships)

Reorganisation and restructuring  
(insight in the role and legal position of Trade Unions, Works Council; insight in the legal process and duration of reorganisations from employment law perspective)

Termination and severance payment  
(insight in different ways of termination of the employment contract and the calculation of severance payments)

(International) transfer of employees

(Consequences of related EU Directive; insight in different national procedures and conditions of transfers by operation of law)

Expats  
(Dutch 30% Tax Ruling; legal position of expats as employees)

Collective labour agreements  
(Influence of Trade Unions on employment conditions)

Harmonisation and unilateral amendment of employment conditions  
(insight in national possibilities of harmonisation after transfer (ETO-reasons))

To increase the number of participants Jeffrey and Andrea will contact all the colleagues, who are working in the employment field in GGI, personally to invite them to participate.

To ensure that the GGI meetings have a Practice Group Labour Law, the regional managers will be asked for interested colleagues, because Jeffrey and Andrea cannot

always visit all GGI meetings. Vice Presidents can then be appointed for these regions as well so that continuity is guaranteed.

It was agreed that on the next World Conference in Rome (18 October 2012) Richard Isham will give an introduction on data protection in relation to international transfer of employees and Zirkzee & Den Os Tax advisors will be asked to give an introduction about the Dutch tax opportunities to hire expats. Both presentations will take about 15 to 20 minutes each, so that there will be enough time for questions and discussion.

Jeffrey and Andrea expressed that they hope to convince as many labour law colleagues as possible, that it would be very useful for all members in GGI, to contribute to a leaflet with the basics of the labour law jurisdictions of every member state in GGI. Therefore, they are planning on a very brief questionnaire with about five main topics, such as how to enter a contract, the key terms of a contract, which rules apply to a labour contract, how to terminate a labour contract and how to handle competition clauses. The questionnaire will be sent to all labour law colleagues and they hope for many responses.

After having discussed these items, only little time was left to discuss the topic "flexibility of the European employment market". It was therefore decided to schedule this topic during another PG meeting.

Jeffrey and Andrea thanked all participants for their presence and the very fruitful meeting was then closed.