



# Dernières nouvelles

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### COMMENT\*: This side of oblivion

When the new US president said, “We’re going to show the people as we build up our military, we’re going to display our military,” he was following the same pattern as all would-be dictators – and the consequence is nearly always the same. That is why, according to the Chinese People’s Liberation Army website, a military war with the USA is now a ‘political reality’. An article in Al Jazeera also concluded recently that ‘war means profit, and that’s something that brings a huge smile to the face of the new president’. The wisest of all living statesmen, Mikhail Gorbachev, has reflected too that ‘it all looks as if the world is preparing for war’ and certainly it has been in the air now for over a year. The ingredients are like a rich and sickly cake, all stirred up and waiting for the oven. The growth and spread of nationalism, the approaching demise of America’s economic dominance, an isolated and ruminating Russian leader, the perpetual tinderbox of the Middle East, a resurgence of

weaponry of all kinds, and the ascent to power of a president whose diabolical double is Dr Strangelove, in a living remake of Kubrick’s horrifying comedy.

So, what are the driving forces for military conflict on a global scale and what will it mean for business and HR?

To say that politicians do not seek military conflict is to deny the whole of human history. They do this because military arsenals built up in peacetime need to be used so that they can be restocked (read Bernard Shaw’s *Major Barbara* – nothing has fundamentally changed). They do it because an outlet is needed for the testosterone of young males, who generally undertake the fighting and for whom the world cannot find employment. They do it for a strange kind of eternal glory – as Churchill did in the second world war, being the very reason his family had come by fame and fortune (the war could have been stopped by bombing the Romanian oil fields,

but he never sought to do the obvious thing). They also do this because of the unstable aides that gather around them, like the new US national security adviser who was thrown out of office by Obama because he said 'fear of Muslims is rational'. They will also do this because of a huge deficit of intelligence. Gorbachev is one of the exceptions that prove the rule. Politicians do not rise to power because they are the most capable, but because they are the most ambitious and get the right breaks.

Accepting the prospect of possible war is the biggest task for business. We have got so used to relative peace in the West that it all looks far-fetched and implausible. Apart from armaments and aerospace manufacturers there are few businesses that benefit from conflict. But if it is to happen, what then? For HR the priority must be protecting key human resources. These are not just senior management, but the entire intellectual resources of the company. If there is to be a world remaining after a coming conflict, then it will only be able to recover by the survival of key personnel.

However, so much depends on who the adversaries are and whether war will be conventional or nuclear. One thing we can predict is that the spark that generates it is likely to be either North Korea, the Middle East, Indian-Pakistan contentiousness, a Russian invasion of Ukraine and/or the Baltics, or a terrorist group detonating a biological or nuclear weapon in a major city. For the latter reason, it is very important that head offices and research centres – or at least the locations from where key people operate – are well away from major urban centres and that individuals travel to cities only for essential meetings. Back in the

1960s some major corporations did construct fallout shelters for key staff, but it is now probably wiser to predict where in the world would be least affected by war and locate key staff there than escape underground. Australia remains a prime location.

Nation states were never a good idea and such states armed with the modern tools of war makes for permanent instability. Democracy is also more the source of instability than its cure. It was only going to take a potent mix of insanity and opportunity to bring the inevitable bloodbath on. It might be five years or five weeks, but the risks are as high now as in the Cuban missile crisis of 1962. Few of us realised how close things were to an endgame then, now all we know is that one of the parties will be led by the USA, aided by Britain, Turkey, Israel and probably aligned with Russia. Posed against them are those the deranged Strangelove mindset clearly do not like, such as Iran, China, Saudi Arabia, North Korea, most African states, Mexico, places where the president has no business investments, and anyone else with the wrong ethnicity.

## **EU/UK: Brexit's Beneficiaries**

Many EU countries now expect to benefit from Brexit by taking over jobs previously carried out in the UK. At a recent press briefing, Poland's Deputy Prime Minister Mateusz Morawiecki said that he was confident that Poland would gain 25,000–30,000 jobs from the UK this year in the field of 'advanced business services'.

Another principal beneficiary will be the Netherlands where financial functions such as clearing, high-frequency trading and fintech are likely to be located, although the big hitting financial jobs are likely to give the

country a miss because of its rigid cap on banker bonuses.

The banking group HSBC has also revealed that it will be moving financial regulation staff to Paris once Brexit becomes effective. However, the wider impact will be potentially even greater than that. The chief executive of the London Stock Exchange Group, Xavier Rolet, recently told a UK parliamentary select committee that the removal of Euro clearing services from the UK would only be the tip of the iceberg, with total job losses amounting to as many as 232,000, two thirds of which would be outside London.

Technology jobs could be on the move too, with the Berlin Partner marketing agency seeking to attract potential tech start-ups from the UK on behalf of the German capital's government. The UK's aerospace sector is worth £32bn a year and although order books are swelling for the current generation of aircraft, there is growing overseas competition for the next generation of technologies and Brexit is clearly doing much to destroy the UK's reputation as an international big player.

## **GLOBAL: New work and pay patterns**

As economies brace themselves for the coming onslaught of technology on jobs, many companies are exploring ways to spread work between a broader group of employees through shortened work weeks. Leading the way are Japan and Sweden.

Last year the Japanese government launched an initiative called 'Premium Friday' to encourage companies to shorten the working day one Friday each month – now an estimated 15% of companies operate a three-day weekend. In Sweden, the

preference has been for cutting the working day to six hours and, though controversial, France's long running 35-hour week has not been repealed by incoming governments.

Employers have discovered that the length of the working week is not linked to productivity, although reduced hours has undoubtedly led to a reduction in unemployment. Unfortunately, however, it has not helped to combat youth unemployment, largely perhaps because later retirement ages are not opening up jobs for those at the bottom of the career ladder.

Although the concept of the universal basic income was first tried in the 1970s, it has only recently come to the fore in countries such as the USA, Finland, the Netherlands and Switzerland. Last year the Swiss rejected a universal scheme in a referendum, although the 23% supporting it were a significant minority. The latest experiment in Oakland, California seeks to discover if such a system could be rolled out more generally as we move towards a post-work future.

No one has proposed a workplace yet where everyone receives a common wage and differentials are based on performance, but before next month's EU summit in Rome the European Commission will be publishing its proposed 'European Pillar of Social Rights', which will require that all EU member states will guarantee citizens adequate minimum wages and income. Treaty changes will be required to push this through and much debate can be expected about what is 'adequate', but gradually all advanced economies in the world will have to face the prospect that wages and salaries will sooner or later become a minor proportion of most family incomes.

## Global: Tackling sickness fraud

There are frequent articles in the HR press about how to deal with sickness absence and most of the remedies are either self-evident or verging on the draconian. Few address the problem from the perspective of the employee or get to the heart of the true causes of repeated, lengthy or uncertificated leave.

It is rare to go through our working lives without becoming ill or experiencing an injury that genuinely requires us to take time off from work. In fact, there are circumstances where a wise employer should actually encourage leave, such as when an employee contracts flu and would otherwise spread it to colleagues. Due to the normal distribution of genuine sickness absence patterns, there are going to be around 15% of employees who take leave far more frequently than normal, or experience conditions that force them to take prolonged leave. This should not, in itself, arouse suspicion provided that it is backed up by a sick note from a physician.

If employees with contagious conditions are normally looked at by a company physician or sent home when they turn up to work, then more widespread absence may be put down to other factors. Sickness fraud is one possibility, but only likely if a company offers – or is required to offer – generous sick pay. Another equally likely factor is that employees are unhappy about their jobs or working environment. We know from surveys by Investors in Industry and the Conference Board that this is the case for around a half of all workers. Moreover, if an employee goes AWOL, should the first thought be one of discipline and suspension or whether they have been severely injured or had a nervous breakdown?

There are huge differences between countries in the legal and cultural frameworks that surround employee absence. In all countries, there are laws requiring employees to notify employers when absent and setting minimum sick pay terms. At the generous end of the spectrum of sick pay provision is the Netherlands, where employees can go on sick leave for up to two (or even three) years on 70% of their salaries, all paid by their employer. Even better in the short term is Indonesia where an employee receives 100% of their salary for the first four months, decreasing to 50% after eight months' absence. At the other end of the spectrum is the Republic of Ireland where there is no requirement for an employer to pay sick pay (although illness benefit may be claimed from the state if enough contributions have been paid) and the USA where there is effectively no welfare safety net and even if sick pay is required by a local state or municipal order, the employee has to earn the right each year by building up credits through work attendance.

Cultural and semi-legal constraints also apply in some countries like France, where the moral harassment law can be applied to employers that seek to discipline errant employees, or in Saudi Arabia where any attempt to question the legitimacy of an absence by a Saudi national will usually result in the employee just walking away and not even formally resigning. Statutory rights can also be at variance with judicial rulings, as in Colombia where the law formally allows termination after 180 days of sickness absence. However, if an employer seeks to undertake a unilateral dismissal at this point, the employee will invariably go to court,

claiming (often successfully) that they have a constitutional right to greater, not less job protection after an extended absence.

For international employers there is no single, simple solution or common policy that can be applied to all jurisdictions. The wisest starting point is to run regular employee satisfaction surveys and offer incentives for good work attendance. Having a good medical practitioner on hand to act for the company is also a great advantage where it can be afforded, or signing up to an Arbo service or its equivalent elsewhere.

### **Malaysia: Regularising illegal workers**

Employers who have undocumented employees may now apply for them to be given temporary visas without facing the threat of prosecution for hiring such workers. In return the employers must, however, pay a levy to retain the employees.

It is not clear whether employers will be able to pass on this cost to the workers themselves. As the levy will probably be 4,000 Ringgit (US\$900) and many illegal workers earn as little as 600 Ringgit (US\$135) a month, this will not be a practical possibility. Moreover, the temporary registration will bring such workers under minimum wage regulations, adding further costs to employers.

The Malaysian government has issued amnesties in the past, but with little success. It is estimated that at least 40,000 illegals currently work in the country, most of them from Nepal.

### **United Kingdom: The new face of crime**

Latest crime survey figures covering the year to September 2016 have been released by the UK's Office for National Statistics. These show the pattern of crime for 11.8 million incidents. The figures are interesting for companies because for the first time fraud and computer misuse has been included – and their significance has been even greater than had been expected.

Since 2008/9, both violent crime and theft have fallen by a third. However, in 2015/16 fraud accounted for 3.6 million and computer misuse for 2 million offences, meaning that they jointly account for almost half of all crimes. 1.9 million cases of fraud involved credit and debit cards – up 39% compared to the previous year. There were an estimated 667,000 cases of unauthorised access to personal information and also 370,000 cases of arson and criminal damage.

It should be noted that these figures are taken from a household survey and not police records. They therefore include many offences that remained unreported. As such, they reveal a huge swing in the nature of criminal activity away from direct theft and assault and towards arms-length crime where detection is potentially far more difficult. New-style crimes are equally affecting the corporate world, yet much of it is hidden, not because it is undetected but because employers often deal with problems by writing off losses or dismissing those found internally to be at fault and do not necessarily involve the police.

## Pay, Tax and Benefit Trends

**CANADA:** The statutory minimum wage will rise in Quebec on 1<sup>st</sup> May 2017 by 50 cents to \$11.25 (US\$8.42) an hour. This will be the first of four annual rises designed to bring the wage to \$12.45 (US\$9.32) an hour by 2020. The changes will benefit 350,000 workers in the province.

**EUROPEAN UNION:** A quarter of all people in the European Union and applicant states lie below or close to the poverty line. According to the EU statistical office the EU average for the latest available year (2015) was 23.7%. The EU country with the lowest incidence or risk of poverty was the Czech Republic (14%) and the most poverty stricken country was Bulgaria (41.3%). The EU has a target to bring 20 million people out of poverty risk and social exclusion by 2020, but so far it has not been able to bring the proportion back to even 2010 levels.

**GUAM:** The Governor of the US island territory of Guam has decided to block a proposed 95 cent increase in the minimum wage this May, bringing it to US\$9.20 an hour. A study of the economic effects of any change has been delayed, but there is a belief amongst many of the island's 170,000 population that any increase in the wage would lead to a cut in working time.

**ITALY:** Hourly average wages determined through collective agreements in Italy were up 0.6% in 2016, compared to the previous year. This increase was the lowest since pay statistics were first collected in 1982. Over the year to December 2016 the average increase was even lower, at 0.4%.

**POLAND:** The supermarket chain Lidl has announced further expansion this year and, with it, salary increases averaging 9% on 1<sup>st</sup> March. Basic rates will increase for general store staff by ZL200 (US\$50.22) a month, bringing their range to between ZL2,750 (US\$690.54) and ZL3,500 (US\$878.87). Forklift truck drivers will receive an initial basic rate of ZL3,600 (US\$903.98), rising to ZL4,200 (US\$1054.65) after two years' service, while a store manager will receive ZL6,300 (US\$1581.97) to ZL 6,800 (US\$1707.64) after two years of service. This is in addition to free medicare for all employees and concessionary rates for their family, plus free Lidl shopping vouchers.

## Other Global HR News in Brief

**CZECH REPUBLIC:** From now on there will be a slight increase in the quota of Ukrainians given work permits. This rises from 320 to 400 a month and will mainly benefit drivers, warehouse workers, hospital staff and welders.

**DENMARK:** Employers that wish to hire foreign workers under the Pay Limit scheme will have to comply with a new salary minimum level of 408,800 K (US\$59,262) from February 1<sup>st</sup>. This applies to those hired under the scheme, who are therefore not EEA or Swiss nationals.

**FRANCE:** Company vehicle users should note that all vehicles driven into Central Paris between the hours of 8am and 8pm, Monday to Friday now have to display a special 'pollution sticker'. Older vehicles that do not comply with current emission standards will not be able to enter the centre of the city at these times. If an individual drives a vehicle registered in France they may apply for a

sticker at the [French Ministry of Environment website](#).

**HONG KONG:** All Indian nationals visiting Hong Kong must now pre-register online before departing for Hong Kong. Airlines will refuse travellers from boarding the aircraft unless registration has been completed. Once registered, visitors will be able to remain for up to six months instead of the 14 days previously allowed visa-free.

**MALTA:** More than half of all companies employing over 20 people in Malta do not meet their 2% disability quota and are therefore facing fines of up to 10,000 Euros per annum. Even so, the number of disabled people in work rose by 12.1% last year compared to 2015. The grim reality is that there are too few unemployed disabled workers to allow employers to meet their quotas and a quarter of those vacancies that have been notified to the government job agency remain unfilled. Consequently, fines totalling 1.5m Euros are now outstanding.

**SAUDI ARABIA:** Job vacancies must now be advertised on a government website in Saudi Arabia (Taqat) for 45 days before an employer can proceed to hire a foreigner. The previous rules issued by the Department of Labour and Social Development foresaw only 14 days of advertisement. The initiative constitutes another attempt by the government to reduce unemployment rates by providing this significant time advantage for nationals to respond.

**SWEDEN:** A committee charged with examining the introduction of mandatory gender quotas on company boards has decided to not pursue the matter any further. This is because after making soundings it

was discovered to have little parliamentary support. The proposal would have required Sweden's 280 listed companies and 50 state-owned companies to meet a 40% quota of female board members or face a 5 million Kroner (US\$550 m) fine.

**SWEDEN:** Although the number of employees grew by 66,000 in Sweden over the year to December 2016, unemployment for those aged 15–24 years who were available for work remained high at 18.3%. This compares with a general unemployment rate of 6.5%. There was also a higher proportional increase in permanent rather than temporary jobs and a rise of 1.6% in monthly hours worked. Women received a higher share of the new jobs, although just under half of all permanent positions.

**TUNISIA:** The new investment code now allows foreign companies to transfer from abroad up to 30% of all managers for the first three years and 10% thereafter. There are now no longer special rules about other foreign workers – it is all a matter of negotiation with the Ministry of Labour.

**UNITED KINGDOM:** Secondary legislation under the Trade Union Act 2016 is expected to gain parliamentary approval this year. This will mainly cover essential public services, although new codes of practice are being issued relating to the holding of strike ballots and the supervision of pickets. A report is due later in the year on the use of electronic ballots and it is understood that regulations are being drafted that will require turnout for ballots to be at least 50% of union membership.

**UNITED KINGDOM:** Company car fleet managers should alert all vehicle users about

the stronger penalties that will now on apply for speeding offences that significantly exceed upper limits. Someone caught speeding, for example, at 101mph in a 70mph zone will face fines of up to 150% of their monthly salary. The same will apply for serious contravention of lower speed limits, with magistrates more likely to apply the upper fine limit to offences in built-up areas.

**UNITED KINGDOM:** The Gender Pay Gap Information Regulations 2017 have now been approved by the UK Parliament. This measure requires employers with 250+ employees to publish pay gap details, commencing with a snapshot report on April 5<sup>th</sup> 2017 when the regulations come into force. Joint guidelines to the regulations have been published by ACAS and the Government Equalities Office.

**USA:** An executive order withdrawing the USA from the Trans Pacific Partnership (TPP) has now been signed. The USA was going to easily be the greatest beneficiary of the agreement, with reputable estimates of a 0.5% hike in GDP and an increase in annual real

incomes of US\$131Bn. However, the order was to some extent a token gesture as ratification of the agreement had still not passed the US Congress.

**USA:** The Securities and Exchange Commission (SEC) is continuing to pursue employers that tie whistleblower restriction clauses to severance payments. In two recent cases, one company was required to pay US\$180,000 and another US\$1.4M in fines for unlawfully worded severance agreements. In a further case, a US bank was fined US\$500,000 by the SEC for improper accounting practices and attempts to silence potential whistleblowers from speaking with federal regulators.

**USA:** According to the law firm Duane Morris, the US Citizenship and Immigration Service has issued a new [I-9](#) Employment Eligibility Verification form. This must be used for new hires involving non-US citizens.

## Dates for your diary:

**February 9<sup>th</sup> 2017:** **Switzerland** must decide on work permit quota

**March 15<sup>th</sup> 2017:** **Dutch** general elections

**April 6<sup>th</sup> 2017:** Introduction of apprenticeship levy for large **UK** employers.

**April 16<sup>th</sup>** Catholic and Orthodox Easter

**April 23<sup>rd</sup> and May 7<sup>th</sup> 2017:** **French** Presidential Election.

**June 24-25<sup>th</sup> 2017:** **Muslim** Eid al Fitr

**October 22<sup>nd</sup> 2017:** Federal elections in **Germany**

**May 25<sup>th</sup> 2018:** Final effective date for **EU** General Data Protection Regulations.

## Travel Warnings

**BARBADOS:** Those visiting the island should take precautions against contracting the Zika virus. Care should be taken when swimming, particularly on the east coast because of exceptionally strong currents.

**BRAZIL:** Rioting is taking place in the north-east town of Natal in Brazil's state of Rio Grande do Norte. It has also spread to other areas of the state. The incidents were sparked by wide-scale prison riots between rival drug gangs. Brazil has the highest homicide rate in the world, so this is already a dangerous place to visit - even if riots die down.

**CANADA:** Health authorities are still trying to trace the source of an outbreak of E.Coli stomach infection. There have been 14 cases recently with a matching genetic fingerprint in British Columbia (5), Saskatchewan (4), and Newfoundland and Labrador (5). Travelers should avoid any uncooked or partly cooked meat products.

**HONDURAS:** Probably the two most dangerous cities in the world are San Pedro Sula and Tegucigalpa. In fact, the whole Department of Gracias a Dios in Honduras is so lawless it is too dangerous for foreigners to venture there.

**HONG KONG:** The immigration authorities have banned the use and import of e-cigarettes containing nicotine. If such items are being carried the holder will have to have a medical certificate prescribing its use.

**INDIA:** Street protests are taking place across the state of Tamil Nadu against the banning of Jallikattu (bull bating). Protests are generally peaceful, but especially the area around Marina Beach in Chennai should be avoided if possible.

**LIBYA:** It continues to be highly dangerous to visit much of Libya, especially the capital Tripoli where rival militias roam the town. All western embassies have closed, except for the Italian embassy which reopened recently and promptly had a car bomb explode near it. The town of Sirte remains a stronghold of Islamic state.

**MEXICO:** The Colima volcano near Mexico city has begun to erupt, belching out high columns of ash. Local residents have been warned to stay indoors. Delays in travel plans to the area are advised until the seriousness of the eruption can be evaluated.

**NORWAY:** The airports in Oslo, Bergen and Trondheim are highly likely to be affected by a ground handling staff strike on 5<sup>th</sup> February. Travellers are advised to make appropriate arrangements to avoid any delays or inconvenience.

**SRI LANKA:** Bandaranaike International Airport will be closed from 8:00am to 4:30pm daily until 6<sup>th</sup> April 2017 due to runway resurfacing work. This will cause some daytime travel delays.

**UNITED KINGDOM:** Due to an industrial dispute, London underground services in the central zone of the city will not operate from 6pm on Sunday February 5th until 10am Monday, February 6th; then again from 10am on Tuesday 7th February until 1am on Wednesday 8th February. A three-day strike by British Airways mixed fleet cabin crew is also due to start on Sunday, February 5th. However, the airline claims that contingency measures it has taken will mean that only 1% of those flying with them will be affected.

**USA:** A nationwide general strike has been called for February 17th 2017 against the Trump administration. It is not yet a solid movement, but it is gaining much support across the social media.

**USA:** Temporary immigration restrictions apply to those with passports from Libya, Iran, Iraq, Somalia, Sudan, Syria and Yemen. Nationals of these countries, or anyone with ethnic origins in these countries, should check with their local American Embassy before traveling to the USA.

**USA:** The New Jersey Department of Health has warned the public about the risks of contracting measles. This follows the discover of a man in Hudson county that contracted the disease whilst traveling abroad.

**USA:** The Alaskan offshore Volcano, Bogoslof , SW of Anchorage is erupting with plumes going 30,000 feet into the sky. It is an air traffic control hazard code red and will affect the routing of some air traffic across the north pacific.

**VANUATU:** There have been over 900 recent cases reported of dengue fever across the country. This mosquito spread virus can lead to fatalities if it degenerates into its hemorrhagic stage. Medical assistance should therefore be sought if any of the symptoms are experienced (high fever, vomiting, intense headache and joint pains).

**ZIMBABWE:** Severe flooding has taken place on the Bulawayo-Beitbridge highway and further down into South Africa - with several people marooned and one loss of life. The road is now open again, but the threat of flooding is still present.

## FedEE News

**TRAVEL WARNINGS:** These are now available in real time online at <http://www.fedee.com>. The FedEE website is already mobile-friendly and if you are traveling we recommend you check out our warnings before you depart.

**LAW PROGRAMME:** We are making some fundamental changes to our law programme as we update its contents over the next six months. It will in future focus on hiring, firing and working time. Presentations will be in video form with sound and images to conjure up a sense of the country concerned. The voice-over will also be by a national – although presentations will all remain in English. The first of these presentations will be on China, India and Japan. Our beta version for China is now online at <http://www.fedee.com/chinese-employment-law/>

**WITHOUT PREJUDICE:** Our professional training film that demonstrates the subtle and complex nature of workplace racial discrimination is [now available](#) as an online streaming video in the members area of our website. **You will need to be already signed in to the members' area to view the film.** It contains performances by both an RSC actress, Shereen Martin, and Adam Kotz - winner of the 2015 Evening Standard award for lead role in a West-End play.

**PROMO VIDEO:** When visiting our website check out our latest promo video at <http://www.fedee.com>

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