

E-ALERT | International Employment Law Update

May 21, 2014

Colombia

Constitutional Court standardises labour protection of pregnant employees

The Constitutional Court of Colombia has analysed a wide range of contracts and employment types in order to standardise the criteria under which pregnant employees will receive labour protection. The way the courts will proceed in labour protection cases brought by pregnant employees will depend on (i) whether the employee had an indefinite- or fixed-term contract, (ii) whether the employer knew that the employee was pregnant, (iii) whether the employer obtained approval for the employee's dismissal from a Ministry of Labour inspector, and (iv) whether the employer argues that it had a justified cause for the dismissal. Remedies for wrongful dismissal will include payment of salary and benefits owing to the employee and, in particular circumstances, reinstatement.

France

Distinguishing between employees or job candidates based on place of residence is considered discrimination

The French government has extended the list of protected characteristics in its anti-discrimination legislation to include an employee's (or job candidate's) place of residence. The rationale for the amendment was twofold – to reduce the scope for prejudice against individuals residing in less desirable areas; and, in so doing, to tackle incumbent geographical disparities in terms of access to employment. The French labour code also prohibits discrimination on account of sex, nationality, ethnic or national origin, disability, lifestyle, sexual orientation, age, family circumstances, pregnancy, trade union activities or membership, religion or belief, physical appearance, family name, or state of health.

South Korea

Recent changes to labour legislation

A number of changes to South Korean labour law have been introduced since the start of this year:

- Working hours during pregnancy: Effective 25 September 2014 (or 25 March 2016 for employers with 300 or fewer employees), an employee within the first 12 weeks, or having completed 36 weeks, of pregnancy will be entitled to request a two-hour reduction in her daily working hours (subject to a minimum working day of six hours). Employers must accommodate this request without imposing a corresponding reduction in pay.
- Maternity leave for multiple births: The duration of maternity leave for women who give birth to multiple children will increase from 90 days to 120 days from 1 July 2014. At least 75 days must be paid leave and a minimum of 60 days must be taken in the post-natal period.
- Childcare leave: Korean equality legislation, which requires employers to provide a one-year leave of absence for childcare to any employee (male or female) with young children, has recently been amended to increase the age of children covered by the entitlement from six to eight years.

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