

iGlobal Law Annual Alert 2023 : Luxembourg

Legal Change	Effective Date	Action required
<p>Transparent and predictable working conditions</p> <p>This act transposes Directive (EU) 2019/1152, which promotes more transparent and predictable employment and provides protection for workers against adverse treatment or consequences. It is thus planned to insert provisions relating to, inter alia</p> <ul style="list-style-type: none"> • a <u>broadening of the essential information to be provided</u> to employees, apprentices, seconded employees, temporary employees, seafarers, state officials, state employees, municipal employees, municipal employees and employees of municipalities, in relation to their <i>working conditions</i>, as well as the <i>conditions of form</i> and the <i>deadlines</i> within which this information must be provided; • a <u>framework for the duration of the agreed trial period in fixed-term contracts</u>; • the introduction of effective, proportionate and dissuasive <u>sanctions</u> for infringement of national provisions relating to the rights deriving from the Directive; • the introduction of a <u>procedure for transition to more secure and predictable forms of employment</u>, such as transition to an open-ended employment contract or a full-time employment contract; • the <u>generalisation of the principle of accessibility and free access to training courses</u> which are the responsibility of the employer by virtue of legal, regulatory or administrative provisions, or provisions resulting from a collective agreement declared to be of general obligation or from an agreement on cross-industry social dialogue declared to be of general obligation; <p>the prohibition of provisions aimed at prohibiting the apprentice, the employee or the temporary employee from taking up a parallel job, and more particularly the prohibition of so-called "exclusivity" clauses which are not justified by legitimate and objectively verifiable higher interests.</p>	<p>No date yet.</p>	<p>It could be recommended to start adapting the compulsory particulars in the employment contracts.</p>

<p>Telework - Extension of social security agreements</p> <p>The transitional period is extended by 6 months and therefore runs until June 30th 2023.</p> <p>The objective of this extension is to provide a stable framework for cross-border telework for the persons concerned, while allowing the Administrative Commission to continue working on a sustainable European solution. Discussions with the border countries on a bilateral or multilateral agreement also continue during this period.</p> <p>This provision only applies to the social security field.</p>	<p>Applicable to June 30th 2023</p>	<p>Nothing.</p>
<p>Telework - Increase in the tolerance threshold for frontier teleworkers in France</p> <p>This new Addendum changes the tolerance threshold from 29 days to 34 days in the application of Article 14 of the Convention on employment income for the taxation of income from salaried activities.</p>	<p>Effective January 1st 2023</p>	<p>Nothing.</p>
<p>Leave for family reasons</p> <p>This act extends the scope of beneficiaries of family leave to grandparents and amends the Labour Code.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Extension of baby years in pension insurance careers</p> <p>This act amends Book III of the Social Security Code relating to "Baby Years".</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Bullying at work</p> <p>This act introduces into the Luxembourg Labour Code a chapter dedicated to moral harassment at work.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Right to disconnect</p> <p>This act introduces a provision on the right to disconnect.</p> <p>In particular, the draft law provides that when employees use digital tools for professional purposes, a regime ensuring the right to disconnect outside working hours must be put in place (Article L.312-9).</p> <p>The scheme must include the following:</p> <ul style="list-style-type: none"> - the practical arrangements and technical measures for disconnecting digital devices; - awareness-raising and training measures; and - the modalities of compensation in case of exceptional derogations to the right to disconnect. <p>The scheme must be adapted to the specific situation of the company or sector, and be established by collective agreement or subordinate agreement.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>

<p>In the absence of a collective agreement or subordinate agreement, the specific regime is to be defined at company level, in compliance with the relevant legal requirements regarding information and consultation of the staff delegation, where applicable.</p>		
<p>Reducing inequalities between the self-employed and employees This act aims to reduce the inequalities between the self-employed and the employed in terms of social security and labour law.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Whistle-blower protection This act transposes Directive (EU) 2019/1937 in order to create a legal basis in Luxembourg to ensure the protection to be granted to whistle-blowers.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Work provided through a platform This act supplements the Labour Code by regulating work provided through a platform. It defines the rights and obligations of the employees concerned by this situation and of their employer.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Work-life balance of parents and carers This act transposes Directive 2019/1158 into national law. Thus, it modifies parental leave, introduces a new extraordinary leave (carer's leave) and introduces flexible working arrangements for workers who are parents or carers.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>
<p>Work-life balance for parents and carers: paternity leave The purpose of this act is to clarify and resolve the practical problems that have arisen in the application of Article L. 233-16 of the Labour Code concerning the right to extraordinary leave in the event of the birth of a child. Whereas until now access to extraordinary leave in the event of the birth of a child has been restricted to fathers of a new born child, it is proposed that the right to extraordinary leave in the event of the birth of a child be opened up to any person recognised as an equivalent second parent under the relevant national legislation and to the self-employed person.</p>	<p>No date yet.</p>	<p>Nothing at this stage but keep an eye out for the draft legislation.</p>