

Law & Policy Group

Global Legislative Update

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In this document

Mercer’s *Global Legislative Update* covers legal developments affecting retirement, health, executive rewards, talent, diversity and inclusion, and other HR programs that affect local and/or expatriate employees. Links to developments with upcoming effective dates covered in past updates are also included to remind employers of impending deadlines. These icons indicate whether employer action is required.

-  Employer action required
-  Potential implications for employers
-  Developments to monitor

Please note: Mercer is not a law firm and therefore cannot provide legal advice. Please consult legal counsel before taking any actions based on the commentary and recommendations in this report.

1. Highlights.....

2. Global

3. Americas.....

4. Asia Pacific

5. Europe, Middle East and Africa (EMEA)

2

6

8

44

57

Section 1

Highlights

Global	
Reproductive rights	Global employer resources post <i>Dobbs</i> ruling
Minimum wage rates	Global employer resources
Remote working	Global employer resources
Americas	
Argentina	Prepaid medicine costs increased
Canada	Voluntary code of conduct on advanced generative artificial intelligence issued Annual filing fee rate for pensions increased in Alberta Minimum wage increased in Manitoba Minimum wage increased in Newfoundland and Labrador Minimum wage increased in Nova Scotia Financial regulator issues final rule on assessments and fees in Ontario Minimum wage increased in Ontario
Chile	Minimum wage increased

Americas (continued)

United States

[Federal court blocks \\$15/hour minimum wage for federal contractors in three states](#)
[Proposed rule would significantly expand overtime exemptions](#)
[Regulators partner to enhance enforcement of federal employment laws](#)
[Protections for some foreign temporary workers strengthened](#)
[NLRB revises standard on employers' duty to bargain before changing terms and conditions of work](#)
[NLRB returns to totality of circumstances test for determining concerted activity](#)
[Protections for employees who advocate for nonemployees restored](#)
[Proposed workplace harassment enforcement guidance published](#)
[Department of Labor issues final rule to update prevailing wage rule for construction sector](#)
[IRS delays SECURE 2.0's Roth catch-up mandate](#)
[Rule changes to clarify employee representation at workplace inspections proposed](#)
[Equal Employment Opportunity Commission delays opening of 2022 EEO-1 Component 1 data collection](#)
[Department of Labor asks for input on SECURE 2.0 reporting and disclosure updates](#)
[Roundup: Employer resources on noncompete restrictions](#)
[Employer DEI resources after SCOTUS' ruling on affirmative action](#)
[Resources for tracking state and local retirement initiatives](#)
[Roundup: Employer resources on states' recent equal pay laws](#)
[Roundup: Employer resources on states' recreational marijuana laws](#)
[Roundup: Employer resources on hairstyle nondiscrimination laws](#)
[Roundup: Employer resources on minimum wage increases](#)
[Application of state disability insurance provision for 2024 clarified in California](#)
[Family and medical leave insurance wages will include pre-tax amounts in Colorado](#)
[Reasons for taking paid sick leave expanded in Connecticut](#)
[Prepaid Health Care Act Form HC-5 for 2024 now posted in Hawaii](#)
[2024 individual-mandate coverage dollar limits set in Massachusetts](#)
[Paid sick and safe requirements adopted in Minnesota](#)
[Licensing reciprocity extended to more professionals in Montana](#)
[New law addresses prescription drug issues in Nevada](#)
[Hourly minimum wage to generally exceed \\$15.13/hour in 2024 in New Jersey](#)
[Abortion coverage regulations finalized in New Jersey](#)
[Executive order changes insurance rules related to drug abuse in New Mexico](#)
[Wage payment salary threshold for exempt employees to increase in New York](#)
[Employers will be required to notify employees of unemployment insurance eligibility in New York](#)


Americas (continued)	
US (continued)	2024 paid family leave rates published in New York Employers' right to speak on union, political and religious matters restricted in New York New pay transparency law proposed in New York Sweeping pharmacy benefit manager regulations proposed in New York Sick time rules amended in New York City Hourly minimum wage increase for app-based restaurant delivery workers takes effect in New York City Definition of domestic violence to include economic violence in Puerto Rico Third-party assistance to apply to plan cost sharing in Puerto Rico Fully insured plans must cover prepartum and postpartum depression in Puerto Rico 2024 paid family medical leave benefit limits issued in Washington
Asia Pacific	
Australia	Financial Accountability Regime enacted Superannuation performance test results for 2023 released Guidelines for duty to eliminate sex discrimination, harassment published Legislation proposed on superannuation objective
Bangladesh	New contributory pension scheme launched
China	Maternity medical insurance coverage expanded in Guizhou province
Japan	Minimum wage increased
Laos	Minimum wage increased
Philippines	National employment master plan enacted Guidelines discuss workplace public health standards for lifting COVID-19 state of emergency Supplemental workplace guidelines cover prevention, control of tuberculosis Guidelines cover workplace cancer prevention and controls Guidelines detail workplace mental health measures Guidelines address prevention and control of HIV/AIDS in the workplace
Taiwan	Minimum wage to increase
Vietnam	Foreign worker permit rules revised

Europe, Middle East and Africa (EMEA)	
European Union (EU)	Digitization of social security information proposed
Channel Islands — Guernsey	Equality protections expanded Minimum wage, tax offset for employer-provided accommodation and food offsets increased
Germany	Federal Labor court confirms case law on employer liability for pension fund commitments
Luxembourg	Social security contribution rates increased Minimum wage increased
Morocco	Minimum wage increased
Poland	Two-phase minimum wage increase announced
Romania	Minimum wage increased
South Africa	Amended employment equity measures now effective
United Kingdom	Pension auto-enrollment to expand, reducing eligible age and abolishing earnings threshold Financial regulators consult on new diversity and inclusion regulatory framework Government asks for input on boosting occupational health coverage Visa fees and Immigration Health Surcharge increased Certain workers to have more rights to request more predictable hours New rules on defined contribution pension illustrations published

Section 2

Global


Reproductive rights	
Status	 Ongoing initiatives
Development	Health Global employer resources on reproductive rights post <i>Dobbs</i> ruling In June 2022, the US Supreme Court's <i>Dobbs v. Jackson Women's Health Organization</i> decision overturned <i>Roe v. Wade</i> , finding no federal constitutional right to abortion and allowing states to regulate and ban abortions at all stages of pregnancy. To provide multinational employers some information on countries' positions on reproductive rights and the varying employee health benefit plan issues involved, the roundup cited below provides links to organizations, government websites, third-party analyses, news articles and viewpoints.
Resources	Roundup , regularly updated
Minimum wage rates	
Status	 Ongoing initiatives
Development	Career Global employer resources on minimum wage increases To help multinational employers address the different minimum wage rates around the world, the roundup below provides some information and links to resources from organizations, government websites, third-party resources, and news articles.
Resources	Roundup , regularly updated




Remote working	
Status	 Ongoing initiatives
Development	<p>Career — Health — Wealth</p> <p>Countries address remote-working issues</p> <p>Remote working has become a more of permanent feature for many employees and employers after various countries introduced COVID-19 measures. Remote working poses challenges and considerations for employers devising or adjusting policies. Issues to consider include the definition of remote work, eligibility criteria, hybrid working arrangements, employee engagement and performance, cybersecurity, health and safety, the right to disconnect, the impact of employees relocating to a different country or state, and the post-pandemic return to the workplace. Several jurisdictions have introduced remote-working legislation that clarifies post-pandemic employer and employee requirements, and others are expected to follow suit. To help employers, the roundup below provides analyses and links to general information about ongoing remote-working rights and trends in some countries, including resources from Marsh McLennan, organizations, government websites, news articles and other parties.</p>
Resources	Roundup , regularly updated

Section 3

Americas

Argentina (new)	
Status	 Currently effective
Development	Health Prepaid medicine costs increased The cost of prepaid medicine increased by 6.97% on Oct. 1, 2023, following a 7.18% increase on Sept. 1, 2023.
Resources	graciela.magonza@mercermarshbeneficios.com Announcement (Spanish) (Ministry of Labor)

Canada (new)	
Status	 Currently effective
Development	<p>Career</p> <p>Voluntary code of conduct on advanced generative artificial intelligence issued</p> <p>The Canadian government issued a voluntary code of conduct (“code”) on advanced generative artificial intelligence (AI) systems. The code identifies six core principles and accompanying measures that organizations should apply when managing and developing general-purpose generative AI systems and follows input from a cross-section of stakeholders. The government intends for the code to bridge the period until the AI and Data Act (part of Bill C-27) takes effect. The six core principles and measures organizations should follow are:</p> <ul style="list-style-type: none"> • Accountability. Implement a comprehensive risk management framework, appropriate to the scale and impact of an organization’s activities • Safety. Perform impact assessments and implement steps to mitigate safety risks, including addressing malicious or inappropriate uses of AI • Fairness and equity. Assess and curate datasets used for training, and implement diverse testing methods and measures to assess and mitigate risk of biased output prior to release • Transparency. Publish information on the capabilities and limitations of systems and ensure that AI systems and AI-generated content can be identified • Human oversight. Monitor the operation of the system for harmful uses or impacts after it is made available, including through the use of third-party feedback channels, and report and act on incidents • Validity and robustness. Use a wide variety of tests prior to deployment to ensure that systems operate effectively and are appropriately secured against cyberattacks.
Resources	<p>Minister Champagne launches voluntary code of conduct relating to advanced generative AI systems (Government, Sept. 27, 2023) and Voluntary code of conduct on the responsible development and management of advanced generative AI systems (Government, September 2023)</p>

Canada — Alberta (new)	
Status	 Applies to all annual information returns with fiscal year ends from Oct. 1, 2023, to Sept. 3, 2024, and any new plan registrations between those dates.
Development	Wealth Annual filing fee rate for pensions increased Alberta's Superintendent of Pensions announced that the annual filing fee rate in Alberta effective Oct. 1, 2023, is C\$2.25 per member — an increase on the previous year's fee. The annual filing fee payable is C\$2.25 multiplied by the total plan membership. The minimum fee is C\$250 and the maximum fee is C\$75,000.
Resources	kristin.smith@mercer.com EPPA Update 23-01 (Superintendent of Pensions, Sept. 21, 2023)
Canada — Manitoba (new)	
Status	 Currently effective
Development	Career Minimum wage increased The minimum wage increased to C\$15.30/hour on Oct. 1, 2023, up from C\$14.15/hour.
Resources	Fact Sheet: What is minimum wage? (Government)
Canada — Newfoundland and Labrador (new)	
Status	 Currently effective
Development	Career Minimum wage increased The minimum wage increased to C\$15.00 on Oct. 1, 2023, up from C\$14.50/hour.
Resources	Public Advisory: Employers reminded of minimum wage increase, April 1 (Government, March 27, 2023)
Canada — Nova Scotia (new)	
Status	 Currently effective
Development	Career Minimum wage increased The minimum wage increased on Oct. 1, 2023, to C\$15/hour, up from C\$14.50/hour.
Resources	Minimum wage (Government)

Canada — Ontario (new)	
Status	 Effective Dec. 1, 2023
Development	Wealth Financial regulator issues final rule on assessments and fees <p>The Financial Services Regulatory Authority of Ontario (FSRA) has released its final Rule 2022 — 001 Assessments and Fees (Fee Rule). The Minister of Finance approved the Fee Rule on Sept. 13, 2023. The Fee Rule governs how the FSRA assesses and collects fees from the sectors it regulates and aligns with the principles of fairness, consistency and transparency.</p>
Resources	anastasia.soldatos@mercer.com FSRA's fee rule has been approved by the Minister of Finance (FSRA, Sept. 19, 2023)
Canada — Ontario (previously covered, now effective)	
Status	 Currently effective
Development	Career Minimum wage increased <p>On Oct. 1, 2023, the hourly minimum wage increased to C\$16.55 (up from C\$15.50). This marked an 8% increase over one year.</p>
Resources	Ontario increasing minimum wage to \$16.55 an hour (Government, March 31, 2023)
Canada (previously covered, with upcoming effective date)	
Development	Wealth <ul style="list-style-type: none"> • Québec's 2023–2024 budget includes pension plan changes — key date: Jan. 1, 2024 • Pension super priority federal legislation enacted — key date: April 27, 2027
Chile (new)	
Status	 Currently effective
Development	Career Minimum wage increased <p>Effective Sept. 1, 2023, the standard minimum wage rate increased to 460,000 CLP (up from 440,000 CLP) and it is slated to increase again on July 1, 2024, to 500,000 CLP. The monthly minimum wage increased to 343,150 CLP (up from 328,230 CLP) for workers younger than 18 and for individuals older than 65. From January 2025, the monthly minimum wage will be adjusted in line with the Consumer Price Index registered between July and December 2024.</p>
Resources	Law (Spanish) (Official Diary, May 30, 2023)

Chile (previously covered, with upcoming effective date)	
Development	Career — Health <ul style="list-style-type: none"> Weekly working time to be reduced — key date: Beginning in 2024
Dominican Republic (previously covered, with upcoming effective date)	
Development	Career <ul style="list-style-type: none"> Minimum wage to increase — Feb. 1, 2024
El Salvador (previously covered, with upcoming effective date)	
Development	Career — Health <ul style="list-style-type: none"> Large employers will be required to provide day care facilities — key date: June 2024
Mexico (previously covered, with upcoming effective date)	
Development	Career — Health <ul style="list-style-type: none"> New safety and health standard for teleworkers published — key date: Dec. 5, 2023 Large employers will be required to provide day care facilities — key date: June 2024
United States (US) (new)	
Status	 Currently effective
Development	Career <p>Federal court blocks \$15/hour minimum wage for federal contractors in three states</p> <p>A federal court in Texas ruled that President Biden exceeded his authority under the federal Procurement Act by issuing Executive Order 14026 in 2021 to raise the minimum wage for federal contractors to \$15/hour. The states of Louisiana, Mississippi and Texas sued to block the contractor wage increase in 2022. The court enjoined the President and the Department of Labor from enforcing the minimum wage executive order and the implementation rules against the three states and their agencies. The judge declined to issue a nationwide injunction noting other rulings that upheld the contractor wage increase — “extending relief nationwide would result in this court encroaching upon the jurisdiction of other courts who have ruled on this issue.” For 2023, the hourly minimum wage for federal contractors increased to \$16.20.</p>
Resources	Decision (Justia, Sept. 26, 2023) and Executive Order 14026 (Nov. 24, 2021)

US (new)

Status



Comments can be submitted until Nov. 7, 2023.

Development

Career

Proposed rule would significantly expand overtime exemptions


On Aug. 30, 2023, the Department of Labor (DOL) announced a proposed rule that would significantly expand overtime protections — guaranteeing overtime pay for most salaried workers earning less than \$1,059 per week (about \$55,000/year, up from \$35,568/year). The rule is controversial and will likely undergo revisions prior to being finalized. An Obama-era overtime rule was blocked in 2017 by a federal trial court, and business groups will also likely challenge this rule if finalized. The proposals would:


- Restore and extend overtime protections to low-paid salaried workers. The proposed rule would increase the salary threshold to about \$55,000, which the DOL says would affect 3.6 million salaried workers. The exact amount will be based upon the 35th percentile of full-time salaried workers in the lowest-wage census region (currently the South), using data available at the time of the final rule. A footnote in the proposal states that the amount could be as much as \$60,209 in the final rule, which has reportedly caused concern in the business community.
- Increase the minimum salary level for an employee to qualify as exempt under the “highly compensated employee” exemption to \$143,988/year or more (up from \$107,432/year). This amount could also increase because it is based on data available at the time of the final rule.
- Clarify which employees are executive, administrative or professional employees who should be overtime exempt. By doing so, the proposed rule would better ensure that those who are not exempt will gain more time with their families or receive additional compensation when working more than 40 hours a week.
- Automatically update the salary threshold every three years to reflect current earnings data. The aim is to prevent a future erosion of overtime protections and ensure greater predictability.
- Restore overtime protections for U.S. territories. From 2004 until 2019, the DOL’s regulations ensured that for U.S. territories where the federal minimum wage was applicable, the overtime salary threshold was applicable as well.


There are no proposed changes to the duties test “at this time.” FAQs are available on the proposed rule, which will be subject to a 60-day comment period upon publication in the Federal Register.


Resources


[Department of Labor announces proposal to restore, extend overtime protections for 3.6 million low-paid salaried workers](#) (DOL, Aug. 30, 2023) [Proposed rule](#) (Federal Register, Sept. 8, 2023)


US (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Regulators partner to enhance enforcement of federal employment laws</p> <p>A memorandum of understanding (MOU) signed on Sept. 14, 2023, between the Equal Employment Opportunity Commission (EEOC) and the Department of Labor's Wage and Hour Division (WHD) strives to enhance and maximize the enforcement of federal laws and regulations, including equal employment opportunity, fair pay, the PUMP Act and the Pregnant Workers Fairness Act. The MOU formalizes and increases the agencies' coordination by information sharing, joint investigations, training and outreach, and includes the procedures that will be followed. The PUMP Act is enforced by the WHD and the EEOC.</p>
Resources	<p>Memorandum of understanding between the US Department of Labor, Wage and Hour Division and the US Equal Employment Opportunity Commission (EEOC, Sept. 14, 2023); EEOC and US Department of Labor, Wage and Hour Division announce partnership (EEOC, Sept. 14, 2023); FLSA protections to pump at work (DOL Wage and Hour Division) and What you should know about the Pregnant Workers Fairness Act (EEOC) and PWFA and PUMP Act — overview and employer considerations (Mercer, June 3, 2023)</p>

US (new)	
Status	 Comments can be submitted until Nov. 20, 2023, and Nov. 14, 2023, respectively
Development	<p>Career</p> <p>Protections for some foreign temporary workers strengthened</p> <p>Proposals that would strengthen the protections for foreign temporary workers employed through H-2A and H-2B visas in the US were issued by Homeland Security Department and published in the Federal Register on Sept. 20, 2023. H-2A visas cover seasonal and agricultural occupations, and H-2B visas apply to nonagricultural occupations including hospitality, landscaping, seafood processing and outdoor recreation. The proposal is open to comments until Nov. 20, 2023. Highlights include:</p> <ul style="list-style-type: none"> • Protection of workers from illegal fees and salary reductions (including, but not limited to, visa application fees). Employers would face increased sanctions for imposing illegal fees on workers (including a one-year ban from participating in the temporary visa programs) • Employers could not charge “breach fees” to workers leaving their job before completion • Introduction of whistleblower protections for those reporting abuse • Elimination of the eligible countries’ list that restricts employer to hiring workers only from DHS-specified countries • More flexibility for H-2 workers by extending the grace periods for seeking new employment, preparing for departure from the US, or seeking a change of immigration status • The portability of H-2 visa status would be made permanent, allowing employers to hire H-2 workers who are already lawfully in the US while the employer’s H-2 petition for the worker is pending. <p>Separately, the Department of Labor proposals issued on Sept. 15, 2023, would strengthen protection measures for H-2A workers and expand the department’s monitoring of program compliance and enforcement actions. Comments are invited through Nov. 14, 2023.</p>
Resources	<p>DHS issues proposed rule to modernize H-2 temporary visa programs and strengthen worker protections (Homeland Security, Sept. 18, 2023) and Proposed rules (Federal Register, Sept. 15, 2023)</p>

US (new)	
Status	 Currently effective
Development	<p>Career</p> <p>National Labor Relations Board revises standard on employers' duty to bargain before changing terms and conditions of work</p> <p>The National Labor Relations Board (NLRB) has addressed the statutory duty of employers to bargain with unions before making changes in terms and conditions of work in two recent full-NLRB decisions, which overruled a 2017 decision. Highlights include:</p> <ul style="list-style-type: none"> • Removal of the greater latitude for employers to make unilateral changes affecting a unionized workforce during a contractual hiatus or during negotiations for a first contract. The NLRB explained that allowing employers to justify discretionary unilateral changes during such time periods as a “past practice” was both inconsistent with Supreme Court precedent and undermined the pro-bargaining policies of the National Labor Relations Act. • Reaffirmation of the longstanding principle that an employer may never rely on an asserted past practice of making unilateral changes before employees were represented by a union (when the employer had no duty to bargain) to justify unilateral changes after the workers select a bargaining representative. • Establishment that an employer's past practice of unilateral changes developed under a management-rights clause in a collective-bargaining agreement cannot authorize unilateral changes made after the agreement expires and while bargaining for a new agreement is underway. The NLRB Board explained that the 2017 holding harmed the collective-bargaining process in two ways: It forced unions to bargain to regain terms of employment lost to post-expiration unilateral changes, and it discouraged unions from agreeing to management-rights clauses in the first place.
Resources	Board revises standard on employers' duty to bargain before changing terms and conditions of work (NLRB, Aug. 30, 2023); Decision (NLRB, Aug. 26, 2023) and Decision (NLRB, Aug. 26, 2023)
US (new)	
Status	 Currently effective
Development	<p>Career</p> <p>NLRB returns to totality of circumstances test for determining concerted activity</p> <p>A recent decision by the NLRB has reinstated the long-established test for determining whether an employee who intends to induce group action by fellow employees engages in protected concerted activity under Section 7 of the National Labor Relations Act (the Act).</p> <p>The NLRB reaffirmed the principle — originally announced in a 1986 decision — that “the question of whether an employee has engaged in concerted activity is a factual one based on the totality of the record evidence.” The NLRB overruled a 2019 decision, which effectively narrowed the test for determining concerted activity and resulted in “significant and unwarranted restrictions.”</p>
Resources	Decision (NLRB, Aug. 25, 2023)

US (new)	
Status	 Currently effective
Development	<p>Career</p> <p>Protections for employees who advocate for nonemployees restored</p> <p>A recent NLRB decision has returned to the longstanding precedent that concerted advocacy by statutory employees on behalf of nonemployees is protected under the National Labor Relations Act when it can benefit the statutory employees. The decision reversed a 2019 decision that the statutory concept of “mutual aid or protection” did not encompass the efforts of statutory employees to help themselves by helping others who are not statutory employees. The NLRB said this decision was “at odds with consistent prior Board, Circuit Court and Supreme Court precedent.” It explained that such efforts by employees toward nonstatutory individuals can benefit employees by improving their own working conditions or by leading nonemployees to later return the help they have received.</p> <p>The NLRB Chairman said, “[s]tanding in solidarity can be a protected act regardless of the employment status of those you stand with — the question is simply whether, in helping others, employees might help themselves and get help in return.”</p> <p>The NLRB also reaffirmed established precedent that job applicants are statutory employees, and that the immigration status of workers is typically immaterial to their employee status under the Act.</p>
Resources	<p>Board restores protections for employees who advocate for nonemployees (NLRB, Aug. 31, 2023) and Decision (NLRB, Aug. 26, 2023)</p>

US (new)	
Status	 Comments can be submitted until Nov. 1, 2023.
Development	<p>Career — Health</p> <p>Proposed workplace harassment enforcement guidance published</p> <p>The Equal Employment Opportunity Commission (EEOC) published proposed Enforcement Guidance on Harassment in the Workplace, and comments can be submitted until Nov. 1, 2023.</p> <p>The EEOC first released a proposed guidance on workplace harassment for public comment in 2017, but it was not finalized. The updated proposed guidance reflects recent notable changes in law, including the Supreme Court’s decision in <i>Bostock v. Clayton County</i>, the #MeToo movement and emerging issues, such as virtual or online harassment. Although the guidance will not have the force of law, it provides insight on how the EEOC will interpret and seek to enforce the federal antiharassment laws.</p> <p>The proposed guidance explains the legal standards and employer liability applicable to harassment claims under the federal employment discrimination laws enforced by the EEOC. These laws protect covered employees from harassment based on race, color, religion, sex (including sexual orientation, transgender status and pregnancy), national origin, disability, age (40 and older) or genetic information.</p> <p>Specifically, it provides numerous updated examples to reflect a wide range of scenarios, incorporates updates throughout on current case law on workplace harassment, and addresses the proliferation of digital technology and how social media postings and other online content can contribute to a hostile work environment.</p>
Resources	<p>EEOC proposes updated workplace harassment guidance to protect workers (EEOC, Sept. 29, 2023) and Proposed Enforcement Guidance on Harassment in the Workplace (EEOC)</p>

US (previously covered, soon to be effective)	
Status	 Effective Oct. 23, 2023
Development	<p>Career</p> <p>Department of Labor issues final rule to update prevailing wage rule for construction sector</p> <p>The Department of Labor's (DOL) Wage and Hour Division published a final rule in the federal register on Aug. 23, 2023, that updates the Davis-Bacon prevailing wage regulations for construction workers on federally funded projects. The regulations had not been comprehensively updated for more than 40 years, and the changes will benefit more than one million construction workers. Highlights of the final rule include:</p> <ul style="list-style-type: none"> • Restoration of the DOL's prevailing wage definition of used from 1935 to 1983 will be equivalent to the wage paid to at least 30% of workers — rather than 50% of workers — in a given trade in a locality. Currently, if the majority of workers in a given trade and locality do not earn a single wage rate, then the prevailing wage is determined by the average wage in a given trade in a locality. The change will increase the likelihood that workers will be paid a true prevailing wage. • DOL's Wage and Hour Administrator will have the authority to adopt prevailing wages determined by state and local governments, issue wage determinations for labor classifications where insufficient data is received through the wage survey process and update outdated wage rates. Currently, the DOL surveys contractors and other parties to update prevailing wage rates, which is resource-intensive. • DOL's enforcement powers will be strengthened to include a new anti-retaliation provision in contract clauses that will protect workers who raise concerns from being fired or punished. The DOL also could withhold money from a contractor to pay lost wages to employees. <p>The Biden administration has also issued a Fact Sheet on these changes.</p>
Resources	<p>Updating the Davis-Bacon and related acts regulations (Federal Register, Aug. 23, 2023); US Department of Labor announces final rule to modernize Davis-Bacon Act (DOL, Aug. 8, 2023) and Fact Sheet: Vice President Harris announces action to raise wage standards over time for more than one million construction workers (White House, Aug. 8, 2023)</p>

US

Status



Delayed until 2026, and comments are requested by Oct. 24, 2023.

Development

Wealth

IRS delays SECURE 2.0's Roth catch-up mandate

Newly released IRS guidance delays for two years the SECURE 2.0 Act's Roth catch-up mandate for high-earning employees. More than 225 employers (including Mercer) recently signed a letter to Congress and the Treasury Department urging a two-year delay.

As reported earlier, this requirement was scheduled to take effect next year for employees whose 2023 FICA wages exceed \$145,000. However, Notice 2023-62 provides a two-year "administrative implementation period" that allows defined contribution plans to continue pretax catch-up contributions for all employees until 2026 — even for plans that already include Roth features.



IRS also confirms that the agency will enforce the Internal Revenue Code's catch-up rules as intended for 2024, despite a drafting error in the act. The notice concludes by previewing future guidance that IRS expects to issue on other elements of this SECURE 2.0 provision.

Resources



matthew.calloway@mercer.com



[GRIST](#), Aug. 29, 2023



US	
Status	 Comments can be submitted until Oct. 30, 2023.
Development	<p>Career — Health</p> <p>Rule changes to clarify employee representation at workplace inspections proposed</p> <p>On Aug. 29, 2023, the Department of Labor (DOL) announced a proposed rule to revise regulations regarding who employees can authorize to act as their representative to accompany the department's Occupational Safety and Health Administration (OSHA) compliance officers during physical workplace inspections. Comments can be submitted until Oct. 30, 2023. OSHA is also seeking public comment on the criteria and degree of deference OSHA should give to employees' choice of representative in determining whether a third party can participate in an inspection. The proposal clarifies that:</p> <ul style="list-style-type: none"> • Employees may authorize an employee, or they may authorize a nonemployee third party if the compliance officer determines the third party is reasonably necessary to conduct an effective and thorough inspection. • Third-party representatives are not limited to industrial hygienists or safety engineers — two examples included in the existing regulation. Third-party representatives may be reasonably necessary because they have skills, knowledge or experience that may help inform the compliance officer's inspection. This information may include experience with particular hazards, workplace conditions or language skills that can improve communications between OSHA representatives and workers. <p>The proposed revisions do not change existing regulations that give OSHA compliance officers the authority to determine if an individual is authorized by employees and to prevent someone from participating in the walkaround inspection if their conduct interferes with a fair and orderly inspection, or to limit participation to protect employer trade secrets.</p>
Resources	Department of Labor announces proposed changes to clarify regulations on authorized employee representation during workplace inspections (DOL, Aug. 29, 2023)
US (previously covered, soon to be effective)	
Status	 Delayed until Oct. 31, 2023
Development	<p>Career</p> <p>Equal Employment Opportunity Commission delays opening of 2022 EEO-1 Component 1 data collection</p> <p>The Equal Employment Opportunity Commission (EEOC) has updated the opening of the 2022 EEO-1 Component 1 data collection to Oct. 31, 2023 — in January 2023, the EEOC announced that the data collection had been tentatively scheduled to begin in mid-July 2023. The EEO-1 Component 1 report is a mandatory annual data collection that requires all private sector employers with 100 or more employees, and federal contractors with 50 or more employees meeting certain criteria, to submit demographic workforce data, including data by race/ethnicity, sex, and job categories.</p>
Resources	EEO Data Collections (EEOC)



US (new)	
Status	 Comments due by Oct. 10, 2023.
Development	Wealth Department of Labor asks for input on SECURE 2.0 reporting and disclosure updates As a first step toward updating ERISA's reporting and disclosure requirements for 10 different provisions of the SECURE 2.0 Act of 2022 (Div. T of Pub. L. No. 117-328), the Department of Labor (DOL) has issued an expansive request for information (RFI). The RFI covers SECURE 2.0's new requirement for paper statements and other provisions that apply to defined contribution (DC) and defined benefit (DB) plans — including pooled employer plans (PEPs). However, the request doesn't include a broader triagency directive aimed at modernizing and streamlining retirement plan disclosures.
Resources	matthew.calloway@mercer.com and margaret.berger@mercer.com GRIST , Sept. 19, 2023
US	
Status	 Effective dates vary.
Development	Career Employer resources on noncompete restrictions Noncompete agreements prevent former employees from working for a competing employer or starting a competing business for a certain time period after their employment ends. At the federal level, President Biden, the FTC, the NLRB and Congress have recently attempted to ban or limit the use of noncompete agreements. At the state level, four states — California, Minnesota, North Dakota and Oklahoma — have generally banned noncompete agreements, and New York is poised to do so if the governor signs approved legislation. Numerous other states have enacted restrictions, such as only allowing noncompete agreements for employees above a certain salary threshold. This roundup focuses on recent federal and state actions to restrict noncompete provisions and provides links to federal and state resources from organizations, government websites, third-party resources and news articles.
Resources	Roundup , regularly updated

US	
Status	 Currently effective
Development	<p>Career</p> <p>Employer DEI resources after SCOTUS' ruling on affirmative action</p> <p>On June 29, 2023, the US Supreme Court, in <i>Students for Fair Admissions, Inc. v. President and Fellows of Harvard College</i>, ruled colleges' use of race as a factor in student admissions is unconstitutional under the Fourteenth Amendment's Equal Protection Clause.</p> <p>Since the decision, there have been various viewpoints on the effect of this ruling on companies' diversity, equity and inclusion (DEI) programs. For example, the EEOC announced that the decision “does not address employer efforts to foster diverse and inclusive workforces or to engage the talents of all qualified workers, regardless of their background.” The EEOC said “[i]t remains lawful for employers to implement diversity, equity, inclusion, and accessibility programs that seek to ensure workers of all backgrounds are afforded equal opportunity in the workplace.” In July, state attorneys general wrote to Fortune 100 CEOs about the decision and took different positions based on political affiliation.</p> <p>To provide employers with some information about the decision and the varying aspects and issues to consider with respect to employers' DEI programs, this roundup provides links to government information, third-party analyses, news articles and viewpoints. The aggregated content in each section is organized in reverse chronological order and is by no means comprehensive. The content also does not necessarily reflect Mercer's or the authors' point of view on the subject.</p>
Resources	Roundup , regularly updated
US	
Status	 Effective dates vary.
Development	<p>Wealth</p> <p>Resources for tracking state and local retirement initiatives</p> <p>This article summarizes state and local retirement initiatives for private-sector workers and rounds up relevant Mercer and third-party resources. This listing is updated periodically and may not always reflect the latest development in every locality.</p>
Resources	<p>margaret.berger@mercer.com and brian.kearney@mercer.com</p> <p>GRIST, regularly updated</p>

US — States	
Status	 Effective dates vary.
Development	<p>Career</p> <p>Roundup: Employer resources on states' recent equal pay laws</p> <p>The federal Equal Pay Act of 1963 requires that men and women in the same workplace receive equal pay for equal work. In recent years, many states have taken further efforts to address equal pay, such as enacting laws that prohibit employers from asking job applicants about salary history, requiring disclosure of salary ranges and pay data, protecting employees who disclose their pay, expanding equal pay protections for characteristics other than sex, and broadening comparisons of work and pay. In 2023, New Jersey and Illinois expanded equal pay protections to temporary workers. Stronger federal legislation — the Paycheck Fairness Act — was first introduced in 1997 but has failed to pass after numerous attempts — most recently in June 2021. On March 15, 2022, the Biden administration also announced commitments to advance pay equity.</p> <p>This roundup primarily focuses on recent state legislative initiatives pertaining to salary history bans and salary range disclosure requirements that affect private sector employers, and provides links to state resources from organizations, government websites, third-party resources and news articles. Certain cities have also taken action, but they are generally beyond the scope of this roundup.</p>
Resources	Roundup , regularly updated
US — States	
Status	 Effective dates vary.
Development	<p>Career</p> <p>Roundup: Employer resources on states' recreational marijuana laws</p> <p>Twenty-three states, Guam and Washington, DC, have legalized the possession and personal use of marijuana for recreational purposes. To provide employers with some information on states' actions and the varying employment considerations involved, this roundup provides links to organizations, government websites, third-party analysis, news articles and viewpoints on marijuana usage for recreational purposes. Thirty-eight states, Guam, Puerto Rico, the US Virgin Islands and Washington, DC, have legalized marijuana use for medical purposes, but this roundup focuses on legal recreational marijuana use and its implications for employers. The aggregated content in each section is organized in reverse chronological order and is by no means comprehensive. It also does not necessarily reflect Mercer's or the authors' point of view on the subject.</p>
Resources	Roundup , regularly updated

US — States	
Status	 Effective dates vary.
Development	<p>Career</p> <p>Roundup: Employer resources on minimum wage increases</p> <p>Beginning Jan. 1, 2023, the hourly minimum wage that federal contractors must pay to their employees increased to \$16.20/hour — this follows an April 2021 executive order that required federal contractors to pay a \$15 hourly minimum wage to workers for new federal contract solicitations starting Jan. 30, 2022. Several states have also taken action to gradually increase the minimum wage to at least \$15/hour for most employees. To help employers prepare and address related issues, this roundup provides links to federal and state resources from organizations, government websites, third-party resources and news articles.</p>
Resources	Roundup , regularly updated
US — States	
Status	 Effective dates vary.
Development	<p>Career</p> <p>Roundup: Employer resources on hairstyle nondiscrimination laws</p> <p>The Creating a Respectful and Open World for Natural Hair (CROWN) Act movement in the United States aims to prohibit discrimination based on natural hair texture or hairstyles normally associated with race, such as braids, locks, twists, curls, cornrows, Afros, head wraps or bantu knots. The official campaign of the CROWN Act is led by the CROWN Coalition. Federal legislation, supported by the Biden administration, passed the House in March 2022. Twenty states have already passed CROWN Acts, and many others are considering legislation. To help employers ensure their employee handbooks and appearance policies are nondiscriminatory and comply with federal, state, and local laws, the roundup cited below provides links to federal and state resources from organizations, government websites, other third parties and news articles.</p>
Resources	Roundup , regularly updated

US — California (new)	
Status	 Currently effective
Development	<p>Health</p> <p>Application of state disability insurance provision for 2024 clarified</p> <p>Last year, a law (2022 Ch. 878, SB 951) removed the wage ceiling (currently set at \$153,164) for employee contributions for state disability insurance (SDI), effective Jan. 1, 2024. California's Employment Development Department (EDD) has issued guidance on how this impacts voluntary private plans provided by employers.</p> <p>Voluntary plans may continue to retain a wage ceiling in 2024 and beyond, but EDD recommends a review of the employer's trust fund to ensure sufficient funds exist to cover anticipated expenses. EDD also warns employers that increased benefits are due to start in 2025.</p> <p>Additional requirements will apply to employers keeping a wage ceiling. EDD will provide more information in the near future. Questions may be directed to EDD's Voluntary Plan Group at VPPProgram@edd.ca.gov.</p> <p>As a result, the 2024 wage ceiling removal will apply to all employers participating in the public plan and those employers with voluntary private plans removing the wage ceiling.</p>
Resources	<p>rich.glass@mercer.com</p> <p>2022 Ch. 878, SB 951 (Legislature); 2023 contribution rates, withholding schedules, and meals and lodging values (EDD); Roundup of selected state health developments, third quarter 2022, Nov. 4, 2022 and GRIST, Feb. 1, 2023</p>
US — Colorado (new)	
Status	 Effective Jan. 1, 2024
Development	<p>Career — Health</p> <p>Family and medical leave insurance wages will include pre-tax amounts</p> <p>Colorado's Division of Family and Medical Leave Insurance (FAMLI) announced that the definition of wages — for purposes of premium and benefit calculations — includes pre-tax amounts (i.e., gross wages), a departure from prior guidance.</p>
Resources	<p>rich.glass@mercer.com</p> <p>Information on FAMLI program (Department of Labor and Employment) and GRIST, Feb. 1, 2023</p>

US — Connecticut (previously covered, now effective)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Reasons for taking paid sick leave expanded</p> <p>Pub. Act No. 23-101, SB 2 generally addresses the mental, physical, and emotional wellness of children. Specific to the state's paid sick and safe leave law, SB 2 provides two more reasons for taking paid leave:</p> <ul style="list-style-type: none"> • A “mental health wellness day” for attending to an employee’s emotional and psychological well-being • A parent whose child is a victim of family violence or sexual assault (previously, a covered reason only applied when employees were a victim) <p>This law took effect Oct. 1. Covered employees are limited to “service workers,” as defined by statute.</p>
Resources	<p>rich.glass@mercer.com</p> <p>Public Act No. 23-101 (Legislature)</p>
US — Hawaii (new)	
Status	 Effective Jan. 1, 2024
Development	<p>Health</p> <p>Prepaid Health Care Act Form HC-5 for 2024 now posted</p> <p>The Hawaii Prepaid Health Care Act (HPHCA) requires employers to offer health coverage to all eligible employees in the state. An employee may waive coverage under the employer’s health plan if certain conditions apply, such as having other health coverage. To claim an exemption, the employee must complete and provide Form HC-5 —“Employee Notification to Employer” to the employer. This notice is binding for only one year, so exempt employees must annually complete a new form by Dec. 31, using the current calendar year's form. The employer must keep this form on file.</p>
Resources	<p>dorian.smith@mercer.com</p> <p>Prepaid health care links (Disability Compensation Division); GRIST, Dec. 15, 2022 and GRIST, Feb. 18, 2022</p>

US — Massachusetts (new)	
Status	 Effective Jan. 1, 2024
Development	<p>Health</p> <p>2024 individual-mandate coverage dollar limits set</p> <p>The Massachusetts Health Connector published 2024 dollar limits on deductibles and other cost sharing for minimum creditable coverage (MCC), as required by regulations (956 Mass. Code Regs. 5). The Massachusetts individual mandate, in effect since 2007, requires state residents to maintain MCC or face a potential state tax penalty. Providing MCC is not an employer mandate, but many employees use employment-based health coverage to satisfy the individual mandate. In addition, health plan reporting requirements compel plan sponsors (or their vendors) to determine whether their coverage meets MCC standards. Deductibles and out-of-pocket maximums (OOPMs) are adjusted annually. Regulations also clarify MCC criteria for health arrangements provided by religious organizations.</p>
Resources	<p>rich.glass@mercer.com and patricia.farrell@mercer.com</p> <p>GRIST, Sept. 18, 2023</p>

US — Minnesota (new)**Status****Effective Jan. 1, 2024****Development****Career — Health****Paid sick and safe leave requirements adopted**

Minnesota joins 17 other states and Washington, DC, in requiring accrued paid leave for employees. Starting Jan. 1, 2024, 2023 Ch. 53 (SF 3035, see Article 12) will require all employers in the state to provide up to 48 hours of earned sick and safe time (ESST) — accrued at one hour for every 30 hours worked — to eligible employees working in Minnesota. The law replaces the current statute that applies to an employer's voluntary sick leave program. The state's Department of Labor and Industry (DLI) is responsible for adopting rules, enforcing the law and providing a uniform employee notice.

Employers already providing at least 48 hours of discretionary paid leave, vacation or paid time off (PTO) will not have to provide additional paid leave to comply with the law, as long as their policies adhere to ESST requirements. Employers should evaluate existing leave policies to determine any necessary changes, including employment termination, carryover and frontloading provisions. Employers should look for upcoming DLI guidance, particularly on these issues:

- Pay rate for employees (especially salaried) on leave
- Coordination with local laws, as well as the state's new paid family and medical leave (PFML) law. Benefits under the PFML law enacted earlier this year are scheduled to begin in 2026. Some absences may be covered under both laws, yet neither addresses benefit coordination. More information may come with implementing regulations.

Multistate employers must also contend with implementing Illinois accrued paid leave requirements by Jan. 1, 2024. The Illinois law makes leave available for any reason. Employers concerned about creating uniformity in benefits and administration nationwide may want to conduct a full review of accrued paid leave benefits across the workforce. Finally, watch for paid sick leave developments in 2024. Other states are likely to revisit similar measures considered in the 2023 legislative sessions.

Resources



rich.glass@mercer.com and katharine.marshall@mercer.com
[GRIST](#), Sept. 27, 2023


US — Montana (previously covered, now effective)**Status****Currently effective****Development****Health****Licensing reciprocity extended to more professionals**


Effective Oct. 1, 2023, licensing reciprocity extends to out-of-state professional counselors, additional counselors, marriage and family therapists, and behavioral health peer support specialists.



Resources


rich.glass@mercer.com
[HB 101](#) (Legislature)


US — Nevada (previously covered, now effective)	
Status	 Currently effective
Development	Health New law addresses prescription drug issues Pharmacy benefit managers (PBMs) must be licensed, and fully insured plans are limited as to drug formulary changes during a plan year under 2023 Ch. 429, SB 57. Insurers removing a prescription drug from a formulary may not add the drug back into the formulary in a higher cost tier in the same plan year, with limited exceptions. This law will take effect on Oct. 1. Nevada does not apply its insurance laws on an extraterritorial basis. This law does not apply to self-funded ERISA plans.
Resources	rich.glass@mercer.com 2023 Ch. 429, SB 57 (Legislature)
US — New Jersey (new)	
Status	 Effective Jan. 1, 2024
Development	Career Hourly minimum wage to generally exceed \$15.13/hour in 2024 New Jersey's Department of Labor & Workforce Development announced that the hourly minimum wage rate will generally be \$15.13/hour as of Jan. 1, 2024 — up from \$14.13/hour. Seasonal and small employers have until 2026 to reach \$15/hour — the minimum wage for these employees is \$12.93/hour and it will increase to \$13.73/hour on Jan. 1, 2024. Agricultural workers are guided by a separate minimum wage timetable and have until 2027 to reach the \$15/hour minimum wage. For employees who work on a farm for an hourly or piece-rate wage, the minimum wage is \$12.01/hour, and it will increase to \$12.81/hour on 1 Jan. 2024. Additionally, long-term care facility direct care staff's minimum wage is \$17.13/hour, and it will increase to \$18.13/hour on Jan. 1, 2024.
Resources	New Jersey's minimum wage to surpass \$15 per hour target set by Gov. Murphy (Department of Labor & Workforce Development, Sept. 26, 2023)

US — New Jersey (new)	
Status	 Currently effective
Development	<div>Health</div> <div>Abortion coverage regulations finalized</div> <div>New Jersey's Division of Insurance (DOI) issued final regulations requiring abortion coverage for fully insured plans. Washington's Employment Security Department has posted its paid family and medical leave (PFML) benefit amounts for 2024. The final regulations require health maintenance organizations and individual, small-group and large-group market fully insured plans to cover medical and surgical abortions, as well as abortion-related prescription drugs. Plans may apply cost sharing to the extent it applies to similar services covered under the plan. A religious employer exclusion exists where such coverage conflicts with an employer's bona fide religious beliefs and practices. The regulations took effect Sept. 18. The regulations were issued under the DOI's general authority granted by the Freedom of Reproductive Choice Act. New Jersey generally does not apply its insurance laws on an extraterritorial basis to fully insured plans issued in another state. These regulations do not apply to self-funded ERISA plans.</div>
Resources	<div>rich.glass@mercer.com</div> <div>Regulations (DOI) and Freedom of Reproductive Choice Act (Legislature)</div>


US — New Mexico (new)	
Status	 Currently effective
Development	<p>Health</p> <p>Executive order changes insurance rules related to drug abuse</p> <p>New Mexico's insurance superintendent issued Emergency Order No. 2023-0083 in response to the governor's Executive Order 2023-132, which declared a public health emergency (PHE) due to drug abuse. The PHE focus is on misuse of prescription opioids, fentanyl, heroin, and other illicit substances.</p> <p>Effective Sept. 19, mental/behavioral health coverage terms for fully insured plans subject to New Mexico insurance law will change as follows:</p> <ul style="list-style-type: none"> • Outpatient services covered at primary care visit cost-sharing levels • Inpatient services covered at inpatient physician and surgical services cost-sharing levels • Emergency care covered at no cost • Urgent care covered at specialist visit cost-sharing levels <p>The emergency order also requires prior authorization parity between out-of-network and in-network care, including for telehealth services. In addition, plans may not require prior authorization for an admission or transfer requiring detox, acute, or long-term in-patient care for treatment of a substance use disorder.</p> <p>Insurers must have provided participants with a relevant notice (which must be displayed on their websites) by Sept. 29. The emergency order specifically mentioned these insurers: Health Care Service Corporation, Molina Healthcare and UnitedHealthcare. New Mexico generally does not apply its insurance laws on an extraterritorial basis to fully insured plans issued in another state.</p> <p>The emergency order does not apply to self-funded ERISA plans. It remains in effect until Governor Michelle Grisham rescinds her executive order, which was set to expire on Oct. 6 (if not renewed). New Mexico has seen three shooting deaths of children this summer, as well as two mass shootings this year.</p>
Resources	<p>rich.glass@mercerc.com</p> <p>Executive Order 2023-132 (Governor's office, September 2023)</p>

US — New York (new)	
Status	 Effective March 13, 2024
Development	<p>Career</p> <p>Wage payment salary threshold for exempt employees to increase</p> <p>From March 13, 2024, the weekly salary threshold for exempting executive, administrative and professional employees from New York’s state wage payment laws will increase to \$1,300, up from \$900. The measures are included in SB 5572, signed by the governor on Sept. 15, 2023, and will expand the number of employees who can submit wage claims to the State Department of Labor.</p> <p>Executive, administrative and professional employees are exempt from state laws regulating direct deposit and pay frequency, and they cannot file wage claims with the state’s labor standards division. However, nonexempt employees who do not meet the weekly salary threshold are subject to state law that sets out the frequency of pay and requires employees’ consent for direct deposits. Employers must also use permitted methods for making payments and comply with their policies on expense reimbursement, employee benefits, vacation, severance, and holiday pay.</p> <p>This salary threshold differs from the salary threshold for state minimum wage and overtime pay laws that exempts executive and administrative employees that earn a weekly salary of at least 75 times the state minimum wage, or \$1,125 or \$1,065 depending on the employer’s location. There is no state salary threshold for exempt professional employees, so it is \$684 per week — the federal salary threshold.</p>
Resources	SB 5772 (Legislature)
US — New York (new)	
Status	 Effective Nov. 13, 2023
Development	<p>Career</p> <p>Employers will be required to notify employees of unemployment insurance eligibility</p> <p>Employers will have to notify employees in writing about their eligibility for unemployment insurance when they make a permanent or temporary separation of the employee, reduce their working hours to the point where the employee qualifies for total or partial unemployment, or if there is any other interruption of continued employment that results in total or partial unemployment.</p> <p>The measures feature in S. 4878-A/A. 398-A, signed by the governor on Sept. 14, 2023, and will take effect on Nov. 13, 2023 — 60 days later. The bill aims to increase impacted employees’ awareness of their eligibility for unemployment insurance introduction, also noting that some employers may be disincentivized from informing their employees about eligibility due to increased unemployment insurance payments when employees, or former employees, file for unemployment assistance.</p>
Resources	Governor Hochul signs legislation to strengthen workers’ rights in New York State (Governor’s website, Sept. 14, 2023) and Senate Bill S4878A (Legislature)

US — New York (new)	
Status	 Effective Jan. 1, 2024
Development	<p>Career — Health</p> <p>2024 paid family leave rates published</p> <p>New York’s Department of Financial Services published these 2024 paid family leave (PFL) rates:</p> <ul style="list-style-type: none">• Employee contributions. For the second year in a row, the rate decreases, this time from 0.455% to 0.373% of an employee’s wages each period. The annual maximum also drops from \$399.43 to \$333.25.• Employee benefits. The benefit maximum for qualified leaves starting on or after Jan. 1, 2024, will increase from \$1,131.08 to \$1,151.16 per week. Meanwhile, the benefit percentage (67% of average weekly wages) and benefit maximum (67% of the state average weekly wage) remain the same. <p>The maximum duration also did not change, staying at 12 weeks in a 52-week period. As a reminder, employers are not obligated to make PFL contributions. A separate disability benefits law (DBL) applies to paid leaves for nonwork-related disabilities.</p>
Resources	<p>Decision on premium rate for PFL benefits and maximum employee contribution for coverage beginning Jan. 1, 2024 (Department of Financial Services, Aug. 30 ,2023)</p>

US — New York (new)	
Status	
Development	<p>Career</p> <p>Employers' right to speak on union, political and religious matters restricted</p> <p>Changes to New York's labor law give employees the right to refuse to attend employer-sponsored meetings that have the primary purpose of communicating an employer's opinion regarding religious or political matters (including labor union membership) and protect them from discrimination or retaliation by their employer. The governor signed (AB 6604/SB S4982) on Sept. 6, 2023, and the law took immediate effect. Highlights include:</p> <ul style="list-style-type: none"> • Political matters are defined as “matters relating to elections for political office, political parties, legislation, regulation and the decision to join or support any political party or political, civic, community, fraternal or labor organization.” • Religious matters are defined as “matters relating to religious affiliation and practice and the decision to join or support any religious organization or association.” • Employers, their agent, representative or designee can still communicate with employees any information that it is required to do so by law, or that is necessary for employees to perform their job duties. Higher education institutions can meet with their employees on such topics as part of their coursework, symposia or academic program. • Employers must post a notice in every workplace to inform employees of their rights. • Employers can still communicate with employees who are in managerial or supervisory roles, and they can have casual conversations with employees, provided the employees' participation is not a requirement. <p>The changes do not apply to a religious corporation, entity, association, educational institution or society that is exempt from Title VII federal requirements, with respect to speech on religious matters to employees who perform certain work.</p>
Resources	S4982 (Legislature) and Press Release (Governor's office, Sept. 6, 2023)

US — New York (new)	
Status	 Comments may be submitted until Nov. 12, 2023.
Development	<p>Career</p> <p>New pay transparency law proposed</p> <p>New York’s Department of Labor has issued proposed regulations on its new pay transparency law, effective Sept. 17, 2023, that requires salary ranges to be included in job postings. Highlights include:</p> <ul style="list-style-type: none"> • The law does not apply to government agencies or temporary health firms. However, a temporary health firm must comply when it is advertising for positions within its own firm. • The requirements include opportunities that will be physically performed outside of New York but report to a supervisor, office or other work site in New York, such as where the applicant may be remote working, telecommuting or working from home. It does not include incidental/infrequent instances of being in New York for work purposes. • Advertisements are covered regardless of the medium in which they are posted and whether they are posted directly by the employer or a third-party. However, employers shall not be deemed responsible for advertisements that are “scraped,” or automatically aggregated electronically and posted by a third-party without their knowledge or consent. • Employers may still hire, promote or transfer employees without posting an advertisement. • Advertisements must contain a job description for the opportunity if a job description exists. In limited circumstances, the name of the position may convey the duties, for example, a dishwasher when duties are only washing dishes. • “Range of compensation” is defined as the base rate of pay, regardless of payment frequency. Such range must be for a single opportunity and a single geographic location or region. If an advertisement for an opportunity is intended to cover multiple geographic locations or intended to include multiple levels of seniority or supervisory authority, then multiple ranges of compensation for each individual opportunity must be provided. If the range information is extensive, the employer may provide it in a separate attachment or addendum as long as it is available free of charge and is easily accessible. • Other forms of compensation or benefits offered in connection with the opportunity are not required to be disclosed. However, employers may provide additional relevant compensation or benefit information. • The range of compensation cannot be open-ended, for example, by stating \$20 per hour and up or maximum \$50,000 per year. • The range of compensation must include the minimum and maximum annual salary, or hourly rate, for an opportunity that the employer believes in good faith to be accurate at the time of the posting of an advertisement for such opportunity. “Good faith” means the range of compensation the employer legitimately believes they are willing to pay the successful applicant or employee at the time they post an advertisement. Employers may consider various factors, such as the job market, current employee compensation levels, hiring budget, and experience and education levels acceptable for the opportunity. Examples of good and bad faith are provided. An employer is not precluded from adjusting the range of compensation after collecting additional information through the hiring process.
Resources	Proposed regulations (Register, Sept. 13, 2023) and GRIST , March 9, 2023

US — New York (new)	
Status	 Comments may be submitted until Oct. 16, 2023.
Development	<p>Health</p> <p>Sweeping pharmacy benefit manager regulations proposed</p> <p>New York's Department of Financial Services (DFS) issued proposed regulations which would impose significant restrictions on pharmacy benefit managers (PBMs) operating in the state. DFS characterized the rulemaking as “the most comprehensive rules surrounding PBMs in the nation.” This rulemaking is authorized by a 2021 law, broadly empowering DFS to establish minimum standards for PBM licensing (due to take effect in 2024). The prescription drug (Rx) rules do not address application to PBMs operating on behalf of self-funded ERISA plans. If finalized in current form, the regulations would impose requirements in these areas:</p> <ul style="list-style-type: none"> • Fees and reimbursement. PBMs would have to pay pharmacies at least the national average drug acquisition cost (known as NADAC), plus a \$10.18 dispensing fee. Other pharmacy-related fees would be prohibited. Reimbursement parity between affiliated and non-affiliated pharmacies would be required. PBMs would have to offer health plans a pricing model without spread pricing. • Participant costs. PBMs could not require participants to pay an amount greater than the lesser of the cost-sharing amount, the maximum allowable cost (MAC) or a drug's cash price. PBMs using MAC pricing would be subject to several rules related to how they administer the MAC list. • Pharmacy contractual provisions. Retroactive claim adjudication would not be permitted, except for fraud, errors identified in an audit, or a pharmacy's agreement. PBM contracts could not impose gag clause restrictions on certain pharmacy communications. PBMs' pharmacy recredentialing could occur no more often than every three years. • Consumer protections. Prohibited actions would include mandatory mail-order Rx programs, incentives for using affiliated pharmacies, marketing that steers participants or providers to affiliated pharmacies, and transferring Rx data to affiliated pharmacies for commercial purposes. • Network adequacy. PBM networks would be subject to access standards, based on distance, travel time and hours of services. PBMs would not be able to require participants to use only affiliated pharmacies, including for refills and specialty Rx. <p>When the regulations would be finalized is not known. As currently written, these regulations would take effect for contracts issued, assigned, renewed, recredentialled, extended, amended or otherwise modified on or after Jan. 1, 2024. Otherwise, the latest effective date would be Jan. 1, 2025.</p>
Resources	<p>rich.glass@mercercor.com</p> <p>Proposed regulations (DFS, August 2023)</p>

US — New York — New York City (new)

Status



Effective Oct. 15, 2023

Development

Career — Health

Sick time rules amended



New York City's Department of Consumer and Worker Protection ("DCWP") published final, amended rules related to the Earned Safe and Sick Time (ESST) Act, which required covered employers provide paid time off to employees to care for themselves or family members for specific reasons. The amendments clarify a wide range of issues. Highlights include:




- Covered employees. These rules exclude telecommuting individuals who work outside of NYC for an employer in NYC. On the other hand, employees with a primary work location outside of NYC are covered "if they regularly perform, or are expected to regularly perform, work" in NYC. The rules provide several clarifying examples. For instance, excluded employees include a remote employee with two day-long meetings per year in NYC and a remote employee who works on a one-day project for a customer in NYC.
- Employer size. Employers with 100 or more employees must provide 56 hours of paid leave per calendar year; that requirement drops to 40 hours for employers in the 5-99 range and whether paid or unpaid dependent on employers' net income. The rules confirm that employer size is based on the national — not citywide — headcount at the highest point of the calendar year and includes part-time employees.
- Employee notice. While employers may require reasonable advance notice of requested leave, an employer's notice procedures must be included in a written policy. Foreseeable leave can be up to seven days for foreseeable absences, as soon as practicable for unforeseeable absences.
- Pay statements. The rules explain that employers must specify the total balance and available time, if different, typically due to carryover and the 56-hour-per-year usage limitation. The rules also describe how an employee-accessible system can satisfy this requirement.

Resources

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[Rules](#) (DCWP); [Earned Sick Time Act](#) (Administrative Code) and [Paid Safe and Sick Leave Law](#) (NYC Consumer and Worker Protection)

US — New York — New York City (previously covered, now effective)	
Status	 Currently effective
Development	<p>Career</p> <p>Hourly minimum wage increase for app-based restaurant delivery workers takes effect, rules court</p> <p>On Sept. 28, 2023, The New York Supreme Court ruled in the City's favor to allow the minimum pay rate for app-based restaurant delivery workers to take effect. Workers will make at least \$17.96/hour, increasing to \$19.96/hour when fully implemented in 2025, adjusted annually for inflation. The law's effective date was supposed to be July 12, 2023, but it was delayed due to the litigation.</p>
Resources	Delivery workers win a dignified pay rate: Court allows minimum pay rate for app-based restaurant delivery workers to take effect (Department of Consumer and Worker Protection, Sept. 28, 2023) and Final rule (Department of Consumer and Work Protection)
US — Puerto Rico (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Definition of domestic violence to include economic violence</p> <p>The definition of “domestic violence” in Puerto Rico recently expanded to include “economic violence” under Act 74-2023 and requires employers to revise their current workplace policies on domestic violence. Highlights include:</p> <ul style="list-style-type: none"> • Economic violence is defined as conduct aimed at undermining the victim’s present or future financial capacity, economic stability, or housing and housing security through threats, coercion, fraud, restriction or denial of access to or use of accounts, assets, financial information, credit cards, money or government assistance, hiding information relating to rent or mortgage payments and evictions. • Interference in an individual’s employment or their own business is also covered, and courts can issue protection orders that require individuals to refrain from harassing, intimidating, or interfering with the victim’s employment, and from damaging their professional reputation. <p>Under Act No. 217-2006, employers must already have a protocol to manage domestic violence situations in the workplace, including training staff to guarantee a safe working environment.</p>
Resources	Domestic Abuse Prevention and Intervention Act (Government, Aug. 15, 2023)

US — Puerto Rico (new)	
Status	 Currently effective
Development	Health Third-party assistance to apply to plan cost sharing Pub. L. 109-2023 (PS 1008) amends the Puerto Rico Health Insurance Code to require insurers, pharmacy benefit managers (PBMs), and contracted third party administrators (TPAs) to apply discounts, coupons, or any contribution provided by drug manufacturers to deductibles and out-of-pocket maximums. This law effectively prohibits many benefit accumulator or maximizer programs. Given the law's application to PBMs and TPAs, the law's application to self-funded ERISA plans is unclear. The law took effect Aug. 31, 2023.
Resources	rich.glass@mercer.com Pub. L. 109-2023 (PS 1008) (Spanish) (Government, Aug. 31, 2023)
US — Puerto Rico (new)	
Status	 Currently effective
Development	Health Fully insured plans must cover prepartum and postpartum depression Pub. L. 101-2023 (PS 227) requires fully insured plans to cover screening for — and physical or psychological treatments of — prepartum and postpartum depression. The law took effect Aug. 30, 2023.
Resources	rich.glass@mercer.com Pub. L. 101-2023 (PS 227) (Spanish) (Government, Aug. 30, 2023)
US — Washington (new)	
Status	 Effective Jan. 1, 2024
Development	Career — Health 2024 paid family medical leave benefit limits issued Washington's Employment Security Department has posted its paid family and medical leave (PFML) benefit amounts for 2024. PFML benefits are calculated at 90% of an employee's average weekly wage (AWW) up to 50% of the state AWW (updated to \$1,618 for 2024), and 50% for AWW over 50% of the state's AWW. As a result, the maximum weekly benefit amount for 2024 will be \$1,456, up from \$1,427; the minimum weekly benefit amount will stay at \$100 for 2024.
Resources	rich.glass@mercer.com Washington's average wage increased to \$84,167 in 2022 (Employment Security Department, June 28, 2023)

US (previously covered, with upcoming effective dates)

Development

Career

- [Hourly workers' overtime pay exempt from state income tax in Alabama](#) — key date: Dec. 31, 2023
- [Final SEC clawback rule requires significant changes to policies](#) — key date: early in 2024
- [Hourly minimum wage to increase to \\$16/hour in California](#) — key date: Jan. 1, 2024
- [Equal pay disclosure requirements amended in Colorado](#) — key date: Jan 1, 2024
- [Hourly minimum wage to increase to \\$18.29/hour in Denver, Colorado](#) — key date: Jan. 1, 2024
- [Pay disclosure required in job listings, equal pay law expanded in Hawaii](#) — key date: Jan. 1, 2024
- [Law requiring pay transparency in job postings enacted in Illinois](#) — key date: Jan. 1, 2025
- [Minimum wage rate to increase in Maryland](#) — key date: Jan. 1, 2024
- [Right-to-work law repealed in Michigan](#) — key date: March 30, 2024
- [Law bans age-related inquiries during hiring process in Colorado](#) — key date: July 1, 2024
- [Two-tier minimum wage system to be eliminated in Nevada](#) — key date: July 1, 2024
- [Hourly minimum wage to increase to \\$18 in Hawaii](#) — key date: Jan. 1, 2026

Career — Health

- [Employment discrimination based on height and weight banned in New York City](#) — key date: Nov. 23, 2023
- [Employment discrimination based on nonworkplace cannabis use barred in California](#) — key date: Jan. 1, 2024
- [Paid family medical leave regulations finalized in Colorado](#) — key date: Jan. 1, 2024
- [Employers must notify remote workers electronically in Illinois](#) — key date: Jan. 1, 2024
- [New unpaid child bereavement leave law enacted in Illinois](#) — key date: Jan. 1, 2024
- [Paid leave to be required for organ donations in Illinois](#) — key date: Jan. 1, 2024
- [Paid leave coming to Illinois](#) — key date: Jan. 1, 2024
- [Medically necessary fertility preservation law enacted in Louisiana](#) — key date: Jan 1, 2024
- [Paid sick and safe leave mandated in Minnesota](#) — key date: Jan. 1, 2024
- [Unpaid domestic violence leave law changed to include sexual assaults in Nevada](#) — key date: Jan. 1, 2024
- [Voluntary paid family leave law enacted in Tennessee](#) — key date: Jan. 1, 2024
- [Voluntary family medical leave program announced in Vermont](#) — key date: Jan. 1, 2024
- [Paid family medical leave calculations changed in Washington](#) — key date: Jan. 1, 2024
- [App-based workers entitled to accrue sick and safe time in Seattle, Washington](#) — key date: Jan. 13, 2024
- [Paid family and medical leave revised in Maryland](#) — key date: Oct. 1, 2024
- [Paid family medical leave program legislation enacted in Delaware](#) — key date: 2025
- [Paid family and medical leave law enacted in Minnesota](#) — key date: Jan. 1, 2026

US (previously covered, with upcoming effective dates) (continued)

Development

Health

- [Telehealth law enacted in Missouri](#) — Effective date unknown
- [Voters approve medical debt ballot initiative in Arizona](#) — key date: Jan. 1, 2024
- [Health insurance restrictions enacted in Connecticut](#) — July 1, 2024
- [Insurance law requires third-party payments to apply toward cost sharing in Delaware](#) — key date: Jan. 1, 2024
- [New law requires annual behavioral health well check for insured plans in Delaware](#) — key date: Jan. 1, 2024
- [Sweeping pharmacy benefit manager law passed in Florida](#) — key date July 1, 2024
- [Prescription drug law enacted in Illinois](#) — key date: Jan. 1, 2024
- [Transportation benefits law enacted in Illinois](#) — key date: Jan. 1, 2024
- [More health insurance mandates enacted in Illinois](#) — key date: Jan. 1, 2024
- [Abortifacient, hormonal therapy and HIV coverage mandated in Illinois](#) — Jan. 1, 2024
- [Two telehealth laws enacted in Louisiana](#) — key date: 2024 plan year
- [Health care cost comparison website expanded to include ambulance services in Maine](#) — key date: Jan. 1, 2024
- [Fully insured plans prohibited from applying cost sharing to abortion services in Maine](#) — key date: Jan 1, 2024
- [Law increases restrictions on pharmacy benefit managers in Maryland](#) — key date: Jan. 1, 2024
- [Voters approve medical loss ratio requirement for Massachusetts insured dental plans](#) — key date: Jan 1, 2024
- [Pharmacy benefit management legislation enacted in Michigan](#) — key date: Jan. 1, 2024
- [New fertility coverage mandate applies to fully insured plans in Montana](#) — key date: Jan 1, 2024
- [Diabetes self-management training and education services coverage required in Montana](#) — key date: Jan. 1, 2024
- [Step therapy restricted in Nevada](#) — key date: Jan. 1, 2024
- [Insulin cost-sharing law enacted in Nebraska](#) — key date: Jan. 1, 2024
- [Prescription benefit law enacted in New Mexico](#) — key date: Jan. 1, 2024
- [Diabetes insurance coverage and protections expanded in New Mexico](#) — key date: Jan. 1, 2024
- [Comprehensive pharmacy benefit manager reforms enacted in South Carolina](#) — key date: Jan. 1, 2024
- [Employers providing paid family medical leave eligible for state tax credits in Tennessee](#) — key date: 2024
- [Law eases multiple-employer welfare arrangements, adds participant protections in Texas](#) — key date: Jan. 1, 2024
- [Law applies balance billing restrictions to ground ambulance providers in Texas](#) — key date: Jan. 1, 2024
- [Multiple benefit laws enacted in Texas](#) — key date: 2024 plan year
- [Hearing aid coverage mandated in Vermont](#) — key date: Jan. 1, 2024
- [New requirements for insurers in Virginia](#) — key date: Jan. 1, 2024
- [Abortion insurance coverage mandate enacted in Washington](#) — key date: Jan. 1, 2024

US (previously covered, with upcoming effective dates) continued

Development

Health (continued)

- [Prescription drug law enacted in West Virginia](#) — key date: Jan. 1, 2024
- [Prescription drug law enacted in Wyoming](#) — key date: Jan. 1, 2024
- [Expiration date for several health-related provisions extended in Vermont](#) — key date: March 31, 2024
- [New health data privacy law enacted in Washington](#) — March 31, 2024
- [Telehealth law extended in Washington](#) — key date: July 1, 2024
- [Prescription drug law enacted in Virginia](#) — key date: July 1, 2024
- [High-deductible health plan COVID-19 testing predeductible flexibility ends](#) — key date: Jan 1, 2025
- [New law to require dental plan disclosures in California](#) — key date: Jan. 1, 2025
- [Third-party prescription drug payment law enacted in Colorado](#) — key date: 2025 plan year
- [Health coverage mandates enacted in Colorado](#) — key date Jan. 1, 2025
- [Insulin cost-sharing law enacted in Illinois](#) — key date: July 1, 2025
- [Prescription cost-sharing limits law enacted in Minnesota](#) — key date: Jan. 1, 2025
- [Prescription benefit law enacted in North Dakota](#) — key date: Jan. 1, 2025
- [Cost-sharing caps imposed on specialty drugs and EpiPens in Rhode Island](#) — key date: 2025 plan year
- [Prescription drug requirements enacted in Texas](#) — key date: Jan. 1, 2025
- [Benefit law enacted in Washington](#) — key date: Jan 1, 2025
- [Fertility treatment law enacted in Washington, DC](#) — key date: Jan. 1, 2025
- [Data protection law enacted in Tennessee](#) — key date: July 1, 2025
- [Telehealth law to expire in Hawaii](#) — key date: Dec. 31, 2025
- [State-based exchange delivery to change in Oregon](#) — key date: Nov. 1, 2026

Wealth

- [SECURE 2.0 retirement reforms are now law](#) — key date: Jan. 1, 2024
- [Final required minimum distribution rule delayed, relief for SECURE Act given](#) — key date: Jan. 1, 2024

Uruguay (previously covered, with upcoming effective date)


Development


Wealth

- [Common pension system established](#) — key date: Dec. 1, 2023


Section 4

Asia Pacific

Australia (new)	
Status	 Effective dates vary.
Development	<p>Career — Wealth</p> <p>Financial Accountability Regime enacted</p> <p>The Financial Accountability Regime (FAR) bills became law on Sept. 14, 2023. The FAR reforms are included in The Financial Accountability Regime Act 2023, with consequential amendments to other legislation contained in The Financial Accountability (Consequential Amendments) Act 2023. Highlights include:</p> <ul style="list-style-type: none"> • FAR will apply as follows: <ul style="list-style-type: none"> — Banks (Authorized Deposit-Taking Institutions) six months after commencement on March 15, 2024 — Superannuation trustees (Registrable Superannuation Entities) regulated by the Australian Prudential Regulation Authority (APRA) 18 months after commencement on March 15, 2025 — APRA-regulated insurers 18 months after commencement on March 15, 2025 • An accountable person who assists a responsible entity to contravene any of its obligations will have significant personal exposure to civil penalty sanctions, including variable remuneration adjustment and clawback. • The government confirmed that the FAR legislation completes the major recommendations of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (Hayne Royal Commission). For the banking sector, FAR replaces and extends the Banking Executive Accountability Regime. It will introduce a uniform, cross-industry framework for entities regulated by APRA — namely, banks, insurers and regulated super fund trustees. There will be some minor differences, depending on if the entity is a significant financial institution (by asset size, including trust assets held), or not. • FAR and the recent cross-industry Prudential Standard (CPS 511) on Remuneration establish significant new requirements for remuneration frameworks, their design and standards (including mandatory variable pay adjustment, claw-back provisions for accountable persons) that will impact the workforce and entities' risk culture.
Resources	<p>anthony.nemec@mercer.com</p> <p>Financial Accountability Regime Bill 2023 (Legislature, Sep. 14, 2023) and Getting ready for FAR (Mercer, September 2023)</p>

Australia (new)	
Status	 Currently effective
Development	<p>Wealth</p> <p>Superannuation performance test results for 2023 released</p> <p>The Australian Prudential Regulatory Authority (APRA) published its 2023 Superannuation Annual Performance Test assessment (APA). This was the third consecutive APA of MySuper products in the market and included 64 MySuper products. AMG MySuper was the only product that failed this test — the third consecutive year of failure for this particular product. AMG Super intends to close this small MySuper product in February 2024; this means that of the 13 funds that failed the inaugural performance test, 12 have commenced or concluded wind-up actions.</p> <p>Trustee Directed Products (TDPs) were included in the performance test for the first time. Broadly, TDPs are multi-asset products where the trustee has control over the design of the product’s investment strategy. From the 805 TDPs tested, 96 TPDs failed the test. Trustees of failed products must notify invested members using prescribed form and content by Sept. 28, 2023.</p>
Resources	<p>paul.shallue@mercer.com</p> <p>Annual superannuation performance test (APRA, Aug. 31, 2023)</p>

Australia (new)	
Status	 Currently effective
Development	<p>Career</p> <p>Guidelines for duty to eliminate sex discrimination, harassment published</p> <p>Guidelines issued by the Australian Human Rights Commission (AHRC) aim to help employers understand their duty to eliminate unlawful sex discrimination and related workplace conduct (including sexual harassment, sex-based harassment, hostile working environments and victimization) under measures included in the Anti-Discrimination and Human Rights Legislation (Respect at Work) Act (“Act”). The Act received Royal Assent in 2022, and the positive duty will take effect on Dec. 12, 2023; the AHRC will enforce the positive duty and use the guidelines to assess organizations’ compliance. The Act requires “persons conducting a business or undertaking” and employers (organizations and businesses) to take proactive action to prevent discrimination and harm before it occurs. The Act also no longer requires a person to make a complaint of unlawful behavior for the organization or business to be held to account. The AHRC guidelines include 60 pages of examples to help employers implement the standards in ways that are appropriate to the organization’s size and composition. Highlights of the AHRC’s guidelines include:</p> <ul style="list-style-type: none"> • The Act defines positive duty as “reasonable and proportionate measures” to eliminate relevant unlawful conduct, as far as possible, and the guidelines clarify what the positive duty entails. • Seven standards underpin the positive duty that the AHRC expects organizations to meet: leadership; organizational culture; knowledge (implement a policy on respectful behavior and unlawful conduct, and education of workers to engage in safe, respectful and inclusive behavior); risk management (organizations should adopt a risk-based approach to prevention and response); support for workers who experience or witness relevant unlawful conduct; reporting and response (provide appropriate options for reporting and responding to unlawful conduct); and monitoring, evaluation and transparency (collect appropriate data to understand the nature and extent of unlawful workplace conduct, and regularly assess and improve the work culture). • Four guiding principles provide examples of practical actions that employers can take to meet each of the standards. They are consultation with employees about issues that are important to the workforce and the initiatives and actions that could reduce risk; gender equality (take action beyond equal treatment to achieve equal outcomes); intersectionality (identify and address unique risk factors of individuals and their intersecting disadvantages); and person-centered and trauma-informed (consideration of an individual’s wishes and impact that decisions may have).
Resources	Guidelines for complying with the Positive Duty under the Sex Discrimination Act 1984 (AHRC, August 2023) and Anti-Discrimination and Human Rights Legislation (Respect at Work) (Federal Register of Legislation, Dec. 12, 2023)

Australia (new)	
Status	 Proposal
Development	<p>Wealth</p> <p>Legislation proposed on superannuation objective</p> <p>The government released for consultation exposure draft legislation on the Objective of Superannuation and comments were due Sept. 29, 2023.</p> <p>The legislation was subject to earlier consultation and aims to preserve the integrity of the superannuation system of mandated occupational (Super Guarantee) contributions that permits voluntary additional contributions to private sector regulated schemes, with savings subject to restricted access conditions until retirement. The draft Objective remains unchanged — “to preserve savings to deliver income for a dignified retirement, alongside government support, in an equitable and sustainable way.”</p>
Resources	<p>paul.shallue@mercer.com</p> <p>Legislating the objective of superannuation (Government, August 2023)</p>
Australia (previously covered, with upcoming effective dates)	
Development	<p>Career</p> <ul style="list-style-type: none"> • Regulator finalizes new remuneration disclosure requirements — key date: Jan. 1, 2024 • Employer gender pay, equality reporting requirements expanded — key date: April 1, 2024 <p>Wealth</p> <ul style="list-style-type: none"> • Protecting Worker Entitlements Bill includes superannuation measures — key date: Jan. 1, 2024 • Regulator issues final prudential standards and guides — key date: Jan. 1, 2024

Bangladesh (updated)

Status



Currently effective

Development

Wealth

New contributory pension scheme launched

Bangladesh's new Universal Pension Scheme (UPS) launched on Aug. 17, 2023, and additional scheme rules were published on Aug. 13, 2023. The UPS is a voluntary contributory pension scheme open to Bangladeshi citizens aged 18 or older who have national identity cards — including individuals working abroad. In addition to the UPS, old age pensioners (women at age 62 and men at 65) receive a noncontributory Old Age Allowance if they do not receive other pensions or allowances, and their annual income does not exceed 3,000 takas. Highlights of the UPS scheme rules include:

- The UPS comprises four plans that cover different categories of workers. The Pragati plan is open to employees who have a national identity card, employed in the formal sector and by a private sector company. The Probas plan is for employees working overseas (they can enroll using their passport if they do not hold a national identity card). Two additional plans may be added to the UPS.
- UPS members can choose to pay a fixed monthly contribution based on their assigned pension plan; contributions can also be paid quarterly or annually. For the Pragati plan, the monthly contribution amounts are 2,000 takas; 3,000 takas; or 5,000 takas. Employers of formal-sector employees can choose to pay 50% of the monthly contributions. The government will subsidize 50% of monthly contributions to the Samata plan (this plan is for individuals with annual incomes below the poverty line).
- Contributions are paid digitally or in-person at approved institutions. Overseas workers must use foreign currency to pay their contributions or pay in takas on return to Bangladesh.
- Contributions are pooled in a public pension fund that will be invested by the newly established National Pension Authority, and interest will be added to members' accounts each year.
- Benefits are paid to eligible employees who retire at the normal retirement age of 60 and who have a minimum of 10 years of contributions. The maximum contribution period is 42 years (504 months) if an individual enrolls at age 18. The maximum pension will be 172,237 takas for members of the Pragati plan.

China — Guizhou (previously covered, now effective)

Status



Effective Oct. 1, 2023

Development

Career — Health

Maternity medical insurance coverage expanded

Maternity medical insurance in Guizhou province expanded from Oct. 1, 2023, to provide employees with flexible coverage. The annual reimbursement amount for prenatal tests is capped at 1,200 CNY, and the reimbursement rate is 90%. Claims by employees who exceed the annual cap can be paid for with outpatient reimbursement, or out of the individual account. No deductible applies until the month of the baby's due date.

Resources

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China (previously covered, with upcoming effective date)

Development

Career

- [Preferential taxation policy for expatriates expanded](#) — key date: Dec. 31, 2027
- [Preferential taxation policy for annual one-time bonus extended](#) — key date: Dec. 31, 2027

Hong Kong (previously covered, with upcoming effective date)



Development

Career


- [Gender board diversity, corporate governance required](#) — key date: Dec. 31, 2024


Wealth



- [Mandatory pension fund offsetting to end](#) — key date: May 2025


India (previously covered, with upcoming effective date)	
Development	Career — Health — Wealth <ul style="list-style-type: none"> Labor and employment laws reformed — key date: effective date delayed
Japan (previously covered, now effective)	
Status	 Currently effective
Development	Career Minimum wage increase increased On Oct. 1, 2023, the minimum hourly wage increased to ¥1,004 — exceeding the ¥41 increase proposed by the subcommittee of the Central Minimum Wages Council on July 28, 2023. The highest hourly minimum wage is in Tokyo at ¥1,113 (a ¥41 increase). In the Kanagawa prefecture, the hourly minimum wage is ¥1,112 (¥ 41 increase), and the lowest hourly minimum wage is in Okinawa (¥896, up by ¥43).
Resources	Announcement (Japanese) (Ministry of Health, Labour and Welfare, August 2023)
Japan (previously covered, with upcoming effective date)	
Development	Wealth <ul style="list-style-type: none"> Defined contribution reforms enacted — key date: Dec. 1, 2024
Laos (previously covered, now effective)	
Status	 Effective Oct. 1, 2023
Development	Career Minimum wage to increase Effective Oct. 1, 2023, Laos's monthly minimum wage increased to 1.6 million LAK, up from 1.3 million LAK. This is the third increase since June 2022.
Malaysia (previously covered with upcoming effective dates)	
Development	Career <ul style="list-style-type: none"> Progressive wage policy to be included in 2024 budget — key date: April or May 2024


Philippines (new)	
Status	 Plan
Development	<p>Career</p> <p>National employment master plan enacted</p> <p>On Sept. 27, 2023, Republic Act No. 11962, An Act Establishing the National Employment Master Plan, was signed into law. It aims to improve Filipinos' employability and competitiveness through upskilling and reskilling initiatives and supporting micro, small and medium enterprises and other industry stakeholders. A master plan for employment generation and recovery will be formulated, and incentives will be provided to employers, industry stakeholders and private partners to facilitate skills development, technology transfers and knowledge sharing among businesses and workers.</p> <p>The National Economic and Development Authority and the Department of Labor and Employment will harmonize the Labor and Employment Plan 2023-2028 to ensure that all state efforts and resources will be effectively and efficiently managed.</p>
Resources	<p>pauline.cardenas@mercer.com</p> <p>Republic Act. No. 11962 (Official Gazette, Sept. 27, 2023)</p>
Philippines (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Guidelines address workplace public health standards for lifting COVID-19 state of emergency</p> <p>Labor Advisory 23-23 issued by the government urges employers to review their current COVID-19 programs and policies and to ensure they address masking, good hygiene, frequent handwashing and sanitation, etc. Highlights include:</p> <ul style="list-style-type: none"> • The cost of preventive and control measures for workplace illnesses and diseases, such as workplace sanitation and hygiene facilities, shall be borne by the employer. • Employers must continue to promote vaccination among all employees, including contractors' deployed workers, and their families. • Employees who refuse, or fail to be vaccinated must not be terminated, or discriminated against as regards their tenure, promotion, training, pay, and other benefits, etc. • Employers and employees may agree to matters, such as sick leave benefits, access to medical insurance coverage, assistance during an isolation period, paid leave for vaccination, and other benefits, subject to more favorable existing company policies, rules, regulations or collective bargaining agreements applying.
Resources	<p>pauline.cardenas@mercer.com</p> <p>Employers urged to revisit post-pandemic health and safety rules (Department of Labor and Employment, Sept. 26, 2023)</p>

Philippines (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Supplemental workplace guidelines cover prevention, control of tuberculosis</p> <p>Advisory 21-23 issued by the government calls for employers and employees to share responsibility for preventing and controlling tuberculosis (TB) in the workplace. Highlights include:</p> <ul style="list-style-type: none"> • Employees diagnosed with TB (especially during the 14-day infectious phase of treatment) must receive paid leave benefit (in addition to other leave benefits as are provided for by company policy, collective bargaining agreement, the Labor Code of the Philippines and other special laws); flexible working arrangements; rescheduling of work hours; and other work arrangements, including telecommuting; and other benefits. • Employees' medical records must remain confidential to prevent their accidental or unlawful destruction, alteration, disclosure or unlawful processing.
Resources	<p>pauline.cardenas@mercer.com</p> <p>Labor Advisory 21-23 (Department of Labor and Employment, Sept. 15, 2023)</p>


Philippines (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Guidelines cover workplace cancer prevention and controls</p> <p>Labor Advisory 20-23 issued by the government requires private sector employers to adopt a cancer prevention policy and other measures as provided for by Republic Act (RA) 11215, the National Integrated Cancer Control Act. Highlights of the actions that employers must take include:</p> <ul style="list-style-type: none"> • Company cancer policies and programs must be updated to include information gathered from medical surveillance of employees, especially those engaged in high-risk activities. • Launch of awareness-raising campaigns on cancer, and provision of health education on self-breast examination, the harmful effects of smoking and excessive alcohol consumption, and the prevention of different cancer types. • Implementation of appropriate control measures (such as engineering, personal protective equipment) to avoid exposure to carcinogenic chemicals, work processes and working conditions). • Provision of timely referral mechanisms for screening, diagnosis and treatment, including social and mental health services provided by Department of Health Cancer Centers, and other appropriate healthcare facilities. • Implementation of measures to assist the return to work and reintegration of employees diagnosed with cancer. • Appropriate monitoring of employees with regard to their uptake of the measures, including their attendance at awareness-raising initiatives, use of cancer prevention and control measures (such as medical screening for cancers) and the number of employees undergoing cancer-related treatment. • Ensuring the confidentiality of employees' medical records to prevent unauthorized access, accidental or unlawful destruction, alteration, disclosure and any other unlawful processing.
Resources	<p>pauline.cardenas@mercer.com</p> <p>Labor Advisory No. 20-23 (Department of Labor and Employment, Sept. 15, 2023)</p>

Philippines (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Guidelines detail workplace mental health measures issued</p> <p>Labor Advisory 19-23 issued by the government calls on employers and employees to share the responsibility for mental health wellbeing in the workplace. Highlights include:</p> <ul style="list-style-type: none"> • Companies must promote a safe and healthy lifestyle, including measures to support employees' mental and social well-being. • Employees must have effective access to mental health and self-care services, such as the “Lusog Isip” mobile application. • Referral of employees requiring mental health services to Department of Health-retained hospitals or rural health units for consultation, screening, diagnosis, medication, treatment and psychosocial support. • Referral of employees requiring further mental health examination to healthcare services and facilities, such as those provided by the PhilHealth Konsulta Package.
Resources	<p>pauline.cardenas@mercer.com</p> <p>Labor Advisory No. 19-23 (Department of Labor and Employment, Sept. 15, 2023)</p>
Philippines (new)	
Status	 Currently effective
Development	<p>Career — Health</p> <p>Guidelines address prevention and control of HIV AIDS in the workplace</p> <p>Labor Advisory 22/23 issued by the government calls on employers to establish a workplace HIV/AIDS prevention and control program and to implement other measures. These include awareness raising-related activities, the referral of employees requiring HIV/AIDS-related health services to the Department of Health's retained hospitals and social hygiene clinics and access to healthcare services and facilities for employees who require further examination —such as those provided by the PhilHealth Konsulta Package.</p> <p>Employers are encouraged to offer work accommodations and arrangements to employees who require medical care. These could include paid leave benefits that are additional to other leave benefits provided for by company policies, collective bargaining agreements, the Labor Code and special laws; flexible work arrangements, including the rescheduling of work hours; and other work arrangements, such as telecommuting.</p> <p>Employers must safeguard the confidentiality of employees' medical records so as to prevent unauthorized access, accidental or unlawful destruction, alteration, disclosure and any other unlawful processing.</p>
Resources	<p>pauline.cardenas@mercer.com</p> <p>Labor Advisory 22-23 (Department of Labor and Employment, Sept. 15, 2023)</p>

Singapore (previously covered with upcoming effective dates)	
Development	<p>Career</p> <ul style="list-style-type: none"> • Legislation to combat discrimination will be issued — key date: 2024 <p>Career — Health</p> <ul style="list-style-type: none"> • Paid paternity leave and unpaid infant care leave expanded — key date: Jan. 1, 2024 <p>Wealth</p> <ul style="list-style-type: none"> • Budget increases CPF contribution rates for workers aged 50 to 55 years — Jan. 1, 2024 • Central Provident Fund monthly salary cap for calculating contributions increased — December 2024
South Korea (previously covered with upcoming effective dates)	
Development	<p>Career</p> <ul style="list-style-type: none"> • Minimum wage to increase — key date: Jan. 1, 2024
Taiwan (new)	
Status	 Effective Jan. 1, 2024
Development	<p>Career</p> <p>Minimum wage to increase</p> <p>Effective Jan. 1, 2024, the monthly minimum wage will increase to NT\$27,470 (up from NT\$26,400), and the hourly rate will be NT\$183 (up from NT\$176). The increase will benefit around 2.39 million workers.</p>
Resources	<p>Cabinet approves minimum wage hike starting January 2024 (Executive Yuan, Sept. 14, 2023)</p>
Taiwan (previously covered with upcoming effective dates)	
Development	<p>Career</p> <ul style="list-style-type: none"> • Employee protections from sexual harassment expanded — key date: March 8, 2024



Vietnam (new)	
Status	 Currently effective
Development	<p>Career</p> <p>Foreign worker permit rules revised</p> <p>The rules for hiring foreign employees in Vietnam have been streamlined under measures included in Decree No. 7/2023/ND-CP ('decree'), amending Decree No 152. The measures mostly took effect on Sept. 18, 2023, but from Jan. 1, 2024, employers will have to advertise roles in Vietnam first before they apply for a work permit for a foreigner. Highlights include:</p> <ul style="list-style-type: none"> • Educational qualification requirements have eased for foreigners eligible for “expert” and “technical worker” roles. They must now have at least a bachelor’s degree and a minimum of three years of appropriate work experience to be classified as an “expert,” and a minimum of one year of training and five years of appropriate work experience to be a “technical worker.” Previously, such employees had to hold bachelor degrees that were directly related to their role in Vietnam. • Work permit applications for “business managers” and “executive directors” must be accompanied by specific documentation, and the definition of “executive director” is expanded. • Employers must file a report with the ministry of labor (MOLISA) and the corresponding provincial authority for employees working in multiple locations in Vietnam. Employers must also specify all working locations for foreign employees when applying for work permits. • MOLISA generally has the authority to grant work permits for foreign employees, but corresponding provincial authorities will be responsible for work permits in all other cases. Under the decree, the management boards of industrial or economic zones can no longer grant work permits or work permit exemptions to foreign employees working in the zones. • Foreign employees’ work permits can be renewed only once, but foreigners who are “experts” or “technical workers” can use their work permits as evidence of their eligibility for a new work permit. • From Jan 1, 2024, employers will have to advertise roles at least 15 days before submitting an application to hire a foreign employee. Information about the role — including salary, qualification requirements, experience, working time and location — must be posted on MOLISA’s portal, or with a competent job service center.
Resources	Decree No. 7/2023/ND-CP (Vietnamese) (Government, Sept. 18, 2023)



Europe, Middle East and Africa (EMEA)


European Union (EU) (new)	
Status	 Proposal
Development	<p>Career — Health — Wealth</p> <p>Digitization of social security information proposed</p> <p>The European Commission (commission) has urged member states to increase the digitization of social security information, which would enable national social security institutions to speed up the recognition, and granting, of eligible benefits across member states — currently, member states have to contact the authorities that issued the document. Highlights include:</p> <ul style="list-style-type: none"> • The European Union (EU) would provide a legal framework to promote the digitization of public services, including social security information, and build on existing systems and tools. The commission would also provide technical assistance and support, EU funding and ensure the exchange of best practice. The EU's "Your Europe" website would serve as a single-entry point for EU citizens and employers to request digitized social security documents under the Single Digital Gateway Regulation, and to complete the administrative procedures. • The commission aims to reduce obstacles for employers sending employees to work in another member state. • The measures would allow for the swift verification of employees' social security coverage through a digital wallet that would enable easy access to printed documents that could be lost or falsified. For example, hospitals would be able to verify if an EU citizen were entitled to receive healthcare in another member state (currently, travelers must show a European Health Insurance Card), and if employees posted to work in another member state are covered by the social security scheme of the country in which they usually work (currently, posted employees must provide a portable A1 document to the authorities in the member state to which they are posted temporarily). • Member states' authorities could use digital reference documents to verify if an employee from another member state is covered by the social security system of the sending country.
Resources	<p>Towards a more digital social security coordination: Commission proposes steps to make it easier for Europeans to live, work and travel abroad (European Commission, June 9, 2023)</p>

EU (previously covered, with upcoming effective date)	
Development	<p>Career</p> <ul style="list-style-type: none"> • Directive on promoting statutory minimum wages finalized — key date: Nov. 15, 2024 • Reforms to Blue Card coming for highly skilled workers — key date: Nov. 18, 2024 • Law to improve gender balance on company boards approved — key date: June 7, 2026 <p>Career — Health — Wealth</p> <ul style="list-style-type: none"> • EU requires enhanced corporate sustainability disclosures — key date: July 6, 2024 • Sustainability reporting standards issued — key date: 2025
Belgium (previously covered, with upcoming effective date)	
Development	<p>Wealth</p> <ul style="list-style-type: none"> • Blue- and white-collar pension harmonization postponed — key date: Jan. 1, 2027 • Federal government agrees on pension reforms — key date: Jan. 1, 2028
Channel Islands — Guernsey (previously covered, now effective)	
Status	<p> Currently effective</p>
Development	<p>Career</p> <p>Equality protections expanded</p> <p>Guernsey's equality law expanded to include race, disability, carer status, sexual orientation and religious belief under the Prevention of Discrimination (Guernsey) Ordinance, 2022, with most of the provisions taking effect on Oct. 1, 2023. The ordinance applies to employment, in addition to the provision of goods and services and other matters. Compensation amounts for unlawful discrimination are capped at six months' pay, and compensation for injury to feeling, hurt or distress are capped at £10,000.</p> <p>Since 2006, Guernsey's equality law — the Sex Discrimination (Employment) (Guernsey) Ordinance 2005 — protects employees and job applicants from discrimination on grounds of sex, marriage or gender reassignment. A different ordinance protects employees on grounds of pregnancy and maternity, or "a detriment" on grounds related to maternity leave.</p>
Resources	<p>Discrimination legislation (Government)</p>

Channel Islands — Guernsey (previously covered, now effective)	
Status	 Currently effective
Development	<p>Career</p> <p>Minimum wage, tax offset for employer-provided accommodation and food offsets increased</p> <p>Effective Oct. 1, 2023, Guernsey's hourly minimum wage increased to £10.65, up from £9.55, for employees aged 18 years or older. The minimum wage rate for employees aged 16 and 17 is £9.65, up from £8.95. The tax offset for employer-provided accommodation will increase to £103 per week, up from £92, and the offset for accommodation and food increased to £144 per week, up from £129.</p>
Resources	The Minimum Wage (Accommodation and Food Offsets) (Guernsey) (Amendment) Regulations, 2023 (Government, May 31, 2023)
France (previously covered, with upcoming effective date)	
Development	<p>Career</p> <ul style="list-style-type: none"> New gender quotas imposed for senior execs/management teams — key date: March 1, 2026 <p>Career — Health</p> <ul style="list-style-type: none"> Metallurgy sector agrees on national CBA — key date: Jan. 1, 2024
Germany (new)	
Status	 Currently effective
Development	<p>Wealth</p> <p>Federal Labor court confirms case law on employer liability for pension fund commitments</p> <p>A recent decision of the Federal Labor Court (“Bundesarbeitsgericht”) ruled that an employer cannot reduce its continued pension fund (“pensionkasse”) liability by referring to a restructuring clause in the pension fund's statutes. The ruling addressed the effects of a pension fund's reorganization clause on employers and employees, the implications for employers with regard to subsidiary liability and if the reorganization clause allows employers to reduce ongoing company pension benefits.</p> <p>This latest ruling confirms case law on employers' liability for pension fund commitments, and that employers must fulfill promised company pension benefits through the pension fund implementation route. Employers should carefully examine what requirements an external pension provider can assign to the basic employment relationship (for example, the benefit's due date) and to the implementation method (for example, restructuring clauses) in order to determine their liability framework. Mercer has prepared a detailed analysis of the decision.</p>
Resources	Analysis (German) (Mercer, September 2023)

Greece (previously covered, with upcoming effective date)	
Development	Career <ul style="list-style-type: none"> Companies with 50 to 249 employees must appoint a whistleblowing officer — key date: Dec. 17, 2023
Ireland (previously covered, with upcoming effective date)	
Development	Career <ul style="list-style-type: none"> Gender pay gap regulations to apply to smaller employers — key date: 2024
Luxembourg (new)	
Status	 Currently effective
Development	Health — Wealth Social security contribution rates increased Luxembourg's minimum and maximum salary thresholds used to calculate social security contribution rates increased on Sept. 1, 2023. The standard monthly minimum salary increased to €2,570.93 (up from €2, 508.24), and the standard monthly maximum salary increased to €12, 854.64 (up from €12,541.18). The contribution rates were last increased on April 1, 2023.
Resources	Rates (French) (Joint Social Security Center)
Luxembourg (new)	
Status	 Currently effective
Development	Career Minimum wage increased The monthly gross minimum social wage rate increased on Sept. 1, 2023 to €2,570.93, and to €14.86 per hour for unqualified employees aged 18 and older. The increased wage rates are €2,056.74 and €11.88 for employees aged 17 and 18; €1,928.20 and €11.14 for employees aged 15 and 17; and €3,085.11 per month and €17.83 for skilled workers.
Resources	Minimum wage (French) (Government, Sept. 1, 2023)
Luxembourg (previously covered, with upcoming effective date)	
Development	Career <ul style="list-style-type: none"> Meal voucher scheme adjusted — Jan. 1, 2024

Morocco (new)	
Status	 Currently effective
Development	Career Minimum wage increased The government announced a 5% increase to the minimum wage paid to agricultural and nonagricultural workers, retroactively applied to Sept. 1, 2023. The increase was included in the terms of a 2022 tripartite agreement.
Resources	Announcement (French) (September 2023)
Netherlands (previously covered, with upcoming effective date)	
Development	Career <ul style="list-style-type: none"> Whistleblowing law revised — key date: Dec. 17, 2023 30% tax rule for expat employees to change — key date: Jan. 1, 2024 Hourly rate to be introduced — key date: Jan. 1, 2024 Wealth <ul style="list-style-type: none"> Parliament agrees to significant occupational pension reforms — key date: Jan. 1, 2025
Nigeria (previously covered, with upcoming effective date)	
Development	Health <ul style="list-style-type: none"> Health insurance coverage to significantly expand — key date: implementation date unknown
Poland (new)	
Status	 Effective Jan. 1, 2024, and July 1, 2024
Development	Career Two-phase minimum wage increase announced The minimum wage will increase twice in 2024. The gross monthly minimum wage will increase on Jan. 1, 2024, to 4,242 PLN and the hourly minimum wage will increase to 27.70 PLN. A second increase is slated for July 1, 2024, to 4,300 PLN, and 28.10 PLN respectively.
Resources	Announcement (Polish) (Journal of Laws, Sept. 15, 2023)

Romania (new)	
Status	 Currently effective
Development	<p>Career</p> <p>Minimum wage increased</p> <p>The monthly minimum wage increased on Oct. 1, 2023 to €3,300, up from €3,000, the minister of European projects and investments announced. The construction sector minimum wage increased to €4,500, up from €4,000. The minimum wage is paid to an estimated two million employees, and the last increase took effect in January 2023.</p>
Resources	Law (Romanian) (Government, Sept. 28, 2023)
Romania (previously covered, with upcoming effective date)	
Development	<p>Career — Health</p> <ul style="list-style-type: none"> Maximum value of tax-free meal tickets increased — Jan. 1, 2024
Saudi Arabia (previously covered, with upcoming effective date)	
Development	<p>Career</p> <ul style="list-style-type: none"> Localization for certain professions to increase — Dec. 24, 2023 Contracting with companies with regional headquarters outside of the kingdom to cease — key date: Jan. 1, 2024

South Africa (previously covered, now effective)

Status



Currently effective

Development

Career

Amended employment equity measures now effective

Under changes to South Africa's Employment Equity Act 55, 1998 (EEA), “designated employers” in certain industry sectors will face new numerical employment targets for historically disadvantaged groups, and the EEA will no longer apply to employers with fewer than 50 employees. The amended act took effect on Sept. 1, 2023.

At present, the EEA generally applies to all employers in South Africa, with the exception of some government organizations. The law prohibits indirect or direct discrimination in any employment policy or practice on grounds of race, gender, pregnancy, marital status, family responsibility, ethnic or social origin, color, sexual orientation, age, disability, religion, conscience, belief, political opinion, language, birth, culture, and HIV status.

Highlights of the revisions include:

- Industry sectors will have numerical representation targets based on race, gender and disability for all occupational levels to help achieve equitable representation of designated groups. In consultation with the Employment Equity Commission, the Minister of Employment and Labour can set numerical targets for specified national economic sectors (including an industry, a service, or part of any industry or service) and geographic regions, subject to a minimum 30-day consultation. A “designated employer” must align the employment equity plan's (EEP's) numerical targets with the applicable sector target.
- Employers with fewer than 50 employees are no longer classified as a “designated employer” subject to the EEA. As a result, those employers will not have to develop, implement and submit an EEP to the Department of Employment and Labour.
- The act no longer includes a specific deadline for employers to submit their annual reports. Instead, the minister can make regulations regarding the submission of employment equity reports and their timing.
- Employers with a representative trade union must consult with that union about the EEP's content, submission, and implementation, and the employer's analysis of the employment barriers faced by individuals from designated groups. When the workforce has no unions, employers must consult with employees.
- Labour inspectors can generally serve compliance orders on a designated employer for failure to comply. The Labour Court can issue an order directing an employer to comply with the applicable sector and EEP targets and could impose a fine for noncompliance with the order.

Resources

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[Act](#) (Official Gazette, April 14, 2023)

Spain (previously covered, with upcoming effective date)

Development

Wealth

- [Changes to public pension system enacted](#) — key date: Jan. 1, 2024

Switzerland (previously covered, with upcoming effective date)	
Development	<p>Career</p> <ul style="list-style-type: none"> • Hourly minimum wage to be introduced in Zurich and Winterthur — key date: effective date unknown <p>Career — Health</p> <ul style="list-style-type: none"> • Paid leave introduced in Geneva — key date: effective date unknown <p>Wealth</p> <ul style="list-style-type: none"> • First-pillar pension scheme reforms approved — key date: Jan. 1, 2024 • Occupational pension reforms pass parliament — key date: effective date unknown
UK (new)	
Status	 Effective date is not yet known
Development	<p>Wealth</p> <p>Pension auto-enrolment to expand, reducing eligible age and abolishing earnings threshold</p> <p>Pension auto-enrolment in the UK will be expanded to lower-paid and younger workers under permissive measures included in the Pensions (Extension of Automatic Enrolment) Act that received Royal Assent on Sept. 18, 2023. The act allows the government to legislate to abolish the lower earnings threshold for auto-enrolment (currently this is £6,240 per year), meaning contributions could be paid from the first £1. It also allows the government to legislate for reduction of the age at which eligible individuals will be automatically enrolled, potentially to 18 years down from 22 years. The Act does not alter the £10,000 earnings trigger, meaning the lowest earners would usually need to “opt-in.” The Department for Work and Pensions will issue a consultation on the implementation and timing of the changes, including if the measures should be phased-in and the age threshold for auto enrolment. The government had previously committed to introduce these changes in the “mid-2020s.”</p>
Resources	<p>anne.bennett@mercero.com</p> <p>Pensions (Extension of Automatic Enrolment) Act 2023 (Legislature, Sept. 18, 2023); Pension saving boost for millions receives Royal Assent (Department for Work and Pensions, Sept. 19, 2023) and Earnings thresholds (The Pensions Regulator)</p>

UK (new)	
Status	 Comments can be submitted through Dec. 18, 2023.
Development	<p>Career</p> <p>Financial regulators consult on new diversity and inclusion regulatory framework</p> <p>The Financial Conduct Authority (FCA) and Prudential Regulation Authority (PRA) have both issued consultations on proposals to introduce a new regulatory framework on boosting diversity and inclusion in the financial sector, building on a 2021 discussion paper. Highlights include:</p> <p>FCA's proposals:</p> <ul style="list-style-type: none"> • The FCA aims to better integrate nonfinancial misconduct considerations into staff fitness and propriety assessments, conduct rules and the suitability criteria for financial sector firms. The measures would not set sector-wide targets and companies would remain free to determine their own targets, consistent with their needs. • Certain firms would be required to report annually (at entity level, not group) their average number of employees; collect, report and disclose certain diversity and inclusion data; establish, implement and maintain a diversity and inclusion strategy; determine and set appropriate diversity targets; and recognize a lack of diversity and inclusion as a nonfinancial risk. • The requirements would apply differently to companies, depending on their workforce size, their categorization under the Senior Managers and Certification Regime and if they are dual-regulated. Smaller firms with fewer than 251 employees (the workforce size would be calculated over a rolling three-year period from a specified reference date) would be exempt from many of the requirements. <p>PRA's proposals:</p> <ul style="list-style-type: none"> • The PRA aims to improve diversity and inclusion in PRA-regulated firms to support prudent decision-making, better risk management and reduce the risk of groupthink. • Companies would be required to publish their diversity and inclusion strategy, including values, measurement of progress, the role of individuals in the firm to support the strategy and the role of risk and control functions in supporting the strategy. • The largest companies would be required to set their own diversity targets, publish a strategy to promote board-level diversity, clarify expectations on succession planning and disclose information on the targets they have set for themselves. • Companies would have to assign individual accountability for diversity and inclusion among relevant senior management functions; assign board and board sub-committee responsibilities for diversity and inclusion; and conduct internal monitoring and regulatory reporting.
Resources	<p><u>Consultation Paper 23/20: Diversity and inclusion in the financial sector — working together to drive change</u> (FCA) and <u>CP18/23 — Diversity and inclusion in PRA-regulated firms</u> (Bank of England, Sept. 25, 2023)</p>

UK	
Status	 Comments are invited through Oct. 12, 2023.
Development	<p>Health</p> <p>Government asks for input on boosting occupational health coverage</p> <p>The UK government issued in July 2023 two consultations on boosting occupational health (OH) coverage and provision. “Tax incentives for occupational health”:</p> <ul style="list-style-type: none"> • The government says that it is not “committing to any particular tax incentive at this stage” but is keen to understand the potential behavioral impacts on expanding the benefit-in-kind (BiK) exemption for medical benefits. The consultation comprises 26 questions covering the case for OH action, the scope of OH provision, alternative tax measures to incentivize employers and the impact of tax incentives on OH provision. • Input is requested on expanding the treatments that would be eligible for tax relief to include health screenings within a predefined limit; medical check-ups for employees within a predefined limit treatment to reduce workplace absence or that aim to improve employees’ performance, including preventative treatments; and flu vaccinations if paid for by the employee and later reimbursed by the employer. • Costs not eligible for tax relief include private medical insurance; nonclinical treatments (for example, wellness retreats, fitness classes or gym memberships); wages of OH staff employed by the business; consulting costs related to the development of the employer’s OH strategy; costs relating to employees’ family members; and costs relating to persons who are not employees. • The proposals would impact businesses in scope of UK taxation. The government will consult with the devolved administrations (these are Northern Ireland, Scotland and Wales) because health policy is devolved. <p>“Occupational health: working better”:</p> <p>The consultation focuses on the role of the government, OH providers and employers in increasing OH coverage across the UK. Proposals include:</p> <ul style="list-style-type: none"> • Introduction of voluntary measures, including a national health at work standard for employers that would provide a baseline for quality OH provision and support best-practice sharing. • Review of UK-based employer models for practices and measures that could apply to other employers, and the approaches taken by other countries — such as France, Finland and the Netherlands — to increase OH coverage. • Proposals to develop OH workforce capacity and longer-term multidisciplinary OH workforce partnerships in the private sector. These include recruitment measures, the models of care and the range and balance of required clinical and nonclinical professionals.
Resources	Joint HMT-HMRC consultation on tax incentives for occupational health (Government, July 20, 2023) and Occupational Health: Working Better (Government, July 20, 2023)

UK (new)

Status



Currently effective

Career — Health


Visa fees increased, Immigration Health Surcharge increase delayed

Fees for work visa and other applications (such as Certificates of Sponsorship and priority visas) in the United Kingdom increased on Oct. 4, 2023, following a government announcement on July 13, 2023, that visa fees and the Immigration Health Surcharge would increase. The revenues will be used to fund pay rises in the public sector. Highlights:

- The annual Immigration Health Surcharge will increase by 66% to £1,035 per person for main applicants, but the government said the increase will be introduced “later in the Autumn.” The new surcharge for students and individuals under age 18 will be £776 (up from £470). Payment of the surcharge entitles individuals to the same NHS services as a British citizen. It is payable as a single amount for each year of the visa.
- The visa fee increases will be around 15% but will be more for certain types (such as student, family, fiancé, proposed civil partner and unmarried partner).

Resources

[New visa fees set to come into effect next month](#) (Government, Sept. 15, 2023) and [Public sector pay](#) (Parliament, July 13, 2023)

UK (new)	
Status	 Expected to take effect in Autumn 2024
Development	<p>Career</p> <p>Certain workers to have more rights to request more predictable hours</p> <p>Eligible workers UK will have a statutory right to request their employer to give them more predictable working hours — including the hours, days and times worked, or the time period for which the worker is contracted —under measures included in the Worker Predictable (Terms and Conditions) Act 2023 that received Royal Assent on Sept. 19, 2023. Employers who do not follow the correct procedures for dealing with such requests face sanctions, and regulations will set out the compensation amount. The Act and secondary legislation are expected to take effect approximately a year after Royal Assent, giving time for employers to prepare for the changes. Highlights:</p> <ul style="list-style-type: none"> Workers will have to work for their employer for a minimum time period before making an application for a more predictable working pattern — the regulations are expected to apply a 26-week eligibility threshold. In addition, workers with zero-hours contracts, fixed-term workers who have a contract of 12 months or less, and agency workers with 12 weeks in the same role will be eligible. Agency workers will be allowed to request more predictable working hours by either asking their temporary work agency or the employer for whom they will work. Up to two requests for a more predictable working pattern and/or flexible working can be made annually. Employers will have to respond to requests within one month and will be permitted to refuse on one of six statutory grounds: the burden of additional cost, detrimental impact on fulfilling customer demand, negative impact on recruitment, harmful impact on other areas of the business, insufficient work during the proposed periods and planned structural changes. The government can stipulate other reasons in regulations. Employers can also refuse requests if the worker ceases to be employed during the one-month decision period. The Advisory, Conciliation and Arbitration Committee (ACAS) will issue a new code of practice that will provide guidance on making and handling requests — a draft code will be published for public consultation later in 2023. <p>The measures were included in a government-backed private member's bill and follow recommendations included in the government-sponsored Taylor Review of Modern Working Practices published in 2017.</p>
Resources	<p>Workers (Predictable terms and conditions) Act 2023 (Legislature, Sept. 21, 2023) and Good Work: the Taylor Review of Modern Working Practices (Government, May 4, 2018)</p>

UK (previously covered, now effective)

Status



Currently effective

Development

Wealth

New rules on defined contribution pension illustrations published

The Financial Reporting Council (FRC) published a new version of “AS TM1,” effective for all statutory money purchase illustrations (“SMPI”) issued on or after Oct. 1, 2023. After October 2023, it also will provide the Estimated Retirement Income (“ERI”) for defined contribution savings shown on pensions dashboards.

Investment return assumptions

- Assumptions will be set by placing individual funds into one of four volatility groups. The fund’s volatility group will be determined by a standard calculation of the volatility of monthly returns over the five-year period ending on the previous 30 September.

Annuitization

- It should be assumed that no lump sum is paid at retirement — all of the member’s benefit is therefore assumed to be annuitized.
- For members who are more than two years from retirement, the form of annuitization will be standardized to a single life level annuity with a five-year guarantee period. (The current form of annuitization allows for more flexibility.)
- Where SMPs are provided (or providers choose to provide ERI to dashboards) for members within two years of retirement (neither is compulsory), the same approach used for illustrations produced for members who are more than two years from retirement can be applied.

Resources

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[AS TM1: Statutory money purchase illustrations](#) (FRC, October 2022)

UK (previously covered, with upcoming effective date)

Development

Career — Health

- [Employees to be allowed neonatal care leave](#) — key date: expected April 2024
- [Employees will be able to annually take carers’ leave](#) — key date: expected April 2024
- [Stronger job protection from redundancy given to employees on maternity leave](#) — key date: expected April 2024
- [Law makes it easier to request flexible working requests](#) — key date: mid-2024

Wealth

- [Pension dashboard, connection deadlines change](#) — key date: Oct. 31, 2026



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