

THE ★ EURA[®]pean

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#eura2016sunglasses - P6

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The EuRApean

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Contributions on all aspects of mobility are welcomed for publication in the EuRApean. If you are a member of EuRA and would like to contribute news about your company please get in touch. Please contact Dominic Tidey, Editor dominic@eura-relocation.com or Maria Manly, Deputy Editor maria@eura-relocation.com or get in touch on +44 (0) 1379 640883

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Editorial - Dominic Tidey

"May you live in interesting times" the Chinese curse says. With the EU facing the biggest vote of confidence, or not in decades, what will be the impact of a Brexit should the worst case come to pass? One thing is for sure, the clients of the mobility industry in Europe will be looking to us for guidance and a way to continue doing seamless business with the bloc. This means the need for knowledge is more important than ever and here at EuRA, alongside our global association partners, we will work to equip members with

as much shared knowledge as possible should it be necessary. Our first Immigration Symposium in Malta brought together skilled professionals from across the world. The EuRA network, or family as we like to think of it, is fantastically quipped with the very best talent in mobility anywhere in the world. Should there be a seismic event within the EU come June 23rd, we will do our very best to bring that talent together and lead with knowledge sharing, web based learning and information dissemination. Please take part in

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Save the Dates



Washington Reception

Our annual US Reception will take place at the Marriott Wardman Park, Washington DC on the 6th October. The first 100 places are free for EuRA Members.

[To book click here](#)

EuRA Conference 2017

Our International Relocation Congress will take place 25th to 28th April 2017 in Warsaw - Save the date! Booking will be online from July.



our Social Media survey, the link to which is on page six. This vital data will help us to ensure we are targeting our information on the right channels to reach the most people. By the way, hope you like the new format of the EuRApean.





Isabel Cudell
Moving On Professional
Mobility Portugal
Representing the Southern
Region



Alistair Murray
Relocation Support Services
UK
Representing the Northern
Region



Stuart McAlister
InterRelocation re-elected to
represent the Easter Region

EuRA Elections

This year, we are restructuring the regions of EuRA to make the Executive Group more representative according to the number of members in a geographical area. As a result we had two new members to elect and one to re-elect. The only election was for the Southern region...

We had four candidates stand for election in the Southern region. The candidates were Lydia Martinez from Steps Relocation Spain, Isabel Cudell from Moving ON Professional Mobility Portugal, Dino Isernia from A2Z Relocations Italy and Jeremy Berthoux from Home Conseil Relocation France. After a close fought contest the chosen candidate was Isabel Cudell who

told us “I am thrilled with the challenge and committed to working with the Executive Group, keeping in mind EuRA’s crucial role in the industry and in developing global mobility solutions in a changing world”. Isabel takes her place in June. The place in the Northern region received one nomination for Alistair Murray of Relocation Support Services UK and as he

was unopposed was duly appointed to the Group. Stuart McAlister of InterRelocation was up for re-election for the Eastern region and was unopposed so will serve his second term. Thanks to everyone for taking the time to be part of this important process. Full details of all the candidates are on the website. [Click here to see them.](#)



Tad Zurlinden

EuRA Conference Malta 2016

We were delighted to host our biggest ever EuRA International Relocation Congress in Malta. We welcomed 680 guests from over 55 countries which is a new EuRA record.

As I’m sure you know, when Dominic and I arrived in Malta, the week before the event, the hotel was still closed for renovations. The management team sent a car to greet us complete with high vis jackets and hard hats. After a tour of the ongoing works, which were very far from complete, we knew we had total faith in all of the teams. Seeing the dedication and diligence of everyone, from the project manager to the cleaning crews, was a really humbling experience. And sure enough, as promised and planned, the Hilton Malta re opened in spectacular fashion on the Saturday before our conference got underway on the Monday. This highlighted a very apposite issue for us. Our focus this year has been on “Social Values | Better Business” looking at the way Conscious Capitalism is changing the landscape of business. One of the most central principles in the philosophy is respect and faith in all stakeholders within the sphere of operations in which you work.

With the conference now in its 18th year, it’s interesting to reflect on how much things have changed for the better. Back at our first event in Barcelona, we had 90 guests and the conference began with cocktails prior to the Gala Dinner on Thursday night followed by a day of sessions on Friday, finishing at 16:00.

In Malta 2016, the conference began with the exhibition and Immigration Symposium on Tuesday and ended with the boat trip on Saturday morning, with partner meetings, training and breakout sessions, an EGQS party, a welcome reception, gala dinner, plenary day, research update and party night.

For the second year delegates were able to use the EuRA App to meet and message each other, check the schedules and keep up to date with sessions. We also had our new Activity Feed so delegates could comment in real time via the App and Twitter as sessions were taking place. For 2017 we will be adding a full Social Media interface and there will be screens around the venue where the App RSS feed will be live for

CEO Report

delegates to upload pictures and comments throughout the event.

There was some terrific content throughout the event, from Frances getting us all in the spirit with a sing along to the Beatles classic “Help”, to the very well received first Immigration Symposium, which we will bring back next year. Our breakout programme was the strongest yet, with four superb sessions looking at industry changes and developments. Our opening speaker frightened us all into re-examining our IT security protocols. Steve Cryne of the Canadian Employee Relocation Council outlined the first results of the inaugural joint EuRA CERC research into industry trends which we will publish in June. It makes very fascinating reading and provides a genuine toolkit for looking at what changes are coming and how we should prepare. There will be a huge growth in assignments but the packages being purchased from providers will change.

Elisa French and Anne Copeland led a brilliant session on how Conscious Capitalism is impacting on our industry and what it means for families and corporations and the duty of care they have.

For the first time we ran a plenary session using the dynamic and energising “Ignite” format. Superbly organised and moderated by Ghadeer Hasan, the seven presenters had 15 slides and 15 seconds per slide to outline the contributions they were making in their companies to embrace the principles of Conscious Capitalism.

Our terrific Keynote Speaker Stuart Knight got everyone energised and enthused and we all left for the party night on a high.

The hotel were very disappointed not to be able to host our Gala Dinner around the lagoon pool. They had been prepping for an outdoor extravaganza, but the wind just proved too much and we were forced to come inside. We were disappointed that we had to split the group into two ballrooms as it dampened the atmosphere, but the hotel did a great job on the food, the wine flowed and people had a great time.

The party night out in the countryside in the Xara Lodge was a great success and the night was danced away.

Thanks to the extraordinary generosity of delegates, we raised €25,000 for our charity Inspire, supporting adults and children with learning difficulties across the country. This was an amazing amount of money which was raised from the generosity of the bidders in our live and silent auctions, from everyone who purchased a pair of EuRA sunglasses to the €5 we donated for every App downloaded. This is a massive sum of money for Inspire and enables them to continue their fantastic work.

We are already raising money for our 2017 Warsaw charity. You can take part by posting pictures of you, family and friends wearing your

EuRA Sunglasses wherever you are in the world. We will donate €5 for every photo posted on Twitter – use the hashtag #europa2016sunglasses. Don’t forget all of the sessions are on YouTube and a full photo gallery of the event is also online.

For sessions go to our YouTube channel: <https://www.youtube.com/user/dominictidey>
Photo Galleries: <https://www.flickr.com/photos/95617747@N08/albums>

Executive Elections 2016

I am delighted to welcome Isabel Cudell of Moving On Portugal and Alistair Murray of Relocation Support Services UK to the Executive Board of EuRA. They will both take their place at the next meeting in June. It is always great to welcome new people who will bring their inspiration, ideas and passion for our industry but at the same time, it’s always a bitter sweet experience as it means saying goodbye to Executive Members who we have worked with for the last six years. Sylvie Schmit Verbrugghen has represented Benelux and has brought her sharp brain and keen eye for detail to EuRA and will be sorely missed. Sylvie has worked hard to promote the interests of EuRA Members and has always been there when a job has needed to be done. Christine Martin has represented the Southern Region and has been an invaluable member of the group, going back to when we had to cancel the conference in Palma where her negotiating skills and understanding of business culture in Spain ensured that EuRA lived to fight another day! In the intervening six years, Christine has been a great counsellor and supporter of the core values of EuRA.

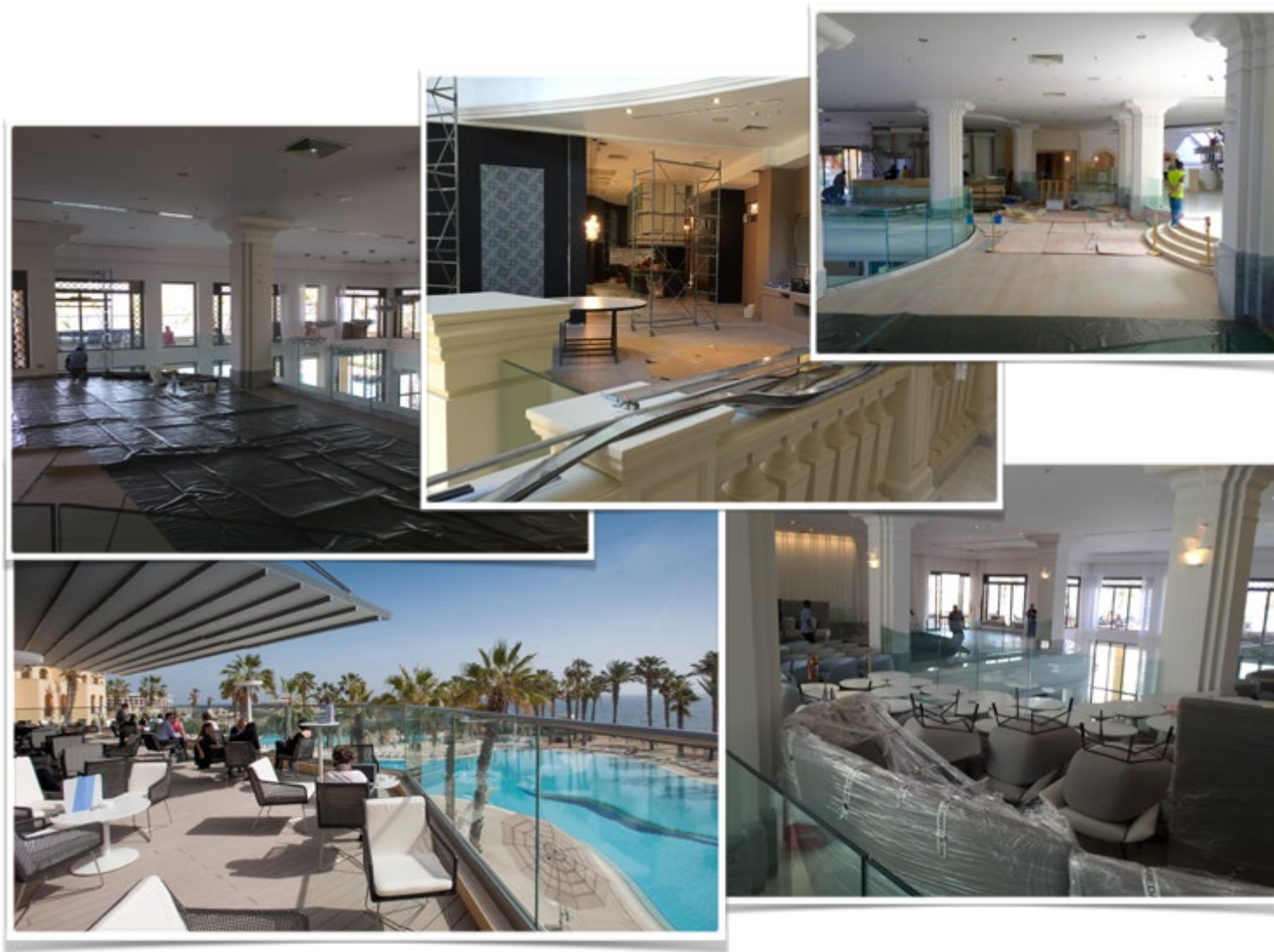
I am also delighted that Stuart McAlister will serve his second term as an Executive Member as he was unopposed in the recent elections.

We have a busy time coming up. We are working towards making all of our training open source online. This will mean it will be free to access. There will only be a charge when students decide to seek their certification and the costs to members will be minimal.

We are also re starting our research programmes and looking at working again with CERC to continue the great collaboration we have started with the Trends Data Report.

We are looking at the feasibility of a cross cultural research project looking at regionality across cultures. We are also looking at new platforms for our Relocation Coaching Programme in order to make that easier for members to access. We are upgrading our systems, implementing a new Social Media strategy and bringing an Apprentice into the office in line with our commitment to the community and wider society.

Don’t forget our annual USA Reception will take place in Washington DC on Thursday October 6th, bookings are on the website, and mark the dates for Warsaw 2017, 25th to 28th April 2017. Bookings for the hotel and conference will be online in July.



EuRA in Malta

The EuRA Conference 2016, held in the historic and beautiful country of Malta, was a landmark event for the Association. With 680 guests, it was the largest in our 18 years of running the International Relocation Congress. The Malta Hilton, fresh from a total €15m refurb welcomed us in style!

There have been a few tense moments in the build up to a EuRA Conference... the Danube in full flood in Budapest 2006 and our hotel right on the banks of the river; waiting for airports to open again after the eruption of Eyjafjallajökull in 2010 (they didn't) and wondering whether the Malta Hilton would re open

in time to welcome our guests this year! However, that little frisson makes the event so much more special and absolutely true to their word, after a 12 week closure, the construction and staff teams were ready at 11:45 on Saturday April 16th to reopen to the world. Our guests started to arrive on Sunday the 17th! We couldn't quite work out why

the hotel needed a refurb, it was perfect already, but as our delegate survey bore out, the new Hilton is a fantastic venue for a group of our size and with the fab new terrace, a great place to do business, kick back and enjoy the sea view. A full conference report is included in the CEO's review in this edition.



#eura2016

Across the four days of the event there were a multitude of knowledge sharing sessions, training, an immigration symposium, legal updates and of course our plenary keynotes. Frances Edmonds, our inimitable MC did a superb job motivating us all and hammering home the message of Conscious Capitalism. The EuRA Executive Group seen

sporting the EuRA sunglasses (#eura2016sunglasses) to raise funds for charity. We also welcomed our 500th member, Elena Antoneac from Nestler's Relocation. Our welcome reception held by the lagoon pool of the Hilton. Our amazing keynote speaker Stuart Knight, enlightened us in how to communicate more honestly and mindfully and our first Ignite

session was a great forum for sharing how our brilliant members are contributing to their wider societies. Our fantastic party night, in the Maltese countryside was an excuse to party the night away. See you in Warsaw!

• [Malta Photo Galleries](#)

• [Malta Session Films](#)

Social Media Survey



EuRA is working to increase it's presence on social media platforms. Over the next year we will be looking at increasing how much we use social media to get our messages across to the wider mobility world. We are working closer with other mobility bodies to commission and carry out research. The first large scale project is just about to be released and was outlined in Malta by Steve Cryne, CEO & President of the Canadian Employee Relocation Council ([to watch the session on YouTube click here](#)) with whom we carried out the study looking at all the research carried out since 2011 on the mobility industry. We want to make sure we can get the data out to everyone in the most comprehensive way possible so we would like to know how you use social media so we can be sure we're targeting the platforms you use.

[To take part in the survey click here](#)

Training Programmes

MIM Online	Oxford Brookes Relocation Coaching Programme	Webinars
Module 3 Managing Assignments Internationally Online 20, 22 and 24 June	Programme C Online September	Special Educational Needs 8th September
To book click here	To book click here	Free to EuRA members
		To book click here

Fundraising on Twitter



#europa2016sunglasses

POST YOUR PICS WEARING YOUR EURA SUNGLASSES

RAISE MONEY FOR OUR 2017 WARSAW CHARITY

€5 FOR EVERY PIC POSTED DONATED BY EURA

MIM Goes Global



The Managing International Mobility (MIM) training certification goes from strength to strength. The Excellence in Service Delivery module was recently delivered in Texas to IPR Inc. The team at IPR all have the WERC GMS designation and were therefore all able to get the MIM certification by completing our ESD Module. The same exemption applies to anyone qualified by CERC's CGMP designation. We also delivered the ESD and Cultural Theory & Intelligence modules in Thailand as part of the IMC's (International Mobility Convention) annual conference. The other two modules will be online between now and the autumn. All of our training will be online and free to access during 2017. This is a big move and will take some time to implement, but by moving to Open Source we hope to make sure our training is as cost effective as possible.

[For full details of the programme click here.](#)

MIM Fellowship



The highest level of qualification in our MIM programme is MIM Fellow. To get this prestigious award and join the elite group of less than 20 mobility professionals in the world, there is a test!

Successful submission of a 2,500 word case study is your gateway to the final milestone of mobility training offered by the European Academy of Relocation Professionals. We now have a Fellowship Mentoring programme in place to help those of you who want to achieve your Fellowship. You want to write your case study, but just need knew where to start. The Fellowship Mentoring Programme is led by Dr. Carmelina Lawton Smith, the developer of our Relocation Coaching Programme and will be rolled out across 2016.

[For full details of the Mentoring Programme click here](#)

[For full details of the Case Study requirements click here](#)

[For a webinar looking at how to get started with the Case Study click here](#)

The Baker's Dozen List

1. Graebel Relocation Services Worldwide
Commended for expert, pro active consultative service; quality of client reviews; best in class selection of suppliers.
2. Global Mobility Solutions
3. MSI Global Talent Solutions
4. Cornerstone Relocation Group
5. NuCompass Mobility Services Inc.
6. NEI Global Relocation
7. Weichert Workforce Mobility Inc.
8. Xonex Relocation LLC
9. MoveCenter
10. TheMIGroup
11. Paragon Relocation
12. AIReS
13. Relo Direct Inc

The 2016 Baker's Dozen Results



Back in March, the annual Baker's Dozen list of the top Relocation Management Companies for 2016 was released and Graebel has come top for the fourth time. The list is compiled from responses from HR and talent management professionals from Fortune 500 companies. The responses are anonymised and give a good indication of who is doing a great job in the market. Responses are analysed to score each provider across three sub categories; service breadth, deal sizes and quality. An algorithm is used to weigh questions and categories based own importance and the scores for each sub category are then added to the overall score to produce the results. The list has been run for the past decade and has become a leading metric for companies when assessing performance of management companies.

[For the full list and the results breakdown, click here.](#)

EuRA's 500th Member



Nestler's Relocation Romania Elena Antoneac

"First of all, I would like to thank you for the great and inspiring conferences you organise every year! I have been on the relocation and immigration market for more than 10 years now and I was extremely surprised to find out that, this year, our company - Nestlers Group (not Nestle! :) - was the 500th company to join EuRA as a Quality Seal-certified member! We are really very happy to be part of the beautiful and diverse EuRA family and hope to enjoy your conferences for many years! Nestlers Group offers top-notch immigration, taxation and destination services, with a team that has extensive experience in these fields, highly professional and dedicated people. One of our favourite mottos is 'we'd rather lose money than clients' and it turns out that, by respecting it, we have a lot to gain in the long term, as we have never lost a client so far! Please visit us on www.nestlersgroup.com for more details!

Thank you very much!"

Member News



Intermark Relocation

Celebrating 23 years assisting moves to Russia

XN Financial

Rebranding across the globe

Red Recruit

Appoints new Managing Director

IOR Global Services

Announcing new hires and accolades

All Denmark Relocation

Annemette Krogh's New Horizons

Move One

Leading the way to help stabilise Mosul Dam

ACS International Schools

New campus in Doha for 2,500 students

SilverDoor

Acquires Citybase in landmark deal

Inspire'd in Malta

Delegates at the EuRA Conference in Malta raised €25,000 for the EuRA Foundation which this year was given to Inspire, the Maltese charity supporting children and adults with learning disabilities. Inspire Director Clare Galea gives more details of how Inspire works and how the money raised will be spent.



The Inspire Foundation is a non-governmental organisation based in Malta. We believe that everyone has a right to equality and inclusion and our mission is to try to help everyone with a disability achieve this.

The foundation provides individuals and their families with educational, therapeutic and leisure services. Today, Inspire helps over 1,000 individuals with various disabilities ranging from Down Syndrome, Autism, Cerebral Palsy and others. This is done through many services and disability programmes that are offered at a highly subsidised rate or sometimes even for free.

Last month, EuRA held its annual conference in the Mediterranean island of Malta and The Inspire Foundation was chosen as the local charity of choice and for whom €25,000 were raised.

This year the conference attracted some 680 delegates from 55 countries and around the world with the largest group coming from the UK and second largest group from the USA.

After reviewing various local charities and choosing The Inspire Foundation, EuRA organisers held different fund raising activities ranging from a silent and live auction, a sale of sunglasses and T-shirts. All activities were run and enthusiastically promoted by the event organisers themselves. A big **THANK YOU to all of the participants for contributing and EuRA for working so hard to collect this lovely sum!**

Up and coming Maltese artist - Stephanie Borg - also donated

a print of her work as well as a percentage of the sales she made during the EuRA conference.

More information about The



Inspire Foundation can be found on www.inspire.org.mt or please contact Claire Galea on claire.galea@inspire.org.mt or +356 7788 4455.

Researching the Research



The Canadian Employee Relocation Council and EuRA collaborate on a sweeping global mobility study that vets dozens of published reports on the topic. Here CERC CEO and President **Steve Cryne**, draws out some of the highlights.

The nature of global mobility is changing. For years, our industry has observed a steady and significant shift in the way people work, live and communicate. It's a shift that has ramped up demand for skilled and specialised workers and created new complexities for mobility professionals.

These changes have been on our radar for years. They have also been the subject of countless research studies. Last fall, CERC teamed up with the European Relocation Association (EuRA) to take that research one step further. Together, we launched a study to discover top trends and consensus points in a vetted list of 57 global employee mobility reports published between 2011 and 2016.

The new study reflects the opinions and experiences of over 25,000 mobility stakeholders across 140 countries. It represents one of the largest global employee mobility studies of its kind,

and is an important part of CERC's growing partnership with EuRA.

I had the pleasure of presenting highlights from our joint report during the EuRA International Relocation Congress in Malta this past April. I shared some interesting findings, beginning with the top five factors that many believe are driving change across the globe and impacting our \$60-billion mobility industry. They include: Globalisation 2.0, which is creating a shift in power of economic might from west to east; demographic change, such as retiring workforces and the rise of Millennials; individualism, creating more power of choice for employees and a more knowledgeable workforce; a movement toward knowledge-based economies; and technology and the digital age.

Together, these factors are increasing demand for skilled and specialised talent across the globe. In response, more employers are expanding their



mobility programs to manage complex talent gaps, increase their global reach, attract and retain employees, and develop tomorrow's leaders.

Fortunately, there are plenty of skilled workers willing to meet the demand for global talent. Our joint-survey found that most Millennials are eager to complete a mobility experience in the first six years of their career. Interestingly, 71 per cent of female Millennials want to work abroad, but they only represent 20 per cent of the current international mobility population.

The goal of our joint survey with EuRA was not only to gather consensus on issues that are a matter of concern for global mobility professionals; it was also about understanding what stakeholders view as top mobility trends. Among the dozens of surveys analysed, we observed five key trends.

First, industry watchers predict employee mobility will continue to rise, but the length and types of assignments will vary. Cost-conscious employers will favour shorter-term assignments and "local plus" programs while exploring technological alternatives, like assigning staff to "virtual teams." At the same time, incentive packages will likely become even more flexible and will be based on the specific needs of the employee, their circumstances and the relocation budget.

Second, mobility professionals and consultancies are all advocating for mobility to play a more strategic role in their organisations. They want them to become embedded in a diverse range of organisational activities and to play a broader role in human resources.

The third observable trend is that cost concerns will put more pressure on relocation managers to prove the return on investment of their assignments. This will lead to better return on investment tracking tools and greater understanding of the

value of global mobility to a company. According to Brookfield GRS *Mindful Mobility* report, 95% of companies do not currently measure international assignment return on investment and were not even sure how to start. In ManpowerGroup's report *Moving People with Purpose* however, three out of four respondents said they expect to be measuring return on investment in two years time, compared to the 9% who do so now.

Our research also points to greater collaboration between employers and their respective governments, our fifth identifiable trend, as business puts more pressure on government at all levels to reduce barriers to employee mobility. According to the *Global CEO Survey*, 44 per cent of CEOs plan to work with their governments to develop a skilled and adaptable workforce over the next three years, and 27 per cent intend to work with government in creating a more competitive and efficient tax system. For those partnerships to work, most agree that industries must build a more impactful business case for global employee mobility and improve communications with their government partners.

If there is one key take-away from

our research, it's that global employee mobility is something both employers and employees are keen to embrace.

As I told the audience in Malta, my hope is that this survey will encourage more thinking about the importance of mobility to economic prosperity and business success, as well as its critical role in building meaningful and rewarding careers for employees.

Stephen Cryne is the president of the Canadian Employee Relocation Council (CERC). For more information on the CERC / EuRA research study, please visit www.cerc.ca.

Steve Cryne delivered a session outlining the research at the EuRA Conference in Malta which is on our YouTube channel. [To view the session, click here](#)



Brexit - Into the Unknown...



“May you live in interesting times” so goes the ancient Chinese curse and life for the EU looks set to get very interesting indeed on June 23rd. With the looming fear of a Brexit, what are the real issues facing the British people? Dominic Tidey examines the debate

There is seemingly no end to the speculation, arguments and counter arguments dominating the British media at the moment. With both the Remain and Leave camps arguing greater financial prosperity if they win, what is the likely outcome?

Both sides are well rehearsed in their arguments and both give compelling reasons for staying in the EU and for living outside it, but what has prompted this referendum in the first place?

The UK is an island nation, with its own strong internal cultures. As was proved in the 2014 referendum for Scottish independence, division between the components of the UK runs deep. It's a matter of definitions. Great Britain is made up of England, Scotland and Wales. The United Kingdom, is made up of Great Britain and Northern Ireland and it is this group of states that will be called upon to vote in the referendum. Wales, Northern Ireland and Scotland each have their own parliaments and are all statistically far more likely to vote to remain within the EU than England. However, the combined population of Wales, Northern Ireland and

Scotland is just 10.1 million and with England having a population of 53.1 million, it will be English voters who will decide.

So why is there such scepticism in England about the EU? It is often said that being an island nation, the UK has always maintained a strong sense of isolation, but this is too simplistic.

When the Conservative (Tory) party leader David Cameron first proposed the referendum as part of his party's manifesto while the Labour Party were still in power, it was with the single goal of uniting the Conservative party once and for all over the EU. Many Tory MP's represent quite conservative constituencies, “middle England” as they are often called. These are parts of the country where tradition is still very important, where the idea of England's “Green and Pleasant Land” is paramount and where old established values are still very evident. David Cameron knew when proposing the referendum it would only be these small areas which would be very anti-EU, with the vast majority of working and middle class

Britain statistically likely to want to remain in Europe.

But no one could foresee quite how geopolitical events would change the tenor of the debate entirely. Last summer's migrant crisis gave the Euro-sceptics a huge excuse to whip up popular antipathy towards Europe. Suddenly, the notion of “pulling up the drawbridge” to secure the borders of the UK against non-EU migrants became a big reason to leave the Union. But this issue has nothing whatsoever to do with being in the EU given that the UK never signed up to the Schengen open borders agreement. So it's this sort of misinformation and playing on the fears people have about uncontrolled immigration, given the climate of fear that exists following the attacks in Paris and Brussels, that are framing the Brexit debate. But it isn't just movement of people from outside the EU. The UK Independence Party has placed immigration from within the EU at the centre of it's manifestos for years. The arguments against the “free movement of people” principle of the EU are

its bread and butter. But this principle has brought prosperity and stability to the union. Also at a time when many countries face a demographic time bomb over pensions, free movement of people brings financial gains also.

The next biggest issue is the financial viability of the UK outside the EU trading area. Pundits on every side of the political spectrum believe that the UK's economic prosperity is much enhanced by the EU. But voters are not so convinced. One of the UK's most respected financial commentators, fund manager Neil Woodford, commissioned a report to analyse both public opinion and outcomes for the UK in both cases. From 18,000 respondents, over half expect the impact of Brexit to be negative and just 28% positive. However the results of the report commissioned by WoodfordFunds and carried out by leading economic research consultancy Capital Economics came to the conclusion that *“Although the impact of Brexit on the British economy is uncertain, we doubt that Britain's long term economic output hinges on it.”*

Then there are the extremely complex legal implications of a Brexit. Article 50, introduced into the Treaty on European Union by the Treaty of Lisbon sets out a mechanism for a state wishing to end its membership of the EU. Article 50 states:

“A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union.”



What Article 50 doesn't set out, are any rules governing future relations between the EU and the UK. According to Gavin Barrett, author of the report “Brexit: What happens Next?” *“This will probably itself involve a separate agreement negotiated in parallel or after the withdrawal agreement and is itself a process which could involve negotiations lasting many years. Were it to cover merely trade then a process of adoption by qualified majority vote followed by the European Parliament's giving its consent would be required. Were it to be a more all-embracing document, then unanimity voting, consultation of the Parliament and ratification by all member states would be required.”* Ratification by all states? But this is not all... *“The United Kingdom will also have to negotiate trade deals with states outside the European Union (including agreements with all non-EU WTO member states). The sheer scale of such an undertaking seems daunting in terms of the time and the effort that it would take. In addition, it seems unlikely that many other states would be willing to prioritise this exercise without first knowing what the UK's trade relationship with the EU would be.”*

Renegotiating every trade agreement the UK has with WTO members could take years and how this would impact the UK economy is unquantifiable. It is here that the Remain campaign have the most coherent legal and financial case.

However in my view, the EU is far more than a trading bloc. The Union has promoted both peace and prosperity and has succeeded

in stabilising Europe for the first time in it's history. Cultural Commentator Richard Lewis; *“As David Cameron has declared, leaving the Union heightens the risk of war. It is fairly sure that liberal democracies, especially when ensconced in a union, are not likely to attack each other. But will they preserve their democratic credentials forever? Europe, more than any other continent, has a very bad record at keeping the peace. Germany and France formed the union with this in mind. With Britain outside, will the Pax Europa be so secure? Remember the sudden nascent jingoism bursting out in England when Galtieri invaded the Falklands. It took only 48 hours for Thatcher to launch the Royal Navy on its revenge mission.”*

The emotional arguments that for me encapsulate this debate, have not been played out strongly enough by the Remain campaign. For my generation and the ones coming after, the EU is all we have ever known, and the sense of solidarity with the countries of the EU is more than an economic argument or about free movement of people. It's almost inconceivable that following years of free movement and the right work anywhere, that GenX and the Millennials will vote to curtail this fundamental principle. But, they are the demographic group least likely to vote on June 23rd. At the time of going to press, the FT index reported 46% were in favour of a Remain vote, with 41% in favour of a Leave.

By June 24th we will know, until then we live in uncertain times.

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Legal & Tax: Critical Update



This Report focuses on some of the key legal points which arose from last month's EuRA conference in Malta where, in addition to a legal and immigration update session, we also enjoyed a wide-ranging session on how to plan for the sale of your relocation business. I also report on an important decision of the European Court of Human Rights, which helps to clarify the extent to which an employer is able to monitor an employee's private communications while at work. Finally, I am drawing your attention to the heavy fines now being imposed by data protection authorities when personal information is accidentally shared. You have been warned!

Gordon Kerr, Director Employee Mobility Unit, Morton Fraser LLP

Malta 2016

The first part of the legal and immigration update session focused on the legal issues which can have a real impact on the day-to-day work of relocation professionals. The issues covered, in quick succession, were:-

- Anti-bribery
- Data Protection
- Tenancy law
- Money laundering
- Health & Safety
- Insurance
- Expat employment contracts
- VAT

To "bring to life" these legal topics, panelists discussed how, in practice, each issue was tackled, in their own offices in Germany, Luxembourg and the UK. While a topic such as tenancy law remains governed by national laws, many other legal issues affecting the relocation industry (for example, data privacy and VAT) now derive from EU legislation.

The immigration part of the session was similarly wide-ranging, with particular discussion on how Europe's migrant crisis was impacting on immigration processing times in various countries.

The session on how to prepare a relocation business for sale contained a fascinating range of

personal perspectives. In terms of the legal aspects, some initial questions were posed:-

- Are you looking for a “good fit” buyer or simply seeking to achieve the highest possible price?
- How is the mix of your client base (i.e. RMCs v corporates) likely to affect your target buyers and achievable price?
- Could you enhance the value of your business by considering a strategic merger as a preliminary step before selling?
- How do I separate “personal” and “commercial” considerations?

We then delved into a wide range of important issues:

- Being clear about your post-sale plans
- Will I still be involved in the business?
- What kind of non-compete obligation is appropriate?
- Selecting a professional adviser • Valuation: how much is my business worth?
- The importance of good record-keeping
- Preparations for buyer’s due diligence
- Management accounts, contracts, employment, company books, licenses/registrations
- Potential buyers do not like unpaid tax or messy litigation!
- Structure of payment
- Cash – shares – promissory notes?
- Final price linked to future

financial performance?

- The importance of confidentiality
- Clients, employees and competitors!
- Non-disclosure agreement.

In terms of the current employees of the business, several points were highlighted:-

- Legal protection under TUPE
- Providing buyer with details of employment contracts, salaries, length of service, disciplinary issues
- Are senior staff subject to non-compete obligations?
- Communication with staff – the importance of how and when. Before a binding agreement is concluded, the business owner and "preferred buyer" will normally agree Heads of Terms, which will outline the key terms which have been negotiated. Typically, these will include:-
- price (including any adjustment mechanism)
- whether the seller will work in the company post-sale
- indication of the level of warranties that will be required in the final sale agreement
- target completion date
- choice of law
- exclusivity period.

Finally, we touched on the warranties which the seller will be asked to provide. These typically relate to:-

- The company's constitution/filings
- Banking, guarantees
- Licences and consents
- Disputes/litigation
- Material contracts
- Insolvency
- Accounts
- Tax and legal compliance
- Insurance
- Competition law
- Anti-bribery compliance
- Employment and pensions

I am sure that we will return to several of these topics next year in Warsaw!

Monitoring Your Employees - legally!



Most employees have access to a variety of hi-tech tools such as email, the internet, mobile phones and PDAs to help them with their work. But these highly efficient ways of working can also give rise to liabilities – for example, for claims of sexual harassment or defamation due to employees' improper actions. It is also possible for confidential business information or personal data to be leaked because of the deliberate or accidental acts of an employee. There is an abundance of monitoring software available to employers, but do you have the right to monitor your employees’ communications at work, or do

your employees have an overriding right to privacy?

The European Court of Human Rights (ECHR) recently considered this in the case of *Barbulescu v Romania*. Mr Barbulescu, an engineer, used his business Yahoo Messenger account to send and receive personal messages with his fiancée and his brother. This was in breach of his employment contract.

His employer discovered this accidentally and dismissed him. Mr Barbulescu argued that all evidence

of his personal communications should have been excluded on the grounds that it infringed his right to privacy. The European Court of Human Rights held that Article 8 (the right to respect for private and life) was relevant, but that courts were entitled to look at the evidence in deciding whether the dismissal was

justified. The Judgement did not reveal the precise content of the personal messages, only the fact that they were personal messages and importantly for employers, the Court recognised the need for employers to be able to verify that employees were completing professional tasks during working hours. What should you do if you want to monitor your staff?

As an employer, you can protect their businesses and stay within the law if you stick to some basic rules about monitoring. The starting point is to consider whether there are any less intrusive ways of achieving the same goal. For example, if an employer is worried that staff are sending too many personal emails at

work, could it reduce the number simply by sending a reminder to all staff or does it need to go further and set up a monitoring system to check the number of personal emails being sent?

You need to weigh up the advantages of the monitoring against the adverse impact it might have for staff or customers of the business. Monitoring must be a proportionate response to the problem it seeks to address. More often than not, employees' private lives do extend into the workplace and the employer should assess how much the proposed monitoring will affect employees' privacy or damage their trust in their employer.

Communicate with staff

In normal circumstances, employers should not keep monitoring a secret from employees. They should be told about the types of monitoring taking place, the reasons for it, the sort of information that will be obtained and when, why and how it will be obtained, how the information will be used and to whom it will be disclosed. It is also advisable to have a staff policy in place, which sets out the standards expected of employees when using company systems together with the type of monitoring that the employer might be carrying out. Ideally, this policy should be supplemented by practical staff training on the topic.



Hold the data legally

The purpose of monitoring is obviously to collect information: in the form of emails, video footage, audio recordings or information about someone's internet usage. However, employers must always manage and store the information in conformity with data protection and human rights legislation.

Courts are fiercely protective of an individual's right to privacy, so the employer must be very clear about why it is reasonable to give precedence to the competing interest of the business in a particular situation.

A final point to emphasise here is that if you do uncover misconduct by a member of staff, it is critical to follow your internal disciplinary procedures "to the letter", before taking any disciplinary action against the employee.

"Blind copy" or risk a fine!

A London Hospital Trust has been fined £180,000 for a breach of the Data Protection Act after accidentally revealing the email addresses of more than 700 users of an HIV service. Patients using the service received a newsletter. An error meant that anyone receiving the September edition could see the email addresses of all the other recipients. Addresses had

been wrongly entered into the 'to' field instead of the 'bcc' field, and most email addresses contained people's full name.

An investigation found that the trust had previously made a similar error, when a member of staff in the pharmacy department sent a questionnaire to 17 patients in relation to their HIV treatment, entering email addresses in the 'to' field instead of the 'bcc' field. While some remedial measures were put in place following this mistake, there was no specific training implemented. While the large fine here reflected the particular circumstances, there are also wider messages for firms in the relocation industry which issue newsletters to their contacts:-

- You are handling personal information and this must be

protected in compliance with data

protection law

- Do not share contact information without specific consent
- Provide your staff with basic training in data protection
- Breaches of data privacy are attracting ever-higher fines
- Do not make the same mistake twice!

- *The Legal & Tax Report is produced for The EuRApean by Gordon*

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