



Department
for Exiting the
European Union

The Repeal Bill

Factsheet 7: Workers' rights

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Workers' rights

The UK has a long-standing record of ensuring that workers' rights are protected. This includes employment and equality rights and protections for health and safety at work. The decision to leave the European Union does not change this. This Government has made a firm commitment to protect workers' rights, and to maintain protections covered in the Equality Acts.

In a number of areas, UK employment law already goes further than the minimum standards set out in EU legislation, and this Government has committed to protect and enhance the rights people have at work as we leave the EU.

The Repeal Bill will ensure that the workers' rights that are enjoyed under EU law will continue to be available in domestic law after we have left the EU. This includes rights derived from EU law, such as the Working Time Directive and the Agency Workers' Directive. This will give certainty and continuity to employees and employers alike, creating stability in which the UK can grow and thrive.

Where protections are provided by the EU treaties they will also be converted by the Bill. And where rights have been extended by CJEU judgments, those rights will continue to be protected in the UK once we have left the EU, with those judgments having the same precedent status as the Supreme Court's own judgments.

This Government is also committed to ensuring that equalities are properly protected in UK legislation following our withdrawal from the EU. All the protections covered in the Equality Act 2006, the Equality Act 2010 and equivalent legislation in Northern Ireland will continue to apply once the UK has left the EU.

Any future changes to domestic legislation will be subject to the appropriate parliamentary scrutiny – with Parliament and the electorate continuing to hold the Government to account.

Key facts

Employment

- The UK labour market is one of the most flexible in the world. We define minimum standards in the workplace but employers and individuals are free to agree terms and conditions which go beyond the statutory minimum.
- Our labour market is strong, and above the EU and OECD averages. The UK employment rate (April - June 2017) is 75.1%, the highest rate since comparable records began in 1971.
- Our domestic legislation exceeds EU required levels of employment protections in a number of ways, including:
 - o 5.6 weeks of annual leave in the UK as compared to the EU requirement of 4 weeks;
 - o The right to request flexible working for all employees, as against the EU requirement for the right to request flexible working for parents on return from parental leave;
 - o 52 weeks of maternity leave, of which 39 weeks are paid – as compared to the 14 weeks of paid maternity leave required by the Pregnant Workers' Directive. The same rules apply to those who adopt;
 - o Paternity leave and pay for new dads or a mother's partner where there are currently no protections from the EU;
 - o Shared Parental Leave and Pay helps promote a greater attachment to the labour market for working parents, particularly women, as it gives working families more choice and flexibility – enabling them to combine work with childcare responsibilities;
 - o 18 weeks of parental leave per parent per child up to a child's 18th birthday, compared to the EU's requirement to the age of 8.

Health and safety at work

- The Health and Safety at Work etc. Act 1974 is not reliant on our membership of the EU. It places a comprehensive set of duties on employers to protect employees and those who might be affected by work activities from risks in the workplace. The Act is supported by a set of regulations, including ones that implement EU directives and which will be preserved by the Repeal Bill.
- The UK is already one of the safest places to work in the EU. In 2013, the standardised rate of fatal injuries to employees in the UK was amongst the lowest of those published by Eurostat.

Equalities

- Decades of domestic legislation and implemented EU law have already been consolidated into the Equality Act 2010 in Britain, and in equivalent legislation in Northern Ireland; these are the cornerstone of domestic equality law.
- The Government is committed to ensuring that all the protections in the Equality Act 2010 and equivalent legislation in Northern Ireland will continue to apply once we have left the EU. This will ensure the continued protection of people's rights not to be discriminated against, harassed or victimised in the provision of goods, services and public functions, housing, transport and education.
- One of these ongoing protections is the public sector equality duty, and its equivalent in Northern Ireland. During the process of EU exit, the public sector equality duty will continue to apply to all relevant policy changes, as it does now. Public authorities will therefore need to give due regard to the potential equality implications of any changes that are being introduced as a result of the UK's exit from the EU, keeping equality at the heart of UK public policy.
- The Government is similarly committed to maintaining the continued role of the Equality and Human Rights Commission (EHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI), which all have important roles in enforcing and monitoring equalities and rights law within the UK.

Frequently Asked Questions

Will the powers provided by the Repeal Bill be used to amend employment protections?

- The secondary legislation we intend to bring forward will not make changes to the rights that workers have in the UK, but will instead correct legislation to ensure it is fit for purpose after exit.

Will the Repeal Bill preserve the employment rights given to individuals by CJEU case law where these extend beyond those set out in EU legislation?

- Yes. To maximise certainty and continuity, retained EU law will continue to be interpreted in accordance with the pre-exit case law of the Court of Justice.

If the Supreme Court will be able to overrule CJEU judgements in the future, surely all the rights that are enshrined in CJEU case law are no longer safe?

- It is very rare for the Supreme Court to depart from one of its own decisions or that of its predecessor, the House of Lords.

Will you commit to staying in line with EU legislation in this area, even after withdrawal, to ensure that UK workers will not be getting a raw deal compared to their counterparts in EU member states?

- We do not need to be part of the EU, nor bound by EU legislation, to have strong protections for workers. According to statistics on health and safety at work, the UK is one of the safest places to work in the EU.
- The UK already goes beyond EU minimum standards in a number of areas, such as entitlement to annual leave and provisions for shared parental leave and flexible working.
- The government has shown its commitment to extending workers' rights when this is the right choice for the UK, and will continue to do so as we leave the EU.