

Workplace rights

What does it cover?

- All rights which are derived from EU law
- The list is not exhaustive, but referenced are the **Working Time Directive**, family leave provisions and the **UK TUPE** regulations
- The notice makes no distinction between rights enshrined in UK Primary legislation such as the **Equality Act** and secondary legislation
- As well as **employment rights**, it also covers **Health and Safety**

What will happen?

- In the event that the UK leaves the EU without agreement, the UK then becomes a third country
- The note states that the Westminster government will work with the devolved administrations to ensure that the rights covered by the notice continue to operate across the UK
- We take this to mean that all existing EU law will continue as before
- Note that employment law is a devolved matter in Northern Ireland

What will businesses have to do?

- There are two limited areas where in the event of a no-deal EU law in this area could not continue to apply
- **European Works Councils** would exclude UK employees from threshold calculations and UK employers
- As far as possible the protections and benefits of EWCs for UK workers and businesses will be maintained by the UK government
- The note appears contradictory, but appears to say that EWC establishment requests made before Brexit will be processed in the usual way, as will Information and Consultation requests.
- However, subject to the above, no new EWCs will be created and presumably new Information and Consultation requests will not be possible.
- EU level employer insolvency safeguards will continue to be honoured in the UK, (redundancy payments for example in the event of insolvency), but UK workers in the EU will lose their EU level protection.

- UK workers in the EU will, in the event of employer insolvency, need to fall back on the provisions applicable in the individual member state, if any.

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