

# UNISON remainEU

## **EU employment rights and protection at work**

On 23 June the people of the UK will take part in a referendum that will determine whether or not we remain in or leave the European Union (EU).

UNISON has weighed up the evidence and arguments and concluded that to leave would put the employment rights that our members and the public rely upon at significant risk. Other fact sheets in this series highlight the implications of leaving the EU for public services, the economy and the NHS.

This is not to suggest that UNISON is an uncritical supporter of the EU. Far from it. But in addition to supporting the remain position on the grounds that to leave would put the economy, public services and our rights at work at risk, UNISON also believes that a more socially just world economy is best secured through working alongside sister unions within the EU.

## **What are the risks to employment rights if the UK leaves the EU?**

Employment rights are rights for workers in the workplace and generally set the legal rules on how employers should treat employees. Currently the EU regulates the majority of these rights through EU legislation that the UK government then passes into law. The EU has the world's largest internal market and is the biggest trade bloc and as such plays a major role in the lives of working people. It is crucial therefore that it provides beneficial employment rights for all workers across Europe.

These employment rights help UNISON to protect members at work and are enshrined in EU law and upheld by the European Court of Justice. The UK sadly has been among the most active opponents of European employment rights only grudgingly accepting many of the social aspects when it has been forced to. Without the EU workers would be vulnerable to each new government deciding what workers rights they want to give to or take away from working people.

## **Leaving would mean that hard won rights would be at risk:**

- ✓ **TUPE (Transfers of undertakings) rights when an organisation (eg a public service) is being outsourced or transferred.**
- ✓ **Collective redundancies and right to consultation.**
- ✓ **Minimum paid annual leave – 28 days a year.**
- ✓ **Fair treatment rights for agency and temporary workers.**
- ✓ **Pregnancy and maternity leave rights.**
- ✓ **Parental leave and rights to time off work for urgent family reasons.**
- ✓ **Working time which includes a maximum of a 48 hour week unless you agree otherwise, and minimum rest breaks each day.**
- ✓ **Equal treatment rights and equal pay for part-time, fixed-term, outsourced and agency workers.**
- ✓ **Health and safety regulations.**
- ✓ **Rights for workers' representatives to receive information and be consulted, particularly in the context of restructuring.**

## **What the Leave campaign say about employment rights**

- Key Leave campaigners like Priti Patel MP often view these employment rights as 'red tape' for business and more as costs to businesses that get in the way of a 'flexible workforce' rather than fundamental workers' rights.
- Important workers' rights which have not been underpinned by EU laws have already been watered down by this government and this has been supported by those key politicians in the Leave campaign.
- The recent Trade Union Act 2016, 'unfair dismissal' rights, and breaking up the employment tribunal system, attacks on trade union facility time and attempts to weaken TUPE regulations in 2013 by allowing employers to re-negotiate changes to collective agreements one year after employees have transferred to a new employer - are all examples of this.
- In some cases, such as enforcing holiday and equal pay rights, taking cases to the European Court of Justice (ECJ) has been the only way to help UK and EU workers win important victories.
- The leave campaign wants to get rid of the ECJ because of its power to force employers to deliver workplace rights and protection for staff. What they don't tell us is what they would replace it with to ensure workers' rights are protected.

## **Will UNISON still be able to protect members?**

If we lose these employment rights then it will make the job of protecting members at work much harder. There is no guarantee that under Brexit a future UK government would not do away with some of our worker rights.

That's why UNISON is saying **don't risk it**.

A Brexit will also mean that UK workers will miss out on any future EU legislation that delivers even more employment protection for workers.

The EU is currently reviewing measures to include extending the right to a written statement of terms and conditions to all workers (including those on zero-hours contracts), improved work-life balance rights and improved rights for posted workers. We need to be included in having those extensions of rights like other European workers.

UNISON will continue to work through European structures with our European partners and trade union alliances to advance and extend this work rights agenda to ensure UK workers benefit from them too.

## **Get involved in UNISON's Remain Campaign**

**UNISON activists and members have a vital role to play in the campaign. Find out more from the campaign web pages**

<https://www.unison.org.uk/euvote>

**Talk with your branch about what you can do to highlight the risks to public services, workers rights, the economy and the NHS if the UK leaves the EU.**