



UNISON remain EU

Inclusive Europe

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 UK equality rights, human rights, migrant rights and UNISON's vision of an Inclusive Europe at significant risk. Our members and the public rely upon these rights on a daily basis in the workplace, accessing public services and in our communities.

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, equality and our rights at work at risk, UNISON also believes that a more socially just world economy is best secured through working in solidarity alongside sister unions and workers within the EU.

What are the risks to equality rights in a Brexit?

EU legislation covers many laws which protect people with equality and human rights. These equality rules prohibit direct and indirect discrimination as well as harassment and victimisation on the grounds of race, religion or belief, age, gender, including gender reassignment, sexual orientation and disability.

They are very important for workers being treated equally at work and the public having 'equal' access to public services. The following legislation would be at risk if there was a Brexit as the UK government would have to re-legislate the rights in UK law and there may be a risk that these rights were weakened for workers and the public:

- Public authorities have a 'public sector duty' to undertake equality impact assessments (EIAs) on services (including changes to services) and the public service workforce to make sure that services and employment practices are non discriminatory.
- The EU Equal Treatment Directive (2009) also ensures equal treatment across the four equality strands of age, sexual orientation, religion or belief and disability in the areas of social protection This includes social security and health care, education and access to, and supply of, goods and services which are commercially available to the public, including housing and transport. The directive also allows organisations to take positive action measures to compensate for disadvantage on any of the four grounds.

In relation to human dignity, freedom, democracy, equality and respect for human rights, these are embedded in all EU treaties. These rights include:

- working to promote the rights of women, children, minorities and displaced persons
- promoting human rights to help prevent and resolve conflicts and, ultimately, to alleviate poverty
- opposing the death penalty, torture, human trafficking and discrimination
- defending civil, political, economic, social and cultural rights and freedoms of speech
- working to put human rights at the very heart of EU relations and trade agreements with other countries and regions.

UK and Northern Ireland government's record on equality and human rights

Overall the current UK and Northern Ireland government has appeared reluctant to promote equality legislation. The record appears to show that instead it views equality legislation and commitments as a burden on business and the public sector:

- In 2012 David Cameron 'called time' on public sector duty obligations to undertake equality impact assessments (EIAs) and has greatly reduced equality obligations set out in the UK Public Sector Equality Duties (PSED) and reduced the length of any EIA consultations that public sector authorities have to do.
- The government has greatly reduced the budget and remit of the UK Equalities and Human Rights Commission.
- The Equality Commission for Northern Ireland has called for a strengthening of equality rights as they were concerned that women in Northern Ireland did not have the same equality protections as their counterparts in other parts of the UK.
- Very little progress has been made to address concerns over equal pay and equality for pregnant and working mothers.
- The government has made it harder to bring judicial reviews on equality cases calling them a waste of tax payer funds.
- The government has introduced substantial tribunal fees to deter people from bringing discrimination claims to tribunals.

Currently the government is reviewing the UK commitment to the European Convention of Human Rights (ECHR) - which stems from our membership of the Council of Europe, not the European Union. This will have serious implications for people and groups defending their rights against discriminatory welfare reforms and public service cuts.

While the ECHR is separate from the EU, respect for human rights as guaranteed by the European Convention on Human Rights is recognised as a fundamental value and general principle of EU law. It is referred to, for example, in the Directive on sexual orientation discrimination. Therefore, the UK's membership of the EU helps guarantee the continuing influence of these rights on LGBT rights in the UK.

Furthermore the UK has signed up to the European Charter of Fundamental Rights which also includes democracy, human rights and equality issues. These rights would have to be rewritten again in UK law to guarantee the same rights.

UNISON campaigns to make sure that both European equality and human rights are adopted as a minimum standard by the UK and Northern Ireland governments but also for the government to go further to maximise social protections and justice for equality groups when appropriate to promote social inclusion and cohesion. Given the government's antipathy towards EU provisions on equality and human rights it is not clear what will replace them for UK citizens if there is a vote to leave the EU.

UNISON's vision for an inclusive Europe

Every vote matters in the EU referendum which is why UNISON's Remain EU campaign includes our wish for a more inclusive Europe to encourage members and the public to think about diversity issues and help shape the EU debate to include equality.

The young

There are key issues for young people to consider in the EU Referendum – their future generation will be affected the most. When asked a series of questions about the powers of the European Union, young people felt that being in the EU made it easier to improve the environment and gave them greater rights and protection at work. (You Gov Poll 22 May).

UNISON campaigned to increase voter registration among young people and is campaigning for young members to vote 'Remain'.

Young UNISON members explain why they want to remain:

"Exiting the EU would be a leap in the dark. There's nothing wrong with us having faith in ourselves as a nation, but I have no faith in the claim that we can go it alone. The evidence just isn't there. And as the younger generation, we will be the ones who have to live with the consequences the longest, and pay the biggest price if it all goes wrong. That's not to say the EU is perfect – but I believe we are better off IN and campaigning for reform."

Sinead Liddy, Chair of UNISON's National Young Members Forum

"I'm not at all convinced by the Brexiters – there's simply too much at stake in terms of jobs, and that's a key issue for young workers. Unemployment is a major problem, but we aren't going to solve it by attacking workers' rights. I live in the North East of England and EU funding has made a positive difference as regards job opportunities. I know that many people across the UK have benefited in the same way. Why would we want to turn our backs on that?"

Andrew Anderson, Young members' representative on UNISON NEC

Useful websites

Votes@16 www.votesat16.org

The League of Young Voters <http://www.leagueofyoungvoters.co.uk/>

Bite The Ballot <http://bitetheballot.co.uk/>

Retired and elderly

The elderly and retired increasingly use more social and health care and buy in services from others – whether it's elderly care, plumbing, cleaning etc. Within the EU continued freedom of movement for EU migrant labour, ensures that there is a workforce to provide these services. Whereas leaving the EU will restrict the supply

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of labour and affect the provision of these services which older people rely on. Health and social care services for the elderly will also be better protected and more affordable – see the NHS factsheet in the resources section of our website at unison.org.uk/EUvote

Older voters would be financially better off by staying in the EU as today's prices are based on our free trade with the EU and if that agreement collapsed, prices would be likely to rise. This would impact severely on pensioners as the more prices rise, the less they can buy with a fixed income.

“The history of the 20th century highlights why co-operation with our European neighbours is essential in maintaining peace, prosperity and human rights for all. Also, with an ageing UK population, we need migrant labour to ensure that the NHS and other essential services are fully staffed. Finally, we can show solidarity with workers across Europe in the proud tradition of our trade union movement. Unity is Strength!”

Rosie Macgregor, Chair of UNISON's National Retired Members' Committee

Women

For working women, the choice of remain or leave is starker still, as women have more to lose when working rights and equality protections are stripped from the workplace.

Britain's membership of the EU has led to significant improvements in the rights of women at work. EU law has extended rights to equal pay and strengthened protection from sex discrimination. It has improved the treatment of pregnant women and new mothers in the workplace and introduced new entitlements for parents to take time off. Many women also benefited from basic rights, like paid holiday, that were introduced at EU level – many of the two million workers who had no paid holiday before the Working Time Directive were part-time women.

This government has already made it clear that cutting what they see as burdens on business are high on their priorities. The “red tape” which protects women's rights will be cut, and along with it much of legislation which affords women equal opportunities in the workplace.

Even where women were still able to take a case, it is likely that any compensation awarded would be cut – Tory MPs and advisers have already indicated that they wish to limit payments.

Finally, women already struggle to balance their caring and family responsibilities with their employment. At EU level consultation is underway on a new package of rights to improve work/life balance, including proposals for carers' leave, flexible working and stronger protections from dismissal for new mothers. If we are out, women will not benefit from any of these protections.

“While Europe isn't perfect, it has provided women with safeguards that the Conservative government would destroy in a heartbeat. From the working time directive to improved maternity rights, the EU has provided improved protection for women. It's really important that everyone, but especially, women use their vote on

23 June to stay in the EU otherwise we will be saying good bye to hard won gains in the workplace and society.”

Davena Rankin, Chair UNISON National Women’s Committee

Lesbian, gay, bisexual, transgender (LGBT)

Much of our UK and Northern Ireland legislation on LGBT equality has been won by people taking cases to the EU court – the European Court of Justice (ECJ). It was the ECJ that made the landmark judgement in 1996 in favour of a British woman dismissed because she had undergone gender reassignment. This case established transgender rights at work – against UK government arguments at the time.

It was also because of the EU that we have sexual orientation protection. The UK government introduced our domestic law at the last possible time before an EU directive deadline. Even then, we had to challenge the UK government’s implementation of the directive, going to court to clarify that exemptions for religious organisations only apply to a very narrow range of jobs. And it has ruled that people in registered same-sex partnerships must have equal access to marital benefits.

“The European Union is a significant influence that advances LGBT equality in all European countries, including the UK. Our membership of the EU gives LGBT people in the UK a powerful voice against prejudice, discrimination and violence. The continuing fight for full LGBT equality relies on the EU when domestic legislation fails to protect us. Together we are stronger, remaining gives us membership of that collective voice for progress.”

Darienne Flemington, co-chair of the UNISON National LGBT Committee

Useful website:

LGBT Labour <http://www.lgbtlabour.org.uk/>

People with disabilities

A Brexit decision could have significant consequences for disabled people, yet very little has so far been made available publicly about the potential impact of the vote on the estimated 12 million people with a limiting long term illness, impairment or disability who live in the UK.

EU directives and regulations have improved disabled people’s protection from discrimination and what is particularly worrying is that there are significant pieces of legislation that affect disabled people which could be scrapped if the UK left the EU. Over 300 pieces of EU legislation are aimed at improving disabled people’s lives, including legal requirements for transport and workplaces to be accessible, and for countries to recognise their national sign language as an official language.

Disabled people in the UK currently have recourse to the ECJ to defend their rights. By remaining in the EU disabled people can continue to use existing EU frameworks and directives to continually challenge the UK government’s unfair welfare reforms and disability cuts.

Disabled people also benefit from significant protection from the Human Rights Act and a vote to leave the European Union may increase the likelihood that the

government would push to overturn this legislation, making it even more difficult for disabled people to tackle discrimination.

UNISON disabled members say that a vote to remain is a vote to support their hard-won protections of their rights

Useful websites:

TUC [‘Disability rights risks of Brexit’](#)

Papworth Trust [‘The EU and disabled people’](#)

Black people

Around 30% of the four million black people eligible to vote in the UK are not yet on the electoral register, compared to around 15% of the overall voting population.

UNISON believes that these potential voters could easily decide one of the biggest questions of the last three decades - whether we remain in the EU or leave. Black voices and perspectives need to be part of the EU debate to encourage these communities to vote.

This is demonstrated by a recent You Gov Poll 22 May, commissioned by Hope not Hate, which showed that ‘black and minority ethnic’ young people were slightly more sceptical about the EU than their white counterparts: just under half (47%) said that they would vote to Remain, compared to 53% of white counterparts. 28% said that they didn’t know how they would vote, almost twice the number of white voters.

UNISON is campaigning for black members to register and vote.

We also want to ensure that there is more inclusivity in the debate for black voters who are being put off engaging by the negativity of some sides who are focussing just on migration rather than other positive factors for Black communities to hear and discuss.

“The EU has helped to shape the UK’s current anti race discrimination legislation. The referendum will mark a significant change in UK politics and the choice we make will affect us all. Black voices matter in this debate. Vote to remain and ensure our equality agenda continues to progress.”

Margaret Greer, chair of National Black Members Committee

Useful websites

UKREN <http://www.ukren.org>

Operation Black Vote <http://www.obv.org.uk>

EU migrant workers

As the EU referendum debate has become more toxic, migrant workers have once again been forced to bear the brunt of political rhetoric around immigration. Already, attacks on migrant workers’ rights has led to their increasing vulnerability to unscrupulous employers and has created a race to the bottom which further inflames tensions within sectors of the labour market. UNISON believes this helps no one, and heated political rhetoric against migrant workers that does not address the real

problems of indigenous workers simply raises expectations which are not met and feeds distrust of all politicians.

Key facts

The impact of EU membership on public services jobs and pay

Leave campaigners say that EU migration places a strain on the NHS and other public services.

The key facts are:

- Workers from other European countries make a huge contribution to staffing the NHS and other public services. CIPFA have pointed out that 10% of all NHS and social care professionals come from other European countries. Without them services would be stretched to breaking point
- Migrants from Europe contribute billions to public finances - HMRC and OBR show that they pay in more than they take out. The greatest pressures on public services are caused by austerity and its impact on economic performance and the government's overall priorities on taxation and expenditure - not immigrants
- Membership of the European Union is a two-way street. So while it is the case that migrants from other European countries have access to services in the UK, it also has to be acknowledged that millions of UK citizens living and working in other EU countries have equal access to services in the countries in which they reside. We all have the right to live and work in other EU countries.

Leave campaigners say that EU migrants are taking British jobs and keeping wages low.

The key facts are:

- While the number of EU migrants working in the UK has grown, so has the overall number of jobs. The Office of National Statistics show that although the number of EU workers in Britain has risen by 700,000 since 2013, they are outnumbered by the extra one million Britons who have gone into employment in the same period. The number of British citizens working in the UK labour force is now at the near-record level of 28 million. That compares with three million foreign nationals
- Studies show that areas of the UK with large increases in EU immigration did not suffer greater falls in the jobs and pay of UK-born workers. The big falls in wages after 2008 are due to the global financial crisis and a weak economic recovery, not immigration
- While some studies have shown a small negative effect of migration on the wages of low-skilled workers in certain sectors in certain parts of the country, particularly care workers, shop assistants, and restaurant and bar workers, this is because of unscrupulous employers and, in the case of social care, callous spending cuts by the government

Useful website:

Hope not Hate: <http://www.hopenothate.org.uk/who-we-are/>

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.