**BPIF Summary of Technical Notice published by the Department for Exiting the European Union**

**Workplace rights**

The Government states that it firmly believes in the importance of strong labour protections and that amendments being put in place will ensure legal certainty and clarity for stakeholders on their responsibilities and rights.

**Current situation**

The workplace rights and protections covered in this notice come from EU law and include the following:

* The [Working Time Regulations](http://www.legislation.gov.uk/uksi/1998/1833/contents/made), which include provisions for annual leave, holiday pay and rest breaks.
* Family leave entitlements, including maternity and parental leave.
* Certain requirements to protect the health and safety of workers.
* Legislation to prevent and remedy discrimination and harassment based on sex, age, disability, sexual orientation, religion or belief, and race or ethnic origin in the workplace, and any resulting victimisation
* The [TUPE regulations](https://www.gov.uk/transfers-takeovers/transfers-of-employment-contracts), protecting workers’ rights in certain situations when there is a transfer of business or contracts from one organisation to another.
* Protections for agency workers and workers posted to the UK from EU states.
* Legislation to cover employment protection of part-time, fixed-term and young workers; information and consultation rights for workers, including for collective redundancies.
* Legislation covering insolvency referred to in the Employment Rights Act 1996 and Pension Schemes Act 1993, administering redundancy related payments to employees in case of insolvency.

**After 29 March 2019 if there’s ‘no deal’**

The EU (Withdrawal) Act 2018 brings across the powers from EU Directives. This means that workers in the UK will continue to be entitled to the rights they have under UK law, covering those aspects which come from EU law (including those listed above except where caveated below). Domestic legislation already exceeds EU-required levels of employment protections in a number of ways. The government will make small amendments to the language of workplace legislation to ensure the existing regulations reflect the UK is no longer an EU country. These amendments will not change existing policy. This will provide legal certainty, allowing for a smooth transition from the day of EU exit, and will ensure that employment rights remain unchanged, including the employment rights of those working in the UK on a temporary basis, except where set out below.

**Impacts would include:**

In a ‘no deal’ scenario, there are no expected financial implications or impacts for citizens or businesses operating in the UK (whether UK or EU-based) in regard to workplace rights. There are some implications in relation to European Works Councils and the insolvency of some employers.

**Actions for businesses to take:**

**UK and EU employees working in an EU country:** Employees should make themselves aware of the relevant implementing legislation in the EU country in which they work, to confirm whether they will still be protected under the national guarantee fund established in that country.

**UK businesses and trade unions:** UK businesses with European Works Councils, and trade unions that are parties to European Works Council agreements, may need to review those agreements in light of there no longer being reciprocal arrangements between the UK and the EU.

**More information**

For further information about the EU (Withdrawal) Act and the statutory instruments for workplace rights please see the below:

* [Employment Rights Cover Note](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666440/Employment_SIs_Cover_Note_.pdf)
* [Affirmative Employment Rights SI](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666448/The_Employment_Rights__Amendment___EU_Exit___No._2__Regulations_2018.pdf)
* [Negative Employment Rights SI](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666442/The_Employment_Rights__Amendment___EU_Exit__Regulations_2018_and_The_Employment_Rights_.pdf)
* [Health and Safety SI](https://www.gov.uk/eu-withdrawal-act-2018-statutory-instruments/the-health-and-safety-amendment-eu-exit-regulations-2018)