

# Sunsetting EU laws risks rights of more than 8.6 million UK workers, think tank warns

January 10 2023

---



Credit: Unsplash/CC0 Public Domain

Government plans to rush the "sunsetting" of EU laws by the end of 2023 will put the rights and protections of more than 8.6 million UK workers at risk, the Work Foundation warns.

New analysis from the Work Foundation at Lancaster University reveals that workers on part-time, fixed-term or agency worker contracts will be most at risk if the government presses ahead with post-Brexit plans to amend, replace or scrap by 31 December thousands of pieces of retained EU Law without greater parliamentary scrutiny.

Working time directives and entitlement to paid holidays are among the regulations that could be weakened as a result of the Retained EU Law (Revocation and Reform) Bill 2022, as well as laws that ensure people in insecure work—including agency workers, part-time workers and those on fixed-term contracts—are not treated unfairly when compared to their peers in full-time or permanent employment.

## **Part-time workers**

A new Work Foundation briefing, published today, shows that 8.2 million [part-time workers](#) in the UK fall into the most at-risk category—with women more vulnerable than men. In the UK, 72% of part time workers are women, whereas only 40% of full-time UK workers are women.

The current Part-time Workers (Prevention of Less Favorable Treatment) Regulations 2000 protects this large, part-time workforce from not being any worse off than [full-time](#) worker equivalents. Without this retained EU legislation, they could be treated differently than peers when it comes to:

- Pay and leave—including for holiday, sickness absence, maternity, paternity, adoption and shared parental leave
- Pension opportunities and benefits
- Training and career development
- Promotions, career breaks and job transfers
- Redundancy selection and pay

## **Workers on fixed-term contracts**

The three quarters of a million workers on fixed term contracts in the UK (56% are women) are also amongst the most vulnerable, and would face an [uncertain future](#) without protection from the EU-derived Fixed-Term Employees (Prevention of Less Favorable Treatment) Regulations 2002.

This important piece of legislation helps employees to insist that their fixed-term contract is converted into a permanent one in certain circumstances—and has led to significant improvements in pay and conditions with better access to workplace pensions for many temporary staff in the UK, according to the TUC.

## **Agency workers**

There are nearly three quarters of a million agency workers currently in the UK and they are the third group that will be most impacted by the Retained EU Law Bill. Of these workers, nearly a third work part-time and 28,000 are on a fixed-term contract—so also have protection from part-time and fixed-contract regulations derived from the EU. They also have the Agency Workers Regulations 2010, which could be lost at the end of this year, and provide agency workers with the right to the same "basic working and employment conditions" as direct employees.

Ben Harrison, Director of the Work Foundation at Lancaster University, said, "UK workers are already facing the worst cost of living squeeze in generations and the prospect of rising unemployment. The last thing millions need is a year of uncertainty in relation to their basic employment rights—but that is exactly what the Government's current approach to integrating EU regulations into UK law provides.

"Women are likely to bear the brunt of this additional anxiety as they make up the majority of part-time, fixed-contract and agency work. [Work Foundation analysis](#) has already shown that women are nearly twice as likely to be in severely insecure work as men, and the situation worsens for mothers, disabled women and women from Black, Pakistani and Bangladeshi backgrounds.

"Determining the future of such crucial protections to an arbitrary political deadline, alongside thousands of other regulations, creates significant instability and risks there being unintended consequences for workers and employers across the UK.

"The irony is that these regulations do need to be improved, and this government had previously committed to a new employment bill during this Parliament in order to deliver on pledges to strengthen worker rights post-Brexit.

"While it is entirely to be expected that the UK would begin to diverge from EU regulations and policies over time in the aftermath of Brexit, rushing such changes through only serves to increase the anxiety and uncertainty faced by millions of workers in 2023."

Many fundamental workers' rights embedded in UK legislation originate from the EU. Some of the rights that could be lost or diluted by the bill at the end of this year include:

- Holiday pay
- Protection of pregnant workers, and rights to maternity and parental leave
- Rights relating to working time, including rights to daily and weekly rest, maximum weekly working time, paid annual leave and measures to protect night workers
- Protection of [part-time](#) and fixed-term workers

- Agency worker rights
- Data protection rights
- Protections of terms and conditions for workers whose employment is transferred to another employer
- Collective consultation with [worker](#) representatives when redundancies are proposed
- Protection of workers' rights on the insolvency of their employer
- Rights to a written statement of terms and conditions.

"In addition to the thousands of EU regulations that could face their 'sunset' in December without consultation, there is additional UK employment legislation which is likely to be affected," Ben Harrison continues.

"Take the Equality Act, for example. It doesn't originate from the EU, but cases have so far been determined on the basis of EU decision-making. So, even though the Equality Act will remain, its interpretation and application will no longer have to consider EU practice. This means we could see different decisions made around cases to close the gender pay gap, for example.

"The intricacies of all these issues need careful consideration and extensive consultation."

The Work Foundation says the EU Bill will affect "too many people's lives and employers' fortunes" and calls upon government to deliver the promised employment bill and enhance workplace protections, bringing UK workplaces into the 21st century. It says sick pay, enforcement of rights, flexible working and other family friendly policies all need to be improved.

Commenting on the Retained EU Law (Revocation and Reform) Bill 2022, TUC General Secretary Paul Nowak said, "This bill is a recipe for

chaos. Rights and protections that workers fought hard for could be swept away at the stroke of midnight on 1 January 2024. Ministers are rocking the foundations underpinning vital workplace rights—like holiday pay, safe working hours and protection from discrimination. And they are endangering vital consumer and environmental protections too. This bill must be withdrawn before lasting damage is done."

**More information:** The briefing, "A year of uncertainty: The Retained EU Law Bill 2022 and UK workers' rights" is available on the Work Foundation website: <https://www.lancaster.ac.uk/work-foundation/publications/a-year-of-uncertainty>

Provided by Lancaster University

Citation: Sunsetting EU laws risks rights of more than 8.6 million UK workers, think tank warns (2023, January 10) retrieved 24 May 2024 from <https://phys.org/news/2023-01-sunsetting-eu-laws-rights-million.html>

<p>This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.</p>
--