



Implications of Brexit on employment law in UK (20.05.2020)

After valuable negotiation time has been lost due to covid-19, on the 20th of April of 2020 the EU and UK restarted their meetings. And it initially seems that they are not finding common grounds in which to build a solid withdrawal agreement.

The transition period, in which the current rules on trade, travel and business for the UK and EU continue applying, will expire at the end of this year. As the British prime minister, Boris Johnson, refused to extend the negotiation period. All this suggests that in absence of rapprochement between the parties, on the 31st of December the transition period will be over and the UK will be faced with a no-deal scenario.

Nevertheless, there is still hope in reaching a basic consensus between the EU and UK to avoid short-term disruption (for example in relation to ongoing trade procedures and judicial proceedings) by clarifying what will happen when EU rules stop applying to the UK.

With regard to employment law, the possible scenarios draw similar outcomes. It must be beard in mind that a significant amount of UK's employment law originates from the EU including discrimination rights, collective consultation obligations, transfer of undertakings regulations, family leave, working time regulations and duties to agency workers. All of which have been incorporated into UK law as primary and secondary legislation, as well as European Court of Justice (ECJ) case law.

This is acknowledged by both parties and that is why the White Paper on the future UK-EU relationship, published on 12 July 2018, suggested that the UK and the EU commit to the non-regression of employment law standards and to uphold their obligations that derive from their International Labour Organization commitments. Also, on 6 March 2019, the British

government published a *Policy paper, Protecting and enhancing worker rights after the UK withdrawal from the European Union* in which it committed to ensure that UK workers' rights remain aligned with EU employment protection even after the UK's withdrawal.

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