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Protecting Health and Safety after the Brexit

Protecting rights – building unions

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Post-Brexit

- UK relationship with EU will be outcome from negotiations.
- Many Tories and employers say they want access to **internal market but not to “free movement” or regulations on protection.** Theresa May stated she will **not agree free movement.”**
- Most EU states and Commission saying that the internal market requires countries to sign up to all aspects of the market, goods, capital, services, people.
- **UK unlikely to be part of TTIP but will we have “Son of TTIP”?**
- Not sensible to speculate on the outcome, but to instead try to ensure that we protect workers rights in any model.

What happens now?

- Nothing formal can happen until UK Government gives formal notice (Article 50)
- Government says it will not give notice until next year (very possibly even longer)
- TUC does not want an early triggering of Article 50.
- Two years from then before withdrawal (can be extended)
- In meanwhile all existing regulations apply
- Unclear what role the UK will be able to play during the notice period. Will be members of Advisory Committee and Bilbao Agency.

During the campaign

- Both sides said they wanted to keep all employment rights but some on the “out” side broke ranks.
 - Boris Johnson – “We should go into those [EU] renegotiations with a clear agenda: to root out the nonsense of the social chapter – the working time directive and the atypical work directive and other job-destroying regulations”
 - John Redwood – “social chapter opt-out”
 - Priti Patel – “half the cost of social and employment legislation”
 - Chris Grayling - calls H&S laws “red tape”
 - Michael Gove - “battery of job-destroying European measures from the Working Time Directive, to the varied provisions of the social chapter.”
- Three of these now in the Theresa May cabinet.
- However **workers’ rights and health and safety did not feature** much in debate despite TUC efforts.
- Businesses and their organisations overwhelmingly supported the “in” campaign showing that the idea that British business believes that they are over-regulated by the EU is a myth.

Since the campaign

- David Davies said “regulation already in place will stay **for the moment**, but the flood of new regulation from Europe will be halted.”
- Boris Johnson said withdrawal from the EU gives the UK a “glorious opportunity to set its own laws”.
- Many in new Cabinet are strongly anti-worker and anti-regulatory.
- In the short term may be reluctant to move on health and safety and employment rights – **Davis Davies also said “The great British industrial working classes voted overwhelmingly for Brexit. I am not at all attracted by the idea of rewarding them by cutting their rights.”**
- However, post-Brexit we will have no guarantees and no legal protection from cuts in regulation, unless we have a similar relationship as Norway.

What regulations are at risk?

- Will depend on final agreement with EU.
- Current government agenda limited but includes DSE, WTD, CDM (domestic clients), optical radiation and chemical directives. Also want to remove risk assessment requirements from more small businesses.
- But that list was drawn up as a shopping list for change within the EU. Outside the EU other changes are possible.
- Likely targets will be safety reps and consultation, PPE regulations, temporary workers.
- Will be difficult to withdraw from REACH (chemicals). However there is a current HSE review of other chemical regs.
- ILO conventions will still apply (where ratified)
- Will be more reliant on international standards (ISO45001)

Also will not gain from EU improvements

- During the period there will be a full evaluation of all of the H&S directives by EU with little UK involvement.
- There are current recommendations for new action on stress and MSDs at EU level.
- New EU exposure limits on carcinogens will not apply automatically in UK, or the REACH improvements.
- UK Trade Unions will certainly have no say in EU negotiations on H&S, even if new regulations do apply.

Action plan on health and safety

- New TUC campaign on protecting workers rights
- Renew campaign for UK to ratify all ILO labour conventions on H&S
- Work with groups like Hate not Hope on ensuring that BME and migrant workers are protected from abuse and violence at work.
- Revisit and intensify work on core issues such as stress, carcinogens etc.
- Must keep links with fellow Trade unionists through ETUC and ITUC,
- Continue H&S organising campaign
- Use the rights we have.