

AdviserPlus HR

Employment Law Update – Brexit

May 2019

As we approach June 2019 Brexit remains a major talking point as business owners want to understand the affects it may have on their organisation's day to day business and how it may affect their current or potential employees.

When we consider this, it is important to understand the impact (if any) leaving the EU could have on employment law in the UK and how that is interpreted in your organisation.

Current EU Law

When we consider current UK employment laws that are derived from EU legislation and/or EU case law there is some important rights which apply to UK employers such as:

- **Working time Regulations e.g. holiday, breaks and working week**
- **Discrimination**
- **Agency workers**
- **Health and safety**

Confusion may be caused when businesses are considering what will happen to this legislation with the impending Brexit but businesses can rest easy as regardless of whether there is a deal or not, the European Union (Withdrawal) Act 2018 (EUWA) EUWA means that workers will still have the rights that are derived from EU law.

The impact on UK employment law

Although there are minimal changes to the actual legislation it does not mean that there will be no affects as we exit the EU. Concerns in relation EU citizens right to work led to the temporary transitional rules will apply between 30 March 2019 and 31 December 2020 cited in March's employment law update.

This temporary transition means EU citizens may stay for up to 3 months without a visa and are permitted to study/work. Those wanting to stay longer will be able to apply for a non-extendable three-year visa which will permit study/work.

After the transition period, all visa applications will fall under the new skills-based immigration system which is planned to take effect from 1 January 2021 and will be applied equally to EU and non-EU nationals.

Once the UK leaves the EU we will then be no longer bound by EU laws and any future government could decide to reform legislation. In particular potential changes to agency work, TUPE and compensation limits to discrimination although this is not certain it will be important to bear in mind to avoid non-compliance.

Other Considerations

Consideration of recruitment strategy may be prevalent with the imminent Brexit. The number of EU nationals coming to UK has been decreasing and as such may impact some businesses recruitment. Best practice is to understand what your business needs are and create strategy to lessen the impact.