



# Taking back control: Brexit in the Workplace

The role of Unite in meeting the industrial  
impact of Brexit



October 2019

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### Foreword: trade unionists are not bystanders to Brexit

Three years on from the 2016 referendum and no shortage of ink has been spilt on the political crisis the result unleashed. Yet, any attempt to follow events in the media has all too often been reduced to the soundbites, egos and arcane procedures which make up the three-ring circus of parliamentary politics.

What about working people? After all, when the political parlour games end and a final settlement is reached between the UK and the European Union with all that entails, the first place the majority of people will experience it will be at work.

That's as true for haulage drivers and automotive workers as it is for aerospace engineers, cabin crews, radiographers, printers, bus drivers, council workers, and every one of Unite's 1.3 million members.

For the first time this research reveals the industrial impact of Brexit in British workplaces. It identifies the issues Brexit has created, those it has accelerated and those it has only obscured.

It is immediately clear that rather than being a short-lived symptom of the political crisis, uncertainty has become its main feature. We are seeing that playing out in investment decisions and at the bargaining table, especially in manufacturing, and it is reaching a crescendo as the Government threatens a reckless no deal Brexit.

In spite of this, Unite convenors, shop stewards and workplace reps across every sector are working flat out to protect members. With good employers that can mean reaching an understanding before Brexit that working rights will be protected in our collective agreements. With others it means using our collective strength to face down opportunistic attacks on pay or our bargaining rights.

Brexit cannot be something which will just happen to us or be imposed from above. How it is experienced is something we can and must proactively shape, irrespective of the attempts to divide us. Above all else the findings show that unity on the everyday industrial questions that matter to working people triumphs over the politics of division.

Politically Unite has held the line that we will not support a Tory Brexit and we never accept the devastating folly of leaving the EU without the necessary provisions or deal in place. We will retain all options to prevent those outcomes. Unite has pledged to support a Brexit deal if it meets our terms and to secure a general election with the prospect of a Jeremy Corbyn-led Labour Government. Such a government would usher in fundamental changes and address the problems which led to the 2016 vote in the first place.

All Unite members reading this can be proud that up and down the country our reps are proving that being active in our union can make every difference. Whatever form Brexit may end up taking and whatever settlement is reached, Unite is demonstrating that the first line of protection for working people is always within their union.

A handwritten signature in black ink that reads "Len McCluskey". The signature is written in a cursive, slightly slanted style.

**Len McCluskey**  
Unite General Secretary

### Executive summary and key findings

- This report on the industrial impact of Brexit is based on **50 in-depth semi-structured interviews with Unite workplace representatives** (reps) across all 19 of the union's industrial sectors, and all UK regions and devolved countries.
- **Brexit uncertainty is an issue that has affected almost all the interviewed reps.** Employers have played a very negative role in this. For example, **only 36% of the reps interviewed for this project reported that their employer had communicated any sort of position on Brexit.**
- **60% of Unite workplace representatives interviewed report having been directly affected by at least one issue linked to Brexit. 34% believe that their employer is using Brexit opportunistically, with another 10% reporting a direct impact of Brexit which they did not attribute to opportunism.**
- **Examples of employer opportunism include using Brexit uncertainty to cast doubt on future pay deals, to delay pay negotiations** (in some cases indefinitely), **offer a reduced pay deal, to increase agency workers over full time employment, or to suggest that they will remove Unite reps' involvement in European Works Councils (EWCs) should Brexit go ahead.**
- **Some employers – particularly in manufacturing – have fuelled anxiety amongst workers with threats and warnings of withdrawing their investment in the event of the UK leaving the EU without a satisfactory deal.**
- **The main concern for reps was overwhelmingly the impact on jobs caused by disruption to industry (46%) followed by workers' rights (22%), safety regulations (8%) and the rise in racism (8%).**
- **Frontline reps are actively demonstrating the 'Unite premium' with 60% of reps taking some form of action to mitigate the industrial impact of Brexit. Of these, over a quarter (28%) have mobilised their members to secure an agreement that either defends (16%) or improves (12%) their existing pay and conditions.**
- **Unite's Workplace Brexit Agreement Template has been an essential tool for reps to gain clarity on their employer's attitude to Brexit.**
- **20% of reps interviewed have used the union's Workplace Brexit Agreement Template to secure assurances from their employer that their existing workers' rights and industrial relations agreements will stay in place after Brexit.**
- **Precarious workers have also been impacted.** Reps gave examples of agency staff being laid off and EU nationals returning to their home countries, both as a result of Brexit uncertainty.
- There is **growing sense of frustration and 'Brexit fatigue' among reps – both leavers and remainers – that Brexit shows no imminent signs of being resolved, is prolonging uncertainty and has distracted from other key issues (such as austerity).**
- This report demonstrates the **importance of treating Brexit as a collective bargaining issue** as the way of overcoming Brexit fatigue and fatalism which is proving divisive in workplaces.

### Introduction

What does Brexit mean for working people? How have three years of uncertainty impacted workplaces across Britain? What are workers saying about Brexit when given time and space to speak for themselves? These are the three most overlooked questions in the public debate over Brexit and Britain's departure from the European Union. This project recognises that Unite members are in a unique position to answer them.

Disenfranchisement was a central issue of the referendum, but three years of uncertainty has led to division, frustration and fatigue which combine to further disempower workers. This study will show that by recognising Brexit as a collective bargaining issue, workers can genuinely take back control and shape Brexit where it matters: at work.

A central part of Unite's ongoing research into the industrial impact of Brexit, this project has been conducted in an unprecedented period of political and economic uncertainty for Unite members and workers throughout the UK more generally.

Unite has been at the forefront of the union movement in responding to Brexit. This has included sector-by-sector analysis, reaffirming links with trade unions and federations in Europe, opening discussions with trade bodies and providing resources for frontline shop stewards.

Over three years on from the Brexit referendum the final outcome remains unknown, but it is overwhelmingly clear that this uncertainty is being handed down to working people. At worst this comes in the form of threats to jobs or opportunistic attacks on pay and conditions. At best, Brexit obscures and accelerates existing industrial issues, such as austerity in the public services or the precariousness of migrant workers.

The political pantomime that quickly engulfed Brexit could not be more out of step with the experiences of working people. During this study the focus on the political machinations surrounding Brexit reached fever pitch, with failed meaningful votes, fraught international summits and the resignation of a Prime Minister; yet the overwhelming response has been an **increasing 'Brexit fatigue' among trade union members and representatives alike.**

This acute sense of dismay at the handling of Brexit by the government and others is reflected in the responses of the frontline reps interviewed in this study.

**Opposite is a word cloud of common adjectives used by interviewees** when discussing their current attitude towards Brexit:



## Introduction

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This research is based on **50 in-depth semi-structured interviews** with Unite workplace representatives (reps). The reps cover all 19 of the union's industrial sectors, and all UK regions and devolved countries. Reps ranged from workplace activists to Executive Council members, representing a broad spectrum of industrial experiences and political outlooks and, with 25% female and 8% BAME representation, can be considered representative of Unite's wider activist cadre in their sectors.

These interviews were conducted between February and June 2019 and form the basis of this report. The findings are however corroborated by an ongoing separate survey of around 22,000 Unite workplace reps and internal polling of nearly 2,000 Unite members in the Automotive and Service Industries sectors of the union.

Taken together, these data provide the clearest insight yet into how Brexit is playing out in workplaces across Britain and the attitudes and experiences of unionised workers. This allows us to demonstrate the importance of independent, democratic collective bargaining to meeting the industrial impact of Brexit.

A major finding, and a key theme of this research, is that against the backdrop of ongoing political crisis, **some employers – particularly in manufacturing – have fuelled anxiety amongst workers with threats and warnings of withdrawing their investment in the event of the UK leaving the EU without a satisfactory deal.**

Out of the 50 interviews conducted for this project **the main concern for reps was overwhelmingly the impact on jobs caused by disruption to industry (46%) followed by workers' rights (22%), safety regulations (8%) and the rise in racism (8%).** Other issues raised include the right to remain for migrant workers, the status of the Irish border and, for leavers, the possibility of a Second Referendum.

Though it may not be the reason for companies threatening to leave the UK, Brexit, and particularly the manner in which the Tories have handled the whole process has created such uncertainty that some employers may look to move elsewhere to protect their investments and profits, regardless of the consequences for their UK workforce. Indeed, according to a separate recent survey of reps, 10% reported some form of investment has been cancelled or postponed. This is divided into new contracts (22%), capital spending (37%) and staff (25%).

This research will focus on three key issues: Brexit uncertainty, employer opportunism, and industrial responses of Unite reps and members to Brexit.

**Brexit uncertainty is an issue that has affected almost all the interviewed reps in a general sense.** Even if some reps do not feel that their own job or sector is currently at risk because of Brexit, many still fear what impact Brexit will have on their sector in the future and the wider economy and jobs more broadly.

Employers have played a very negative role in this general feeling. For example, **only 36% of the reps interviewed for this project reported that their employer had communicated any sort of position on Brexit.** This is corroborated by a separate ongoing survey of Unite reps, which reports that of those who say that their employers have initiated contingency plans (45%), 29% are consulting with the union, while 43% are not.

Reps also reported that **Brexit has often merged with existing issues** – such as austerity in the public sector and restructuring and automation in the private sector – that has made it increasingly difficult to defend their members' pay, rights, terms and conditions.

This report will also highlight how **Brexit uncertainty is having an industrial impact on Unite members. 60% of**

**the reps interviewed have been directly affected by at least one issue linked to Brexit. 34% believe that their employer is using Brexit opportunistically, with another 10% reporting a direct impact of Brexit which they did not attribute to opportunism.** This is corroborated by 48% of Unite reps separately surveyed who claim to have seen a direct impact of Brexit in the workplace or identified Brexit opportunism by their employer.

**16% of reps interviewed are tackling issues where the impact of Brexit is uncertain or cannot be separated from other ongoing problems** (i.e. austerity, restructuring, pensions, automation).

The most important issues that have arisen in this study that are related to employer opportunism are attacks on pay and industrial relations. A number of employers have either **used Brexit uncertainty to cast doubt on future pay deals, delay pay negotiations (in some cases indefinitely), or offer a reduced pay deal.** Some employers have also used Brexit as an excuse to suggest that they **will remove Unite reps' involvement in European Works Councils (EWCs) should Brexit go ahead.**

Interviewees also reported that opportunism manifested as **attempts to offshore or cut employment, or increase agency workers over full time employment.** This is supported by a separate survey of 22,000 reps, which shows 13% of employers used Brexit to justify a low award, 3% have blocked reps from attending EWC meetings, 9% have used Brexit to offshore jobs, and 8% to cut jobs.

This opportunism is being resisted by Unite reps, however. At present, **60% of reps are taking some form of action to mitigate the industrial impact of Brexit. Of these, over a quarter (28%) have either mobilised their members to secure an agreement that defends their existing pay and conditions (16%) or have improved existing pay and conditions (12%).**

**20% of the Unite reps interviewed have used the union's Workplace Brexit Agreement Template to secure assurances from their employer that their existing workers' rights and industrial relations agreements will stay in place after Brexit,** highlighting the importance of reps taking a proactive approach to issues related to Brexit.

In addition to this, the union has successfully supported reps defending their places on EWCs irrespective of the outcome of Brexit.

The central aim of this project is to cut through the 'fog of Brexit,' analyse its industrial impact on Unite members and demonstrate the unique role of Unite reps and members in mitigating any negative impact.

As this report will show, **workers and trade unionists are not simply bystanders to the whims of big business and the government but can play an active role in the outcome of Brexit** even in sectors that are in the grip of uncertainty and employer opportunism. Therefore, the central message of this report is that the best way of opposing Brexit uncertainty and opportunism, and repairing divisions wrought by the referendum is by fighting to defend and improve pay, rights, and terms and conditions as a member of Unite.



### The impact of Brexit uncertainty

The issue of Brexit uncertainty was the most prevalent issue cited by reps throughout the study, regardless of whether they have been directly impacted by Brexit at this stage or not. It is an issue which pervades all sectors to varying degrees and which in many cases has merged with existing issues such as austerity, restructuring and automation. Many reps also pointed out that Brexit uncertainty has also framed discussions around pay and terms and conditions, even if the employer has not used it as a reason to attack Unite members at this stage. While other sections of this report will highlight examples of **employers 'weaponising' Brexit in many different ways**, the main focus of this section will be to analyse the extent to which Brexit uncertainty has had an industrial impact on Unite members.

#### Automotive sector

Unsurprisingly, the manufacturing sector has been the hardest hit by the uncertainty surrounding Brexit. Given the multinational nature of many employers, there are legitimate fears that a no-deal Brexit or a deal that raises tariffs or ruptures supply chains would allow employers the opportunity to justify moving elsewhere on the basis of competitiveness. Similarly, the multinational nature of manufacturing supply chains, with the need for access to EU markets have also made uncertainty a key issue.

Nowhere have these concerns been more pronounced than in the automotive sector. Ever since the result of the referendum in June 2016, the impact that Brexit could have on the sector has dominated news headlines, not least because of the decisions of Honda and Ford to move production out of the UK. Both employers have explicitly denied that Brexit was the reason behind their decision, but the news has deepened the concerns of automotive workers at production and supply chain sites nonetheless. In fact, such is the extent of this concern that a number of reps from other sectors (both manufacturing and non-manufacturing) cited the future of the UK automotive industry and the potential for huge job losses as one of their key concerns surrounding Brexit.

The biggest fear amongst automotive reps is the potential short and long-term effects of a no-deal Brexit:

*"Immediately we'd go to WTO rules, so we're potentially looking at a 10% hike on any tariffs... So, clearly that's going to impact on the members. So, are there potentially going to be job losses? Models being removed? We don't know; that's the uncertainty. But they'll have to pass the cost on somewhere. Our industry will be affected, whether it's internally or our suppliers." – **Unite Convenor, Automotive Sector, North East, Yorkshire and Humberside***

*"I think in the long-term - because there's only Jaguar Land Rover who are a British-based company - companies like BMW, Toyota, Mini, the Japanese companies, will look to move out of the UK and relocate in Europe where they will be able to move parts around without any tariffs, whereas if they stay in the UK then obviously there's going to be an issue with tariffs. So, that would be my concern, that a lot of the foreign nationals pull out, maybe not next year or the year after, but certainly in 5-10 years down the line." – **Unite Senior Rep, Automotive Sector, West Midlands***

At supply chain sites stockpiling has become more commonplace as employers prepare for a potential no-deal Brexit. In this situation some reps have sought to negotiate short-time working agreements that will cause both the members and the company as little disruption as possible. This is a clear example of Brexit having an industrial impact but not necessarily being used opportunistically by the employer at this stage. However, one rep also gave an example of 67 agency workers being let go as a result of a drop in their build programme, in part due to the company stockpiling vehicles in Europe in anticipation of a no-deal Brexit.



For some reps, uncertainty has overtaken the outcome of Brexit itself as their main concern. The extension of Article 50 – a pivotal political event which took place during the research period – was seen by some as an extension of uncertainty, in some cases exacerbating rather than resolving issues for reps at local level. In some cases, reps reported that their pay talks have effectively been suspended until a final Brexit deal is negotiated. On this basis, there is a **wider sense of 'Brexit fatigue'** among reps in the industry to which the extension of Article 50 has made a big contribution. Importantly, some reps have argued that the prolonged and indefinite uncertainty surrounding Brexit has allowed the employer to put pressure on Unite reps and frame current and future industrial relations.

*"I don't think the extension will change anything, so I wish they'd just got on with it whatever and we'd deal with whatever comes, at least then we'd know where we stood. But at the minute, although the company's not using it to batter us, they tell us lots of different scenarios and things we need to change: "pay is becoming an issue"; "Brexit will make us less competitive and we're struggling anyway"... So, although they're not battering us, they are giving subtle messages that they will be using it in the future."* – **Unite Deputy Convenor, Automotive Sector, North East, Yorkshire and Humberside**

It should also be pointed out the extension of Article 50 has created mixed feelings among Automotive reps which are linked to their political perspectives on Brexit. For example, in addition to the above frustration towards Article 50, some Automotive reps favoured its extension on the basis that it buys more time to prepare for Brexit, others wanted it revoked entirely or for a Second Referendum to be called, while one rep was deeply concerned with the impact that prolonged uncertainty could have on the union's ability to defend its members. This is an expression of the Brexit fatigue that exists among reps and members outside of the Automotive sector too and is based on the notion that as long as reps know where they stand they can move forward. Unfortunately, many reps also feel that this is increasingly hard to do in the current context of ongoing uncertainty.

In addition to the above, the issue of **future investment and the potential impact on pay** shows that some employers are considering using Brexit as a reason to attack Unite members in the future:

*"We had the Chief Executive over about two years ago, shortly after the referendum, and before the referendum the company had taken the decision to invest in the plant for new products. And when I spoke to him he said, "If we had known the result of Brexit then we wouldn't have invested the money that we did". So, those have been retrospective comments, but they've also said when we've gone into pay talks that "we can't progress your pay because of the uncertainty over JLR, Brexit, the slowdown in China etc etc". So, it's not being used as a single issue, but as one of several issues."* – **Unite Senior Rep, Automotive Sector, West Midlands**

As the above quote reveals, the sector is facing other issues that are separate from, but complicated by, Brexit. In particular, the government's desire to move away from diesel cars, the transition to electrification and the recent EU-Japan trade deal have also added to the uncertainty surrounding the industry since the referendum.

Despite overwhelming concerns about a no-deal Brexit and the many other issues facing the sector, amongst the five reps interviewed in the automotive sector (all of whom supported Remain in 2016), there is a general acceptance that a final deal that secured a customs union could see this impact mitigated:

*The customs union is probably the number one for us. If we get that, I think we will be OK... a bit of a hiccup, but we'll be fine."* – **Unite Convenor, Automotive Sector, East Midlands**

This attitude reflects the position, endorsed by Unite's 2018 policy conference, that if the UK is to leave the European Union it must be with a deal that puts jobs first by meeting a series of industrial test<sup>1</sup>. Paramount of these tests, as reflected by these interviews with automotive workers, is preventing disruption to 'Just in Time' supply chains which sustain jobs in assembly plants, components suppliers and the transport industries. Unite has called for this to be institutionalised in a customs union. It is perhaps unsurprising that interviews with manufacturing reps were unanimous on this point and that the majority of reps, including sectors beyond manufacturing, saw this demand as a corner stone of any alternative deal to that reached by Theresa May.

### Other sectors

Although the automotive sector has undoubtedly received the most media coverage in relation to Brexit uncertainty, the issue has also permeated other sectors including the public sector. In the public sector, the sense of Brexit fatigue is particularly high on the basis that it is a major distraction from the devastating effects of austerity:

*"With everything else that's going on around the massive cuts as the reason we're being restructured out of existence right now, [management] haven't mentioned Brexit to be honest. Whether it is or isn't anything to do with Brexit, it hasn't been cited as a reason."* – **Unite Professional Body Chair, Health Sector, North East, Yorkshire and Humberside**

*"With my work, we've got so many issues that are being neglected: people are poor; people have got no jobs; people have got nothing to aspire to. You've got zero-hour and temporary contracts. So, everything that we're dealing with at work is not on the political agenda because of Brexit taking over everything."* – **Unite Workplace Rep, Local Authorities, East Midlands**

However, while there is a definite sense that Brexit is distracting from (and also adding to) the central issue of austerity, reps in the NHS and local authorities have also noted the impact that a no-deal Brexit would have on their workplaces. In local authorities, for example, the impact of Brexit and austerity are directly linked on the basis of creating **further strain on already threadbare council services and the possible withdrawal of EU funding through the European Social Fund:**

*"I work in the youth and community sector and I see a lot of temporary contracts and at one stage we were completely EU-funded, so where is that funding going to come from? I think the demand for our services from the general public will increase massively and I see wages stagnating and more temporary contracts. My partner is on a zero-hour contract and he's a social worker – you wouldn't have believed that would be possible a couple of years ago. So, the consequences could be massive"* – **Unite Workplace Rep, Local Authorities, East Midlands**

In the **NHS** all the reps interviewed were concerned about the implications of a no-deal Brexit because of the impact it could have on the **public's access to medical supplies** (although it was also noted that shortages have been an issue prior to Brexit too) as well as the **potential for a fall in standards and regulation** and a rise in counterfeit medicines if existing supply chains are not maintained. Another major concern - which is already being played out to some extent – is the **possibility of EU nationals returning to Europe as a consequence of Brexit if the status of EU citizens is not resolved decisively.**

This issue is particularly pertinent in the NHS but has also begun to have an impact in other sectors that rely heavily on EU workers like Education, Civil Air Transport, Road Transport Commercial, Warehousing and Logistics (RTCW&L) and Food, Drink and Agriculture (FDA):

1: Unite Policy Conference: Brexit Statement <https://www.unitebrexitcheck.org/unite-policy-conference-2018-executive-statement-on-brexit/>

*"In the West Midlands where I work it's a pretty colourful area. We have about 50/50 Eastern European and Asian workforce – we have about 10 British people on the shop floor. So, just imagine having about 700 Eastern Europeans, most of them have a massive language barrier and this will probably push them back to their home countries. So, factories could close; job losses; the market will be destroyed etc. The Polish and Latvian workers are going home. They started about 6 or 7 months ago and they are still leaving, they said, "we don't need this"... They just don't feel safe anymore. They don't know what will come next, if they can keep their job, if they will need a work permit, and if they need a work permit they are not sure if they will be able to get it because of the language barrier and other issues." – **Unite Workplace Rep, FDA Sector, West Midlands***

Another issue related to the above is the **reported rise in hate crime** since the Brexit vote towards Unite members in public-facing roles. Some reps explain this as an expression of the myriad of frustrations surrounding Brexit and other issues (particularly austerity), while others feel that the increasing rise of right-wing and far-right forces has given those with racist, sexist and homophobic views greater confidence to express them.

Another big contributor to Brexit uncertainty for reps is the **potential impact on workers' rights**. This issue was highlighted by 22% of reps interviewed as a key reason for voting remain in the 2016 referendum. In particular, the benefits of the Working Time Directive were cited by a number of reps who work in sectors where long hours are commonplace, such as Docks, Rail, Ferries and Waterways (DRFW) and RTCW&L.

*"The first thing for me is protecting the workers' directives that we've got, because what I've said to our workforce is that we used to work a pretty poor shift pattern – around 51 hours a week when I started in the docks – and then the Working Time Directive came in we had something behind us to negotiate better shift patterns and we reduced our hours down to 42 hours a week. If that goes I don't think our company will go straight back to doing it, but there's a possibility... they could say that they need us to go back onto a more flexible shift pattern. And obviously you can fight that, but it's still better if you've got this directive behind you." – **Unite Convenor, DRFW Sector, South East***

Despite all of the above, it should also be noted that some reps have not seen any impact of Brexit in their workplace and do not foresee any insurmountable future problems should the UK leave the EU, even if they are concerned on a personal level. These reps often came from sectors that have little or no links with European markets or who constituted core national industries. Some reps in Graphical, Paper, Media and Information Technology (GPM&IT), RTCW&L and Chemicals, Pharmaceuticals, Process and Textiles (CPPT) also reported that members in their workplace have actually benefitted from Brexit in the short-term as a result of the changing exchange rate or stockpiling and the subsequent need for overtime. Similarly, a few reps also claimed to have received their best pay deal in years despite the general chaos that has accompanied Brexit.

The examples highlighted in this section exemplify the **uneven and combined impact of Brexit uncertainty at this stage**. Importantly, what is clear is that Brexit – despite the constant focus on it in the mainstream media - is far from the only issue facing Unite reps and members. In all cases where Brexit is argued to be having a real or potential impact, other issues such as austerity, automation, digitalisation and restructuring were also cited as having an impact on Unite members. In this respect, **being a member of a trade union still offers workers the best possibility of mitigating Brexit uncertainty and all other issues in their workplace**.

### Employer opportunism part 1: pay

Despite the fact that a final Brexit deal has not yet been negotiated, **44% of Unite reps interviewed reported a direct impact of Brexit or gave examples of their employer using Brexit opportunistically to reduce pay and terms and conditions.** This is corroborated by 48% of Unite reps surveyed separately who claim to have seen a direct impact of Brexit in the workplace or identified Brexit opportunism by their employer. Of the reps interviewed for this report who had yet to observe employer opportunism, many also believed that their employer would use Brexit as an opportunity to attack Unite members at some point in the future once the situation surrounding Brexit became clearer.

Examples of opportunism given during this study ranged greatly, showed no pattern of being restricted to particular sectors or grades and have often led to reps taking action to oppose their employer's approach. There is, however, **one central issue that employers have used to try and opportunistically attack Unite members on since the 2016 referendum: pay.**

Although Brexit has undoubtedly brought new challenges for reps in defending their members' interests, there was also a general sense among those interviewed that Brexit is simply another in a long list of issues that employers are willing to use to attack pay, terms and conditions. As one rep put it:

*"To be perfectly honest, this doesn't come as a surprise to us, because they will always have some metric or other to cite – even though the company generated a 50% increase in net profit last year – as a rationale for not giving us a decent pay rise, so it's kind of an open goal for them with the uncertainty and everything. But, if it wasn't Brexit it would be something else."* – **Unite Senior Rep, CPPT Sector, North West**

However, the uncertainty that Brexit has created has also led to some particular examples of employer opportunism. The first of these is employers attempting to delay pay talks until after Brexit is negotiated. Another strand of this issue is that some employers that have agreed to a pay increase for Unite members have also been very clear that the issue of pay will be revisited in the event of a no-deal Brexit or a deal that affected the company's ability to trade, further perpetuating uncertainty.

One of the clearest examples of an employer using Brexit as an excuse to delay pay talks came from an interview with a rep in a university in Unite's Education sector who highlighted how the employer did not want to conduct pay talks until after Brexit. After pressure from Unite to come to the table and offer a pay deal, the employer eventually offered a below inflation average pay 'increase' of 1.8% for one year. Furthermore, the deal itself is bottom-loaded, meaning that low paid workers would benefit more than those on higher grades. The rep also explained that the employer is merely complying with forthcoming living wage legislation and has cynically used this at the expense other workers' pay.

This kind of opportunism is being resisted by Unite and other unions on campus. As well as forcing the university to table an offer and discuss a way forward, as a result of the pay offer, all the campus unions are now holding a consultative ballot which is expected to deliver a mandate for industrial action from the members. This is a clear example of how Brexit opportunism can be opposed by proactively drawing on the industrial power of Unite members. As the rep explained:

*"We didn't want to link our pay discussions to Brexit, because to us it's immaterial. And the employers had the audacity to tell us that they couldn't give us a pay rise because all their expenses have gone up!" – Unite Workplace Rep, Education Sector, North East, Yorkshire and Humberside.*

Another issue mentioned by reps in other sectors is that **agency workers have been particularly affected by Brexit** in two ways. Firstly, reps gave examples of agency staff being laid off as a result of Brexit uncertainty. Secondly, a rep in the Energy and Utilities sector claimed that their employer had turned to agency labour to cut costs despite having already cut staff levels by 30% in the last two years and implementing a recruitment freeze.

Despite the prevailing uncertainty, reps in Civil Air Transport and Automotive have also highlighted how balloting members for action can play a key role in defending or improving pay and terms and conditions and negotiating a **'Brexit-busting' multi-year deal**. These kinds of agreements are a very concrete way of alleviating Brexit uncertainty in the workplace and also give members confidence that they can take action to mitigate its impact.

Another example of mobilising members to improve or defend pay in the context of Brexit came from a rep in the Passenger Transport sector. In their interview they explained that the union tabled a 5.25% pay increase (amounting to £10.20 an hour) for bus drivers which would give them parity with other depots in the area. The employer had only just avoided strike action in 2016 over the same issue and the drivers remain the lowest paid in the country for the company. The pay increase was based on the company's own claims that it had achieved a 7% increase in profit from last summer and could achieve a further 3% over the rest of the financial year. However, in spite of this, the company initially resisted the pay increase based on the rationale that:

*"They were under a legal obligation to pay shareholders from a position of profit and that any pay settlements were to be made strictly within the constraints of the budget... The central justification was that they couldn't project with any certainty in relation to revenue and whether Brexit would have a negative impact on the local economy" – Unite Workplace Rep, Passenger Transport Sector, South West*

This began a highly-charged process of negotiation which relied heavily on mobilising Unite members. As the rep went on to explain:

*"It was a very complex and tense situation. We wanted to produce detailed bulletins, so we could show the drivers how the management were shifting the figures at incremental points in the process that wasn't going to put money in their pockets... The idea was to try and get people engaged with the process, because we have a hardcore and we're the recognised union... [The company] had produced a letter to each and every driver with these forecasts with false figures not deducting National Insurance or tax... So, in the canteen meeting itself, I basically drove the message home that... we've got to move forward without the very real threat of industrial action. I gave an olive branch in the form of accepting our one-year deal, but I basically said that there was a big difference in this room between drivers who do not want to strike and drivers who are prepared to strike" – Unite Workplace Rep, Passenger Transport Sector, South West*

As a result of the threat of strike action, the company eventually capitulated and offered the one-year deal that the reps had fought for and which was unanimously accepted by the membership. Examples such as this show that despite the complications that Brexit has created, the fundamental principles of trade unionism and the power and leverage that members hold are still relevant.



A similar example, concerning a hostile, anti-union employer, was highlighted by a rep in the RTCW&L sector. The rep explains how negotiations went in their recent pay talks and how the company used Brexit as an excuse for attacking pay below:

*"Brexit was explicitly cited in the pay talks in April. The reps submitted a pay claim for slightly above inflation – bearing in mind that for the last 4-5 years their pay increases have been well below inflation. This pay claim worked out as inflation + 1%. The firm rejected that out of hand, it would've meant an increase of approximately 64p an hour... After several hours of talking about it they promptly offered 14p an hour on all the various rates...*

*They had a meeting around two weeks later and the company said, 'right, because of what we've heard from our customers and because of the huge uncertainty around Brexit we cannot offer 14p an hour, we're reducing that to 7p an hour'. That was not expected to say the least and to say the reps were angry would be putting it lightly...*

*The reps unanimously rejected it, didn't put it to the drivers and walked away... The drivers have shown their loyalty and commitment by taking lower rises in previous years despite the company making reasonable profits then too. But it's come to the stage where the drivers are not that far above the minimum wage on some rates which is not acceptable." – Unite Retired Member Rep, RTCW&L Sector, North East, Yorkshire and Humberside*

After the April pay talks the drivers were told by the company to accept the increase of 7p per hour for the rest of this pay year or they would receive nothing until October when the company expect Brexit to be negotiated. In response, the rep claimed that the company were told that they risk losing a significant number of drivers; the reply they received was "we'll take our chances!" The negotiations are now in deadlock and the company is refusing to meet with reps again until October. This is in spite of the company's own figures claiming that they've had a 23% profit increase over the last year amounting to around £35 million in total profit.

The above is a clear example of how some employers are prepared to use Brexit as an excuse to attack Unite members' pay and terms and conditions. Importantly, the company in question is notoriously anti-union and seeks to divide workers to maintain a very limited union recognition arrangement. Unionised drivers at this firm can be up to £10,000 a year better off than non-unionised workers; however, the company exploits the high turnover of staff to bring in agency and non-unionised 'core' workers, further diluting the bargaining group. The company often stretches legislation like the Working Time Directive to its absolute limits by putting pressure on drivers to accept extra hours, working an average of 63 hours a week. Naturally, the loss of unionised workers has had a major impact on the extent to which Unite reps can organise for industrial action. This case shows the intrinsic link between responding to Brexit and the need to strengthen collective bargaining through organising.

The examples highlighted in this section reveal that **despite the chaos surrounding Brexit mobilising Unite members against employer opportunism is not only possible but also the most effective way to defend and improve pay**. However, as the above example shows, strong workplace organisation and membership density (or the need for it) can also play a key role in determining how far Unite members can influence the impact of Brexit.



### Employer opportunism part 2: industrial relations

The **impact of Brexit uncertainty on industrial relations** has also been a key aspect of this study. This section will highlight examples of reps actively defending their existing industrial relations agreements – predominantly in the form of European Works Councils (EWCs) – by seeking an agreement with the employer that things will not change before or after Brexit. However, there are also some **examples of employers using Brexit as an excuse to attack or undermine existing agreements** – or at least hinting that they may do so in the future. These examples are in a minority at the moment but are important to raise given the potential for employer opportunism to increase in the event of a bad Brexit deal.

In some cases, **reps have also reported that their relationship with their employer is stronger than ever as both sides hold similar views on the impact of Brexit**, albeit with an understanding that this could change:

*“To be honest with you... we’ve always had a very, very good relationship with the employer for 20-odd years and actually it’s probably stronger than ever. But, later on there could be problems, because depending on what deal we end up with, we don’t know who’s going to pay for that, but I don’t think it’ll be the shareholders. So, if there’s a cost to pay for Brexit, that cost will have to come from somewhere and we will have to decide what’s important - jobs or terms and conditions. So, at present: absolutely rock-solid relationship. But we have to be aware that things could change, and Brexit could give us that” – Unite Convenor, Automotive Sector, East Midlands*

As the above quote shows, for some reps there is a feeling that their employers share a similar perspective on Brexit and simply want to limit its impact. However, **when asked whether their employer had actually communicated a position on Brexit, only 36% of reps said that they had. Of this 36%, the extent of communication varied significantly**, with some employers simply communicating that things will be ‘business as usual’, some putting forward a political position, and others offering advice and support. In addition to the interview data, Unite’s ongoing separate survey of reps also revealed that of those who say that their employers have started contingency plans (45%), 29% of reps report that they are consulting with the union, while 43% say they are not.

This **uncertainty and lack of communication has also extended to EU nationals** in some cases, as one rep from the FDA sector outlined:

*“The support has been quite poor I believe. We only had a small thing from a former HR member who put a notice on the noticeboard about if any employees need anything regarding paperwork, access to a PC, they could help. But this was on the smallest site we had with 150 people. Unfortunately, we have another site with 1200 people and they haven’t had anything from the employer” – Unite Workplace Rep, FDA Sector, West Midlands*

Given the uncertainty surrounding Brexit, **reps have understandably been proactive in mitigating further anxiety by negotiating a continuation of their existing EWC arrangements (where relevant)**. In fact, one rep in the Automotive sector included this and other Brexit-related issues in their pay claim which subsequently went back to members in a ballot:

*“Part of our claim was to do with Brexit – we had two items on there in the pay claim: one where the government said they were going to charge EU nationals £65 to carry on working in the UK... and the other one was that any rights or terms and conditions that had come about because of European legislation would still be in place and the company would still recognise after Brexit... Through Unite’s International Department we also got a standard agreement about*

*getting terms and conditions protected after Brexit that had come from Europe.*

*I also sit on the EWC and for the last 2 years since this has come about for our Works' Council Agreement to be amended to say that 'if any country leaves the EU, that the UK seat would still be valid on the EWC'. So far, we've had the central management of Europe say, 'there's no need to worry, we'll always recognise the UK as part of the EWC etc'. It's alright them saying that, but I've always insisted that we try and get it inserted" – **Unite Senior Rep, Automotive Sector, West Midlands***

Another anecdote from a rep in the steel industry also reveals how important it is to tie down (or seek to improve) current rights in the context of Brexit:

*"Our HR director popped in to see us to have a discussion about an EWC meeting that we'd just had, and he had a concern about some of the questions that were asked.... And then he said as an off-the-cuff comment, 'I don't think we'll need to worry about it after Brexit because we won't need an EWC then because we won't fall under that legislation anymore', at which point I pulled him up and pointed out that in the agreement that we struck with the company in 2016 there's a clause in there that specifically states that, following Brexit, it's agreed that we will continue to operate an EWC under European rules. So, I very quickly reminded him of that and it went quiet!" – **Unite Convenor, Engineering, Manufacturing and Steel Sector, North East, Yorkshire and Humberside***

This quote gives some insight into how employers may be thinking of attacking industrial relations after Brexit. The aerospace industry is a good case study of how the issue of industrial relations has been addressed in a number of different ways by employers within a single sector. Firstly, each of the four aerospace reps interviewed revealed very different experiences of mitigating the impact of Brexit. For example, one convenor revealed that:

*"In 2017 we got a deal which gave us 5 years job protection and investment in a new test facility which is going to cost £150m. So, in getting that deal in place that has provided a lot of security here which means that we won't see an impact for at least 5-10 years." – **Unite Convenor, Aerospace and Shipbuilding Sector, East Midlands***

It is worth emphasising that this kind of long-term, 'Brexit-busting' deal is unparalleled in the sector and manufacturing generally. However, there is also important context to this particular deal that is rooted in union power and solidarity:

*"I think we have strong unions and a good working relationship with the management. We have also built up a dispute fund of our own, so our members actually pay an extra pound a month into a dispute fund which allows us to take action where we can pay wages for people if they ever go on strike. Now, going back 5 years, we employed that tactic to get the company to come and talk to us about pensions, and that was the beginning of improving our relationship. So, we strategically took an area which was critical to the company which consisted of 600 people, and we balloted them to go out on strike with the knowledge of, if they went out on strike, the rest of the workforce would contribute money that would protect their wages. As a result of that, the company came and talked to us about pensions and we've moved on since then and have been working together much more closely" – **Unite Convenor, Aerospace and Shipbuilding Sector, East Midlands***

Examples such as this are a vital way in which to build the confidence of reps and workers to take action in the face of Brexit uncertainty.

Two further aerospace site convenors spoke of successfully negotiating with their employer to maintain UK representation on the company's EWC in the event of the UK leaving the EU. One spoke of the good working relationship that exists between the company and the union at Airbus, a company that has until recently been prevaricating over whether it will stay in the UK after Brexit. However, an important factor in this relationship is the extent to which Unite is organised at the site:

*"I have to say it was [an easy negotiation] because we're valued... We've got around 5,000 members on our site, so, apart from JLR at Solihull, we've probably got the biggest single site in terms of trade union members and we're the biggest union branch in Wales. We are highly represented, which is good for us because we're organised, and the company have to take us seriously."* – **Unite Convenor, Aerospace and Shipbuilding Sector, Wales**

However, in stark contrast to the above examples, the recent actions of another aerospace company reveal the clearest example of Brexit opportunism with regards to industrial relations reported so far. Due to a recent series of mergers, at present the company - a major aircraft components supplier - has union recognition in 4 out of 12 UK sites. In addition to refusing union recognition at the majority of its UK sites, the firm is also currently refusing to allow Unite to stay on the EWC in the event of the UK leaving the EU. As the Unite EWC rep points out, this is an attack on trade union rights that is directly linked to Brexit:

*"I have big concerns because we have this problem that the company do not want to include the UK in the EWC going forward. So, that poses a problem because we don't have access to information and consultation at European level. We don't currently have any national council set up because the company in the past have rejected it and we only have 4 out of 12 sites that actually have a recognised union."*

*What they have actually done is they've refused union recognition on a further two sites, including our large manufacturing site in Wales. And they've refused that union recognition since the Brexit referendum. So, the only form of social dialogue that we have that covers the whole of the UK is at the European level."*

*So, I see it as a direct attack on social dialogue for the UK, because without the inclusion in the EWC we really do have no way of fighting to keep those jobs in the UK and once the UK is out of the EWC the company do not have to inform or consult with anybody before they make any changes to the sites that are not union recognised".*

In addition:

*"IndustriAll<sup>2</sup> Europe got involved straight away, as did IndustriAll Global... [They] requested that the UK remain in the EWC and as part of the scope and also that the company address the fact that they don't want to work with trade unions any more in the UK. At the moment I don't think they've had a response ... So, what happened was that all the unions who pay into IndustriAll requested an emergency meeting with our CEO and as far as I'm aware we're now into week three with no response. So, it's having a huge impact, not just on the UK social dialogue but also for social dialogue for employees globally, of which there are 98,000."* – **Unite EWC Rep, Aerospace and Shipbuilding Sector, South West**

In response to this attack, Unite is requesting an information and consultation agreement with the company.

However, though the policy should only come into force if and when the UK leaves the EU, it has also been discovered that the company has not proactively informed or consulted the union or the EWC about Brexit-related

2: IndustriALL is the global trade union federation for manufacturing workers.

issues ever since the referendum result. Ultimately, under the guise of 'respecting the UK's decision to leave the EU', this company has used Brexit cynically as an excuse to carry out a clear attack on trade union rights.

In spite of the uncertainty that surrounds the aerospace sector and the potential for companies to opportunistically use Brexit as a stick to beat Unite reps and members with, Brexit also presents an opportunity for solidarity and organisation.

Despite the above, **the use of Unite's Workplace Brexit Agreement Template (see Appendix 2) has been an essential tool for reps to gain clarity on their employer's attitude to Brexit**, their willingness to maintain existing industrial relations institutions (such as EWCs) and whether they may seek to weaken pro-worker legislation post-Brexit. Though many reps have successfully won assurances from their employer that current industrial relations mechanisms and workers' rights will not be impacted by Brexit as a result of pushing the Brexit agreement, those that haven't won such assurances will now have a far clearer idea of their company's intentions and can prepare accordingly.

Nonetheless, the interviews revealed that there is potential for the *Workplace Brexit Agreement Template* to be used far more extensively. To date, **20% of the reps interviewed have tabled the agreement. Interestingly, out of this 20%, 14% have tabled the agreement despite not observing any employer opportunism.** This shows how reps have rightly been proactive in seeking to secure their existing rights. More worryingly, **however, 28% of the reps interviewed have identified employer opportunism but have not used the Brexit Agreement** as a tool to shore up their existing rights or to push the employer to take a position on their future rights.

In some cases, there have been legitimate reasons behind this, such as the union and employer both wanting to keep discussions about pay and rights separate or reps needing to focus on other pressing non-Brexit-related concerns such as pensions or restructuring.

In general, reps who were more involved in the trade union's democratic structures, from regional sector industrial committees to the Executive Council were more likely to be aware of the agreement – through regular use of the union's website or briefings by Unite departments. There remains a pressing need to promote resources such as the agreement to reps at the workplace level.

This section has highlighted the importance of taking a proactive industrial approach to Brexit to defend members' working' rights which will always be under threat irrespective of what kind of Brexit takes place.

### Uniting the workplace: the political and the industrial

The political turmoil and uncertainty of Brexit is polarising political opinion across Britain with workplaces being no exception. This section seeks to identify how Brexit division is playing out between trade union reps and members and if this presents a barrier to organising against employer opportunism or attempts by reps to prepare for Brexit.

In a trade union of Unite's size it is no surprise that both sides of the increasingly entrenched debate are reflected in both the activist reps and across the wider membership. As any division in the workplace threatens the strength of a union's collective bargaining, how to re-unite these divisions is a paramount concern.

#### Identifying division

Of the 50 interviews carried out for this study, which covered all industrial sectors, UK regions and devolved countries, it is notable that 90% of reps interviewed voted Remain in 2016. However, when asked for their one preferred outcome they now represent a range of opinions.

The **majority (90%) still identified themselves as 'pro-Remain', yet when asked for their preferred Brexit outcome the greatest proportion (38%) would accept leaving on the condition that a deal between the UK and EU is reached that meets Unite's tests.** This was very closely followed by calls to stop Brexit via another public vote (36%). A smaller proportion preferred a General Election over any Brexit outcome at all (although many supported a general election in addition to their preferred choice). A small minority shifted entirely to supporting 'no deal' to articulate frustration with the whole process

Interviewed reps' preferred Brexit outcome	% of interviewed reps
Leave with a Deal (including a Customs Union)	38%
Stop Brexit (2nd Ref or Vote on Deal)	36%
General Election	18%
Leave without a Deal	8%

A separate poll of 2,000 Unite members in the Automotive and Service Industries sectors also asked for preferred Brexit outcomes. In contrast to the 50 interviewed reps the data from members in these sectors shows a deepening polarisation.

Automotive and Service Industries members survey: preferred Brexit outcome	% of responses
I want Brexit sorted, without a deal	24%
I want Brexit sorted with a deal	20%
I want Brexit stopped	29%
I want a General Election	11%
My priority is what happens at work, not politics	13%
Other and don't know	3%



This separate survey shows that while **the largest proportion of Automotive and Service Industries members responding (44%) want Brexit sorted either with a deal (20%) or without a deal (24%), no single outcome commands a clear majority.** This 44% includes former Leave voters of which only a small percentage have changed their minds and those who continue to see themselves as Remain supporters but would conditionally accept leaving if the right settlement was reached. As previous sections have reported, most articulated these conditions as frictionless trade (through a customs union), protections for working rights and protections for migrant workers in the UK.

**The biggest contrast with the reps interviewed for this report is the rise of support for both stopping Brexit entirely and for leaving without a deal.** Support for the latter was predominantly found among former Leave voters but was also chosen by a small number of former Remain voters. Both of these results evidence the growing sense of frustration and Brexit fatigue.

One significant finding is that Brexit is no less divisive in the workplace than it is in the rest of society. Similarly, the uncertainty caused by the government's mishandling of Brexit is resulting in an ever-growing sense of Brexit fatigue. The research shows that reps must guard against Brexit fatigue deepening into fatalism as this could undermine the ability to recognise and respond to employer opportunism or proactively mitigate the impact of Brexit.

It is as a trade union that Unite is uniquely placed to form a united front against Brexit uncertainty with a clear agenda for a settlement in the interests of working people that can bring Leavers and Remainers together.

### Migrant Workers & Brexit

There is no doubt that concerns about the impact of the free movement of labour in Europe played a large part in the referendum result, particularly in working-class communities. The terms 'immigration' and 'migrant workers' often seem to be used interchangeably; but in this context Unite has argued that the question of migrant workers should be taken up on a class basis, with stronger workplace rights such as sectoral collective bargaining forming the solution.

As with Brexit, if not posed on such a class basis the issues of 'immigration' and migrant workers can undermine unity in the workplace.

In a separate survey, Unite members in the Automotive and Service industries sectors were polled on their voter preferences for 2016 and asked to identify their priority issue. Only 14% of leave voters selected 'immigration' as their main concern for 2016. For both sectors, which represent very different parts of the union membership in terms of demographics and regional spread, 'immigration' was the second priority issue behind repatriating legal authority to the UK (53%), which was expressed as either 'taking back control' or 'the UK should control its own laws.'

The most recent interviews conducted for this report reps have also suggested that 'immigration' declined as an issue among Unite members in their workplace. Similarly, when Leave voters in the Automotive and Service Industries sectors who selected 'immigration' as their main concern in 2016 were asked about their priority issue for 2019 'immigration' also fell.



These findings do not play down the importance of 'immigration' as an issue, the concerns of migrant workers, nor explain away the rise of hate crimes and incidents of racism which were reported in 2016 and subsequently by both members and reps.

What it does suggest is that for unionised workers who voted Leave, 'immigration' was not the decisive issue.

As the quote below exemplifies, to reduce the Leave vote to an anti-immigration vote is not only inaccurate and crude on the whole, but also fails to take account of the wider issues of austerity and political disenfranchisement:

"Immigration certainly was part of it, but I think if you dig down it was more... you've got to remember that the referendum happened about 7-8 years into austerity, so you're asking people who have essentially been kicked black and blue for the past 7 years a very open-ended question which is essentially, 'do you want the status quo, or do you want something different?'

*So, I don't think it's an irrational thing for those kind of people to say 'I want something different'... In terms of the establishment saying, 'right, we've got to vote for the status quo while we're cutting your services, benefits etc'. So, I personally think it's a complicated question as to why people voted to leave, and I don't think it was predominantly immigration... I suppose there is an anti-establishment element to it, but I really do think it was about 'what has the EU done for us?' – **Unite Senior Rep, CPPT Sector, North West***

The following section will demonstrate that despite the uncertainty and deepening frustrations an industrial approach to Brexit is the most effective way Unite reps have overcome division in the workplace.

### Unite reps' industrial responses

As outlined from the start of this report, the best way of uniting the workplace on issues surrounding Brexit is on an industrial basis. This section will highlight the extent to which Unite workplaces have been impacted by Brexit, how reps have responded to industrial issues raised by Brexit, what this means for the future and what improvements can be made.

To analyse how reps have responded to Brexit industrially, specific sections of the interview data have been categorised to develop an understanding of how far reps have been able to industrially mitigate the impact of Brexit at this stage. These categories are:

#### 1) Acknowledgement of employers' opportunistic use of Brexit uncertainty

- a. Yes – rep can give examples of their employers' opportunistic use of Brexit uncertainty to influence industrial relations.
- b. No – rep does not believe Brexit uncertainty is an issue or employer has yet to employ uncertainty as a tactic in their workplace.

#### 2) Industrial approach

- a. Negotiated an 'offensive agreement' – rep has improved existing pay, rights, terms and conditions, or industrial relations institutions.
- b. Negotiated a 'defensive agreement' – rep has defended existing pay, rights, terms and conditions, or industrial relations institutions.
- c. 'Wait and see' – rep has been unable or has not had an opportunity to act because Brexit is yet to impact their workplace or negotiations and consultations.

#### 3) Extent of mobilisation

- a. Reliance on members – rep has balloted members over issues affected by Brexit.
- b. Reliance on institutions – rep has relied on European Works Councils (EWCs) to defend or advance their members interests on issues linked to Brexit.
- c. Neither of the above – rep has been unable or has not had an opportunity to act because Brexit is yet to impact their workplace or negotiations and consultations.

#### 4) Use of Unite's model Brexit agreement

- a. Yes – rep has used Unite's model Brexit agreement to negotiate with or pressurise the employer to retain some or all existing agreements linked to EU membership that the union currently enjoys.
- b. No – rep is unaware of or has not used Unite's model Brexit agreement.



## Industrial responses

This breakdown of reps' industrial responses can also be presented as follows:

Industrial Category	Number of reps	% of reps
Static	20	40%
Pragmatic Defensive	23	46%
Proactive Offensive	7	14%

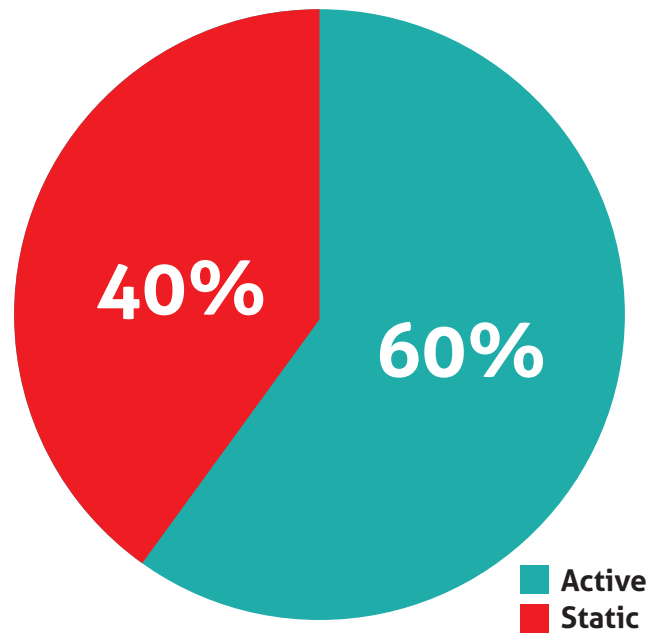
This means that **60% of reps interviewed are taking either 'pragmatic defensive' or 'proactive offensive' action to mitigate the industrial impact of Brexit.**

**Of this 60%, over a quarter (28%) have mobilised their members to secure an agreement that either defends (16%) or improves (12%) their existing pay and conditions. A further 14% of reps have tabled the Unite Workplace Brexit Agreement Template despite not observing any employer opportunism at this stage.**

It is also important to qualify some of these findings. There are four reasons why 40% of reps have not been directly impacted by Brexit at this stage.

Firstly, and most obviously, their sector may be less exposed to Brexit and there has been no genuine impact to date. Secondly, 16% of the reps who scored 0 either work for local authorities or the NHS and therefore conduct many of their negotiations nationally rather than locally. Thirdly, while reps may perceive that there has been no impact this may not be the full reality. It may be the case that in workplaces with lower density or without consultation agreements the employer has not been compelled to share active contingency plans or existing issues fall outside of the trade union's bargaining group. Fourthly, while 40% of reps have not been impacted by Brexit as yet, a large proportion of these same reps also feel that Brexit or the uncertainty around it will be used as an excuse to attack Unite members in the future.

As such, **if Brexit negotiations are concluded, the nature of that conclusion will almost certainly see the above picture change.** For example, in the event of a no-deal Brexit or further extensions of Article 50, it is likely a far greater number of reps will be engaged in 'defensive' actions as employers seek to mitigate the impact of Brexit at the expense of Unite members. Similarly, if a deal that protects jobs and workers' rights is negotiated it is possible that Unite reps could take a more 'offensive' stance to improve and solidify their members' situation having been through a period of extreme uncertainty.



Unite representatives' industrial responses to Brexit

## Industrial responses

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While political divisions continue to play out in the workplace, a separate survey of the attitudes of Unite members to both their union and their employer shows how closely aligned reps and members remain on industrial questions. Just as the majority of the industrial approaches of the interviewed reps detailed above were classified as either 'pragmatic defensive' or 'proactive offensive,' the majority of members (59%) could be categorised as having 'pragmatic defensive' attitudes and expectations while 18% could be categorised as 'proactive offensive'.

However, it should also be noted that due to the immense uncertainty surrounding Brexit elements of fatalism were prevalent in some reps' responses during interviews. As one rep put it: "*you can't prepare for Armageddon!*". Firstly, this attitude lags behind many employers who are 'preparing for Armageddon', often without informing or consulting workers.

Secondly, as evidenced on numerous occasions in this report already, many employers are not waiting for Brexit to start opportunistically attacking Unite members on pay, terms and conditions and rights but have done so from June 2016 onwards. It should therefore be a priority for Unite at all levels to prepare for 'life after Brexit' in whatever form that may take and develop an independent strategy to be able to respond to Brexit opportunism now and in the future.

As the above table shows one rep scored a composite score of 6 according to the analytical framework. What has this rep done to achieve this result and how might their example be used as a guide for other Unite reps?

The rep in question works for a supply chain company in the Automotive sector and as such is in the thick of the immense uncertainty facing the industry. As a reflection of this the rep supports Unite's Brexit position of maintaining a customs union with the rest of Europe and access to the single market as a means of protecting jobs. As is common in the sector, the rep voted Remain in 2016 but represents a membership they report overwhelmingly voted Leave.

The rep's employer has offered minimal communication with Unite reps within the company but has also claimed that things will be 'business as usual'. However, as mentioned previously (see section on Automotive sector), in private conversations with reps the employer has also said they regret investing further in the company as a result of Brexit. Furthermore, in pay talks immediately after the referendum the employer tabled a pay offer of 0% and recent talks have been put on hold until Brexit is finalised (also a common trend in the sector).

So, how did this rep receive a composite score of 6 in terms of their industrial approach? Firstly, the rep was fully aware of the link between the reduced pay offer and Brexit uncertainty and therefore the employer's opportunism. Secondly, to fight this reduced pay offer Unite reps held a successful ballot for industrial action which eventually achieved a 3% increase. This represents negotiating an 'offensive' agreement that didn't just defend members' current pay but improved it. Thirdly, by using the threat of industrial action as leverage, the rep in question mobilised Unite members behind an improved pay offer. Finally, the rep not only used the *Unite Workplace Brexit Agreement Template* to consolidate existing industrial relations institutions and workers' rights but also included the agreement in their recent pay claim, thus linking members' pay and workers' rights together.

The rep's methods are a clear example of what can be achieved with a proactive strategy that mobilises Unite members against uncertainty and opportunism meted out by the employer. Despite a number of complicating factors – sectoral uncertainty (not just due to Brexit), political divisions over Brexit, an uncommunicative employer – by uniting reps and members on the issues of pay and rights the rep was able to mitigate much of the impact of

## Industrial responses

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Brexit at this stage. Of course, defending and improving pay and conditions is a constant battle for Unite reps and the outcome of Brexit may make circumstances even more difficult. But, as this example has shown, by treating Brexit as an industrial issue rather than a uniquely political issue, the normal rules of good trade unionism can still apply and mobilisation is paramount to winning gains for Unite members.

As another senior rep from an Automotive plant in the North West put it when asked whether Brexit had elevated their view of the importance of being a trade unionist:

*"I think I've always had that view because that's why trade unions exist. We can't just turn it on and off depending on the political situation; it's got to be a permanent presence, that's always been my view."*

The broader lesson that can be drawn from the above is that, just as Brexit can be used as leverage by the employer to try and attack **Unite reps and members**, **Unite reps and members can proactively fight Brexit opportunism by the employer to defend or improve their pay, rights and terms and conditions** even in the particularly chaotic social, economic and political context of Brexit. **In this sense, Brexit uncertainty and fatigue do not have to define Unite's approach to Brexit but can be actively fought against.**



### Conclusion: taking back control

**Despite the confusion and division that Brexit has caused, the research carried out for this project so far has highlighted that it is possible for Unite reps and members to mitigate the impact of Brexit. Indeed, one point has remained consistent throughout: being a member of Unite offers workers the best opportunity to resist and overcome any negative consequences that may stem from Brexit, both now and in the future.**

This point has been evidenced on numerous occasions throughout this report. Whether it be through reps negotiating 'Brexit-busting' pay increases, balloting members against Brexit opportunism, or pushing the employer to continue existing EWC arrangements, if Unite proactively addresses the issues raised by Brexit then it is possible to defend and improve pay, rights, terms and conditions. This report has also shown that mobilising Unite members on this basis is also the most effective way of achieving this.

This project set out with the aim of cutting through the 'fog of Brexit' by analysing its industrial impact on Unite members and demonstrating the unique role of Unite reps and members in mitigating any negative impact. More broadly, this research hopes to bring a trade union perspective into the wider Brexit debate, a perspective that has been marginalised so far.

This research intends to show that Brexit is not simply a parliamentary issue as the mainstream media would have us believe: it is an industrial issue too. As the results of this research have shown, the workplace is the main arena where the impact of Brexit will be revealed. As such, it is also the arena where trade unionists can have the most influence over the direction Brexit takes.

It should also be made clear that although Brexit has been the major political issue of the last three years, other issues such as austerity, low pay, precarious work, the gender pay gap, privatisation, automation and many others all remain at the forefront of day-to-day trade union issues. In many cases, Brexit has distracted from and intensified these issues and will continue to do so until the political crisis is resolved. Nonetheless, this research proves that Unite members can confront these issues head-on and win.

Fundamentally, the research shows that Brexit is not simply another problem to add to the growing list of demands placed on a trade union's frontline reps. Rather it is another problem to which strong collective bargaining is the answer and must be seen as part of a proactive bargaining agenda.

The politics of Brexit threatens to engulf all before it. As long as the issue is presented through the narrow prism of Westminster politics it will appear to frontline trade union reps as something which is colossal, confusing and divisive in the workplace. This only furthers already entrenched political positions and engenders a sense of Brexit fatigue. The danger is that this becomes fatalism which disempowers reps and members from mitigating the impact and advancing their own interests.

Ultimately, for workers to truly take back control it is vital that Brexit is presented first and foremost as an industrial issue and central to the collective bargaining agenda. There have been many times over the last three years when the UK believed it had reached peak uncertainty, but this study shows that Unite reps are proving that it is through trade unionism that we can protect and advance the interests of working people irrespective of what Brexit may bring.

### Recommendations

**Stronger emphasis should be placed on Brexit as a collective bargaining issue.**

This should include:

- **Promoting the Unite Brexit Template Agreement**
- **Continuing to defend European Works Councils and Information & Consultation Agreements**
- **Producing resources for union workplace representatives**
- **Continuing to monitor the industrial impact of Brexit**
- **Strengthen Brexit messaging beyond manufacturing**, particularly for transport and public services
- **Strategies to deal with trade and multinationalism** particularly in manufacturing. This includes the need for an independent trade union position on trade which aims to stop international competition between workers.
- Using this report as the basis for **further research and academic articles to ensure the voice of workers and their unions are heard.**

For trade union workplace representatives:

- **Brexit is an organising and recruitment issue** and should not be separated from our day-to-day industrial work. Reps who have been most successful in securing Brexit-proof deals or defeating opportunism are those who mobilise members.
- **Use our agreements.** Through Information and Consultation Agreements, European Works Councils and other formal agreements with employers, reps can demand regular information about, and participation in, any Brexit contingency plans.
- **Mobilise our members.** Demand information, secure protections and Brexit-proof wages in pay talks and other bargaining opportunities where we ballot and actively involve members in a campaign.
- **Expose Brexit opportunism.** An active, mobilised membership is the best defence against opportunism. Employers citing Brexit must 'open the books' and commit to working with the trade union where there is a genuine problem.
- **Support migrant workers.** From paid time off to assistance in completing paperwork, demand that employers properly support workers from the European Union who are concerned about their status or need to apply for either settled status or UK citizenship.<sup>3</sup>

3: Unite's dedicated legal helpline number EU workers: 0333 323 1291 (calls charged at local rates).

## Appendix 1: Methodology of the study

The main focus of this research is the 50 semi-structured interviews of Unite workplace representatives between February and June 2019. The following data provides the demographic, regional and sectoral breakdown of the sample.

Gender & Ethnicity	
Male	71% (37)
Female	25% (13)
BAEM	8% (4)

### Breakdown by Region:

Region	Percentage of Responses
London & Eastern	13% (7)
Wales	8% (4)
Scotland	8% (4)
North West	8% (3)
North East, Yorkshire & Humberside	18% (9)
East Midlands	17% (9)
West Midlands	4% (2)
South West	8% (4)
South East	8% (4)
Northern Ireland	8% (4)
<b>Total</b>	<b>100% (50)</b>

### Breakdown by Sector:

Region	Percentage of Responses
Automotive	10% (5)
Chemicals, Pharmaceuticals, Process and Textiles	4% (2)
Aerospace & Shipbuilding	8% (4)
Engineering, Manufacturing & Steel	6% (3)
Unite Construction, Allied Trades & Technicians	4% (2)
Graphical, Print Media and IT	4% (2)
Civil Air Transport	6% (3)
Docks, Rail, Ferries & Waterways	4% (2)
Energy & Utilities	4% (2)
Passenger Transport	6% (3)
Road Transport Commercial, Warehousing & Logistics	6% (3)
Service Industries	2% (1)
Health	10% (5)
Local Authorities	6% (3)
Community, Youth Workers and Not for Profit	4% (2)
Education	2% (1)
Food, Drink and Agricultural	6% (3)
Government Defence, Prisons and Contractors	2% (1)
Finance and Legal	6% (3)
<b>Total</b>	<b>100% (50)</b>

## Appendix 2: Unite Workplace Brexit Agreement Template

### Unite Brexit Agreement

Unite and **[employer]** are committed to safeguarding the workforce from the potential impact of the UK's withdrawal from the European Union.

Despite the threat the current uncertainty around Brexit poses, it is the role of Unite and leading employers such as **[employer]** to help provide certainty for workers.

No matter how people voted during the referendum no-one voted to lose their job, lose their rights or be worse off. It is this principle that guides all of our work in relation to Brexit.

While the future status of EU-based working rights remains uncertain, in the event that the UK is no longer a member of the European Union or the European Economic Area, and the current EU Directive's underpinning employment rights to which the UK are currently bound by will no longer be applicable to UK employees (see Annex1 for list of these Directives),

**[employer]** will continue to voluntarily abide by the obligations contained within these Directives and will engage with Unite on ensuring their continued development to ensure a level playing field between UK and EU workers.

To that end, Unite and **[employer]** publicly pledge to honour and retain all existing working rights, terms and conditions currently covering the workforce regardless of the outcome of Brexit.

**[employer]** pledges to entering into meaningful consultation and negotiation with Unite's elected workplace representatives regarding any Brexit-related contingency planning which may impact members' employment, terms or conditions.

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Of behalf of **[employer]**

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On behalf of Unite the Union

Date:-----

*This agreement is available on the Unite Brexit Check Website: [www.UniteBrexitcheck.org](http://www.UniteBrexitcheck.org)*



