

# Unite Brexit Agreement

## Developing an Industrial Response to Brexit



Brexit is an industrial issue first and foremost. From pay, to changes to terms and conditions, and support for colleagues concerned about their migration status, it is in the workplace that we must organise to shape Brexit.

### How Unite is influencing the Brexit talks

Unite is using our political clout and international links with sister unions to influence the negotiations on both sides of the channel.

This means making sure any future deal between the UK and

the EU protects our members' jobs and defends employment, social and environmental protections. At the same time we are holding the Government to account to prevent them taking the axe to our rights at work.

We know that political clout comes from our collective industrial strength and it is in the workplace where the effects of Brexit will be felt first. Unite's Brexit Check website shows how reps are exposing and defeating bosses who attempt to use the uncertainty to hold down pay, freeze investment or attack our terms and conditions.

*“European laws have helped to protect the workplace rights trade unions fought hard to win. Where we can we need to protect those rights in our collective agreements, backed up by our organising strength.”*

**Len McCluskey, Unite General Secretary**



### Using collective bargaining power

No matter how Brexit takes shape, there is no defence stronger than our collective bargaining strength. It is vital that Unite shop stewards and reps use our agreements to get a seat at the table when employers are making contingency plans for Brexit. These plans must include a commitment to retaining all existing working rights as a minimum.

Unite has published a template Brexit Agreement which reps can use to demand that employers respect key principles which are based on European law and commit to working with shop stewards and representatives when dealing with any impact of Brexit.

### Actions You Can Take

#### 1. Information and consultation on Brexit issues

Shop stewards and reps should use Information and Consultation agreements where you have them to discuss the impact of Brexit on the workplace and ensure members are properly consulted on any contingency planning. It is vital that our members have a seat at the table wherever employers are

drawing up plans which will impact their future.

The government's No Deal technical papers suggest that European Works Councils (EWC) and Information and Consultation Agreements will be at risk following March 2019, as their legal basis is in EU rather than UK law.

Unite is calling on shop stewards and EWC representatives to start negotiating with employers now to secure these consultation structures and to use them to discuss the impact of Brexit. Unite's International Department can provide a template clause for EWC agreements so that UK reps can continue to be represented with full voting rights.

#### 2. A negotiated clause in collective agreements to protect EU derived rights

Unite's industrial strength means there is an opportunity to bind, as far as possible, employers to continue to respect EU-based working rights irrespective of the outcome of the Brexit negotiations or the actions of the Government.

One possibility for doing this is to negotiate a clause within our collective agreements. Some suggested wording is included in the template Brexit Agreement, which includes a list of all of the

key EU directives which influence UK employment law. Both the wording of the proposed template and the list of directives can be amended to suit your particular situation.

### 3. A public commitment to the protection of employment regulation

Shop stewards and representatives should call on their employer to publically commit to protect working rights.

Unite has already made several joint statements with employer organisations and trade federations on the importance of Brexit not leading to a lowering of protection in the UK.

When Unite-organised companies commit to continuing to respect those rights it sends an important public signal – one which we can hold employers to and one which builds our political strength.

***“We’ve used our European Works Council to cut through the uncertainty and get into the substance of how Brexit could impact members. We need to defend our right to be in the room representing members whenever and wherever our future is at stake.”***

***Mike Byfield, Unite Convenor at Filton***



## As a workplace rep these are the steps you can take today



### **Employer Brexit planning: your right to consultation**

Many employers are proactively working on contingency plans to understand and forecast the impact of Brexit. We must use collective agreements as well as any information and consultation agreements to make sure our members are properly consulted on these plans. Any Brexit risk must not simply be handed down to the workforce.



### **Brexit at the bargaining table**

From pay to terms and conditions, Brexit is a bargaining issue. We must use pay and other negotiations with the employer to push for guarantees that working rights will be protected within our collective agreements following Brexit. We must also expose any attempt by opportunistic employers seeking to use Brexit as a smokescreen to hold down pay or undermine conditions.



### **Know your rights at work**

Whilst we are still part of the European Union employers cannot opt out of EU legal rulings, such as the ruling protecting holiday pay entitlement which remains in effect. Similarly, employers cannot claim that EU legislation such as the Working Time Directive no longer applies in the UK.



### **Employer advice: right to remain**

From paid time off to assistance in completing paperwork, employers must support workers from the European Union who are concerned about their status or are looking to apply for either settled status or UK citizenship.

For more information on your rights EU and EEA nationals should visit: [/mobilecitizens.eu](https://mobilecitizens.eu) and [www.jcwi.org.uk](http://www.jcwi.org.uk)



### **European Works Councils**

There is currently no guarantee that European Works Councils will be protected in UK law after Brexit; however, we can be proactive by pushing for our EWC constitutions to be amended to protect participation, consultation and voting rights for UK reps. A draft amendment is available from our EWC experts in the Unite International Department.

**Contact Unite at: [Brexit.Check@unitetheunion.org](mailto:Brexit.Check@unitetheunion.org)**

**[www.unitebrexitcheck.org](http://www.unitebrexitcheck.org) @BrexitCheck**