

BREXIT: RCN PRIORITY

Protecting workers' rights after BREXIT

What are the issues?

A substantial proportion of UK health and safety regulations and workers' rights originate from the European Union (EU), and provide important protections for health care workers and their patients.

For example, the Working Time Regulations (WTR) provide a framework to reduce fatigue within the nursing workforce, putting critical safeguards in place. These include compensatory rest and controls on working time, to address the health and safety effects of shift working patterns.

These regulations are derived from the EU and enshrined in UK law. The UK Government's EU Withdrawal Bill transfers all our existing laws and regulations that we have adopted from the EU, into our domestic legislation. This means that we can continue to benefit from employment protections such as maternity and paternity pay, as well as holiday entitlement and other rights that were brought into force in the UK because of legislation we adopted from the EU.

After Brexit, there is no guarantee that these laws and rights will be maintained. We are concerned that this UK Government, or future UK Governments will attempt to make changes to these important safeguards. Government Ministers, now or in the future, may choose to dilute employment rights and health and safety regulations in the workplace, which could put staff wellbeing and patient care at risk.

What does this mean?

There is a clear link between the employment environment for NHS staff, including nurses and health care assistants, and the quality of patient care and patient safety¹.

We strongly supported the adoption of the WTR in the 1990s and subsequent updating of the regulation². Fatigue, long working hours, lack of rest breaks and poorly managed shift rotas are a risk factor that can impact on the health of nursing staff and patient safety.

¹ Royal College of Nursing, *RCN response to the first-phase consultation of the social partners at European Union level under Article 154 of the TFEU*. Available at: http://www.rcn.org.uk/__data/assets/pdf_file/0010/318493/Working_Time_Directive.pdf

² Patient Safety Network, *Nursing and Patient Safety*, Available at <https://psnet.ahrq.gov/primers/primer/22/nursing-and-patient-safety>. July 2016.

Brexit Scorecard

The RCN has rated progress on its five priorities by RED, AMBER and GREEN.

Red indicates that there has been no firm commitment made by the UK Government on this issue and how to resolve it.

Amber indicates some UK Government commitment or statement but no agreement on practical application with the EU.

Green indicates a firm commitment from the UK Government and the EU including on practical implementation.



RED WARNING

With less than one year left until the UK leaves the EU, there is no firm commitment from the UK Government that workers' rights will be maintained at their current EU standards once we leave the EU.

The RCN remains concerned that the UK Government is ignoring the need to guarantee workers' rights and health and safety regulations, which we all benefit from. The regulations protect the wellbeing of staff, and ensure that our workplaces are not dangerous, because risks are well managed.

Following Brexit, the UK must not allow these regulations to stagnate. We call on the UK Government and future Governments to be world leaders in workers' rights and health and safety regulations. They should continue to maintain and enhance this legislation to keep pace with changing working patterns and workplace environments.

What needs to happen?

Legal protections in the workplace must mirror the regulatory standards adopted by other developed countries. **The UK Government must show its commitment to promoting employment policy and practice** which is attractive to skilled health care workers in the UK, from Europe and around the world. So far, there has been no commitment from the UK Government to protect health and safety regulations and ensure that they are reviewed and updated as new evidence emerges or to meet international standards.

UK Governments must not be granted powers to amend EU derived protections and legislation. For example, the Management of Health and Safety at Work Regulations which introduce health and safety risk assessment and duties towards pregnant employees; the Transfer of Undertakings (TUPE), which protect workers if their employers change; and the WTR, must not be amended without sufficient parliamentary scrutiny.

It is essential that workers' rights remain as currently drafted, and are not amended. Along with the other Royal Colleges, the RCN wrote to the Prime Minister asking for clarity on the WTR in particular, in December 2017³. In response, Prime Minister, Theresa May did not reassure our members that the WTR was a negotiating objective or priority for Government.

Subsequently, on 26 February 2018 during Prime Minister's Questions, Theresa May confirmed that her Government will "protect and enhance workers' rights". We will be ensuring that employment rights and protections are taken seriously during Brexit negotiations and beyond. The UK Government must now keep to this dispatch box commitment.

How can you help?

Support EU nurses in their place of work and encourage them to join the RCN so that they have as much support as they need. Their voice is vitally important for our efforts to lobby the UK Government to treat them with respect and to guarantee their right to remain.

Lobby your local MP to protect employment rights and health and safety at work. This is the most effective way of holding the UK Government to account. You can contact the RCN to receive one of our 'How to lobby' toolkits, and you can speak to your country/regional office for support. You can find details of who your local MP is here: <http://www.parliament.uk/get-involved/contact-your-mp>

As the RCN we are:

Sending briefings to MPs and members of the House of Lords asking them to influence the EU Withdrawal Bill to make sure that workers' rights, and health and safety regulations, continue to be protected in UK law.

Holding meetings with UK Government Ministers to inform them of the benefits workers' rights and health and safety regulations bring to society. In particular, their positive impact on keeping health care staff well, and patients safe.

Working constructively with the National Welsh Government and Assembly for Wales, the Scottish Government and Parliament and stakeholders in Northern Ireland to shape and influence these policy areas, so that members working across the devolved countries retain their rights in the workplace

Want to provide feedback on this position? Email us at: papa.ukintl.dept@rcn.org.uk

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³ The Guardian, *Changes to EU working rules will 'put patients' lives at risk, say medics*, Available at: https://www.theguardian.com/society/2017/dec/21/changes-to-eu-working-rules-will-put-patients-lives-at-risk-say-medics?CMP=Share_iOSApp_Other. December 2017.