



**European  
Movement  
International**

## **Brexit, and now what? Possible Scenarios for Rights and Protections**



The United Kingdom and the European Union are preparing their divorce after 51.9% of the country's electorate voted to leave the Union. Now that Brexit negotiations have started, it is important to know what the options are for the future relationship between the two parties. This paper lays out some of the possible consequences of Brexit for the UK in the area of rights: consumer, environmental and employment protection. The EMI evaluates which scenarios are the most advantageous for the UK by analysing what the country currently has access to as a member state and what it would lose in the case of a soft or hard Brexit.

## EU membership

European Union employment protection legislation is what gives employees the right to paid holidays, maternity leave, improved health and safety protection, and equal treatment rights, among other things<sup>1</sup>. EU laws also protect workers in case of a dismissal motivated by discriminatory reasons or a misuse of temporary or fixed term contracts. Furthermore, UK citizens currently have access to the European Court of Justice (ECJ), and both individuals and unions can refer a case to the ECJ if they believe UK courts and tribunals have not respected their employment rights. Thanks to the EU, for instance, the value of compensation UK employees can claim if companies breach employment laws has been increased<sup>2</sup>. Furthermore, the EU is proposing further improvements for

workers through the European Pillar of Social Rights, such as flexible and secure labour contracts, active support for employment, gender equality, work-life balance and pensions, and more<sup>3</sup>. Leaving the EU would not only mean that the UK is free to rewrite existing employment laws guaranteed by EU legislation and dismiss European recommendations, but that UK employees will no longer benefit from further improvements put forward by the EU.

The European consumer policy protects the safety, health, legal, and economic interests of 500 million consumers across the EU, and offers redress and general product safety systems<sup>4</sup>. It is because of these policies that we can claim compensation when an airline cancels our flight or when our flight arrives three or more hours late to our final destination. It is what reassures parents when they



purchase toys for their children because they know that the EU has some of the strictest safety requirements in the world – particularly with regards to the use of chemicals in toys<sup>5</sup>. Nev-

ertheless, it is important to highlight that issues concerning the protection of consumers is a shared competence between EU states and the Union; member states are responsible for enforcing and applying EU rules<sup>6</sup>.

The EU has adopted a wide range of measures in the past 30 years to protect the environment and improve European citizens' quality of life<sup>7</sup>. As a result, the EU has one of the world's highest environmental standards, ranging from keeping water and air clean and protecting natural habitats to improving knowledge on toxic chemicals and helping businesses have a more sustainable economy<sup>8</sup>. Specifically, the EU has been an effective driver of environmental change in the UK<sup>9</sup>. A report by the British House of Commons Environmental Audit Committee argues that most measures offering environmental protections in the UK exist thanks to the EU<sup>10</sup>. Being in the Union has enabled UK citizens to have an impact and hold their country accountable when it does not respect laws that protect the environment.

## Soft Brexit

Experts argue that the UK outside of the Union would weaken environmen-

[http://ec.europa.eu/growth/sectors/toys/safety\\_en](http://ec.europa.eu/growth/sectors/toys/safety_en)

6 European Parliamentary Research Service, 2015. Consumer protection in the EU. [http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/565904/EPRS\\_IDA\(2015\)565904\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/565904/EPRS_IDA(2015)565904_EN.pdf)

7 European Commission, 2017. Implementation of Community environmental legislation. [http://ec.europa.eu/environment/legal/implementation\\_en.htm](http://ec.europa.eu/environment/legal/implementation_en.htm)

8 Europa.eu, 2017. Environment. [https://europa.eu/european-union/topics/environment\\_en](https://europa.eu/european-union/topics/environment_en)

9 Lucas, C., Exiting the EU, not the environment. <https://www.carolinelucas.com/sites/carolinelucas.com/files/Safe%20Guarding%20Environment%20after%20Brexit.pdf>

10 Oroschakoff, K., and Sollety, M. 2017. Brexit threatens environmental law enforcement. Politico. <http://www.politico.eu/article/who-will-play-the-bad-cop-on-environmental-law-post-brexit-uk-climate/>

1 Trade Union Congress, 2016. UK employment rights and the EU: Assessment of the impact of membership of the EU on employment rights in the UK.  
2 Idem

3 European Commission. First preliminary outline of a European Pillar of Social Rights.

4 European Parliamentary Research Service, 2015. Consumer protection in the EU.

5 European Commission, 2017. Toy Safety in the EU.

tal protection; 88% of environment and sustainability professionals in the UK believe that an EU-wide policy is needed to tackle air pollution<sup>11</sup>. Likewise, workers' rights and consumer protections could be put at risk because of Brexit<sup>12</sup>.

A soft Brexit scenario could entail the UK and the EU reaching a free trade deal. But the EU's Brexit negotiator Michel Barnier has already warned of the need to maintain social and environmental standards<sup>13</sup>. During the July 2017 Brexit negotiations, Barnier explained that member states could refuse to approve a trade deal if the British government does not provide substantial proof that it will not use Brexit to deregulate or lower standards. Likewise, the European Parliament could also put an end to any trade agreement that does not respect certain protections<sup>14</sup>.

A second option would be for the UK

11 IEMA, 2016. Environment and sustainability professionals reveal top 10 vies on Brexit. <https://www.iema.net/news/news/2016/06/22/environment-and-sustainability-professionals-reveal-top-10-views-on-%E2%80%9Cbrexit%E2%80%9D/>

12 O' Grady, F. 2017. Your employment rights could be put at risk through Brexit. The Guardian <https://www.theguardian.com/commentisfree/2017/sep/03/employment-rights-risk-brexiteu-withdrawal-bill> and Peachey, K. 2016. UK and the EU: consumer affairs. BBC. <http://www.bbc.com/news/uk-politics-eu-referendum-35843016>

13 Sparrow, A. 2017. UK may fail to get trade deal with EU unless it agrees to lower standards, says Barnier. The Guardian. <https://www.theguardian.com/politics/blog/live/2017/jul/20/liam-fox-says-uk-can-survive-if-it-has-to-leave-eu-with-no-deal-politics-live>

14 Boffey, D. 2017. MEPs in bid to force UK to meetin environmental regulations after Brexit. The Guardian. <https://www.theguardian.com/politics/2017/jan/31/european-parliament-force-uk-meet-environmental-regulations-after-brexiteu>



to negotiate access to the single market. If it chooses to go down that path, it would have to comply with most EU laws, but would lose the power to influence single market rules.

The EMI therefore believes that the UK would have to establish the highest labour, environmental, and consumer protection standards in any kind of deal with the EU.

### Hard Brexit

Workers' protection cannot be fully guaranteed if the UK leaves the single market without reaching a free trade agreement. The UK could decide in the long run to change or review certain employment laws, for instance reducing maternity leave, paid holidays, or introducing a compensation cap on discrimination claims<sup>15</sup>.

Environmental protection would suffer without the EU holding the British government accountable. The UK would no longer have to report to the

15 Landau, P. 2016. What would leaving the EU mean you're your employment rights. The Guardian. <https://www.theguardian.com/careers/2016/may/24/what-would-leaving-eu-mean--employment-rights>

European Commission and the ECJ, and could therefore lower its environmental standards. Under EU membership, citizens were able to rely on the European Court to challenge the UK's level of air pollution – so high that it fails to meet EU standards<sup>16</sup>.

A hard Brexit with regards to consumer rights means that UK and EU legislation on consumer protection is likely to diverge. Even if the UK were to mirror EU consumer protection legislation, the interpretation will be different given that the ECJ will not be able to oversee the implementation of laws protecting the rights of consumers. This scenario will not only affect UK citizens, but also EU nationals in the UK, given that consumer protection with the UK after the divorce will be determined by the enforceability of EU consumer rights in the UK<sup>17</sup>.

### Conclusion

Remaining a member of the EU is the most advantageous option for the UK. The only way to guarantee the employment, environmental and consumer protections, and rights that UK citizens currently enjoy is by remaining part of the EU.

16 Oroschakoff, K., and Sollety, M. 2017. Brexit threatens environmental law enforcement. Politico. <http://www.politico.eu/article/who-will-play-the-bad-cop-on-environmental-law-post-brexiteu-climate/>

17 European Parliament, 2017. Consequences of Brexit in the Area of Consumer Protection.

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