

The impact on UK Women of leaving the EU – gender equality in a Brexit environment

Question for Discussion

What can we as TU members do to raise awareness to protect women's intersectional equality, within government negotiations to withdraw from the EU?

Useful facts

1 How has EU membership benefited women?

EU member states are bound by legal frameworks and held accountable for upholding them at the European Court of Justice.

This means that the UK's equalities law cannot be less robust and rigorous than the underpinning EU framework. When the previous UK government was contemplating scraping parts of equality law as part of its 'red tape challenge' it was prevented by the EU framework.

EU Framework directives include: violence against women; equal treatment in statutory social security schemes, in self employment, in matters of employment and occupation- pregnant workers, parental leave, part time workers, agency workers, working time, and more...

Reports undertaken by different sectors (links below) spell out how women's equality rights in employment and as citizens and residents have improved due to EU legislation and case law – and how the European Court of Human Rights has enforced compliance, often opposed by our government:

These equality rights have come from women's activism within socialist parties, trade unions and independent women's organisations nationally and internationally. And there is more to do! More intersectionality – more democratic involvement from women from all backgrounds to shape and extend and apply these rights.

IN The South West and Bristol, Fair Play South West is active in lobbying our MPS and MEP to raise issues and in responding to government consultation directly and through national lobbying bodies such as the Equality and Diversity Forum.

It is time for women and men within Trade Unions to raise awareness of how Brexit negotiations impact differently on women and men in order to protect existing legislation and prevent Brexit from widening inequality.

2 What might be lost when we leave the EU??

- Existing UK equality legislation may be weakened;
- EU Compliance and enforcement mechanisms including the European Court

of Human Rights for employment protection will be lost. This was crucial for TU'S to extend and improve women workers rights eg for part time workers to gain the right to equal pensions;

- Social Funds to combat discrimination and violence against women and support the employment of women furthest away from the labour market;
- Resources to fund international co operation - TUs have been actively engaged in taking cases to the EU Court of Human Rights; women's organisations and researchers resourced by EU networks have worked together on domestic violence, sexual harassment, mental health, environmental issues and many others towards equality in their own countries and contexts.

3 What we know – where we are now

'you don't know what is lost till its gone...'

Many are unaware of how the EU has helped improve pay, employment conditions and rights and safety for women at work, in the home and in their participation in civil society.

The EU withdrawal Bill – may only partially comply with Equality Law. A

government late amendment to the withdrawal bill committed to compliance with some of the Equality Act 2010, but only with a part of the Public Sector Equality Duty (PSED) – elimination of discrimination.

Will the government 'cherry pick' which parts of the PSED apply? Already evidence that they may drop the 'duty of promote' equality and limit legislation to 'eliminate discrimination' - a retrograde step – huge step backwards as this was the major innovation of the GED introduced in 2008- huge step forward for women.

EU directives

The section in government on EU Directives is probably the most worrying, since it says that these will be dealt with on "a case-by-case basis" . What happens to the Part-Time Workers', Agency Workers' and Fixed-Term Employees' Directives will be important here, but are not specifically mentioned in the document because they are not referred to in the EqA. An area of watch will be directives on procurement-

"Section 155 (power to impose specific duties in relation to public procurement) provides for the scope of regulations that may be made to impose specific duties on public bodies as part of the public sector equality duty. Subsection (2) ensures that this scope can include the 'procurement' functions of public bodies. It specifies that terms such as 'public procurement functions' are as regulated by the Public Sector Directive 2014/24/EU. We plan to change subsection (2) to refer instead to provisions in the Public Contracts Regulations 2015 and to engage with the devolved administrations to discuss appropriate amendments to their Regulations."

What can we as TU members do to raise awareness to protect women's intersectional equality, within government negotiations to withdraw from the EU?

1. **Inform ourselves** and **Raise awareness** in our localities and among TU members of how EU standards embedded in directives and institutions can benefit women's equality.
2. Discuss what we can do to ensure these are embedded into UK law after withdrawal.
3. **Demand full compliance with Equality Act 2010**
a full equality impact assessment be carried out on the EU withdrawal bill based on all duties set out under the PSED: to advance equality and to foster good relations as well as eliminate discrimination for those of protected characteristics.
4. **Support recommendations of the Women's Select Committee:**
 1. Include a clause in the Great Repeal Bill that commits to current levels of equality protection when EU law is transposed into UK law.
 2. Develop a cross-government equality strategy together with scrutiny across all government departments.
 - **Regional Devolution** – seek opportunities to embed and strengthen equalities legislation in regional devolved governments.
 - **Commitment to civic participation in decision-making** at a local and national government level.
 - **Support the continuation of Social Fund type investment in the local enterprise partnerships where millions may be lost**

Some Useful links

Women workers' rights and the risks of Brexit

https://www.tuc.org.uk/sites/default/files/Women_workers_and_the_EU.pdf

http://www.fairplaysouthwest.org.uk/images/ESA_Final.2.pdf: Title: Feminist Democracy in a Brexit environment.

<https://wbg.org.uk/wp-content/uploads/2018/03/Economic-Impact-of-Brexit-on-women-briefing-FINAL-1.pdf>

<http://www.faceherfuture.co.uk/>

http://europa.eu/rapid/press-release_STATEMENT-18-1601_en.htm

<http://ukandeu.ac.uk/brexit-are-womens-voices-going-unheard/>

<http://www.claremoodymep.com/womenseurights>