

TUC briefing note on Brexit developments - 23 November 2018

Process

If agreement is secured with the EU27 this weekend and the Prime Minister presents her deal to Parliament for approval, it is expected that there will be up to five days of parliamentary debate and an initial vote will take place in early-to-mid December.

It has been suggested that if the Prime Minister fails to get parliamentary support for a deal in a vote in December, she may return to Parliament a second time to ask them to approve the deal.

TUC Brexit tests

The TUC's 2017 and 2018 GC statements on Brexit set out three tests to be met by any deal. The tests are:

- Maintaining workers' existing rights and establishing a level playing field so that British workers' rights do not fall behind those of other European workers
- Preserving tariff-free, barrier-free, frictionless trade with the rest of Europe to protect jobs
- No hard border between Northern Ireland and Ireland, to preserve jobs, livelihoods and peace.

It is our assessment that these tests have not been met by the PM's deal and as agreed at the EC away day we are now encouraging MPs to vote against the deal.

Key themes

- Trade unions cannot support a deal that does not protect jobs and rights at work both now and into the future.
- The Prime Minister is trying to push us towards a blindfold Brexit – we just don't know what kind of deal we're going to get. And the political declaration is not legally binding.
- Over the past week we've already seen the PM come under huge pressure from her own side – including her own Cabinet – to negotiate the kind of trade deal that strips away protections for rights at work. There's nothing in this declaration to stop a future government from doing just that.
- The PM has threatened it's her deal or no deal but she must not hold the country to ransom or bully MPs into voting for a deal that they know will hurt their constituents.
- And her no-deal bluffs have lost credibility. Even her own Ministers have admitted that if her deal is voted down the country needs a real alternative. The sensible thing to do is extend Article 50 so we buy time to find just that.
- We're calling on MPs to reject this deal because it doesn't deliver for the working people they represent.
- And it's time for the PM to return the issue to the people – either via a general election or a popular vote.

Political Declaration

- The leaked political declaration is longer than the earlier version but the fact remains that it has no legal effect and isn't worth the paper it's written on.

- There's nothing in the document to stop a future government from ripping up this declaration and taking a different approach. We know that many Tories want to force the government down a path that will reduce protection for our rights and work and will make trade with our European neighbours harder, impacting on jobs here in the UK.
- It kicks lots of the difficult decisions into the future.
- The document proposes a Free Trade Agreement (FTA) with the EU with no tariffs on goods and some regulatory and customs alignment but falls well short of establishing frictionless trade. Because we currently have frictionless trade with the EU this change will risk jobs here in the UK not to mention increased prices in our shops.
- The declaration calls for a level playing field on employment standards but it seems unlikely that this means our rights will keep pace with improvements in workers' rights in other European countries. Nor are there guarantees on enforcement.

Employment rights in the Withdrawal Agreement

- Before we leave the EU working people need a long-term, binding guarantee that rights in the UK will keep pace with those across Europe. But instead, what we have just goes to show that the government does not take rights at work seriously.
- First, new rights that are adopted by the EU during the transition agreement would not be binding on the UK if the last date by which the new rules must be implemented is after the end of the transition period. This means that even during the transition period workers in different countries across the EU could have better workplace rights than workers in the UK.
- Second, if the Northern Ireland backstop comes into effect, the UK would be required to maintain EU employment rights that exist at the end of the transition but would not be required to introduce any new rights. This means the clock will be stopped on improvements in workers' rights.
- Third, workers' rights are excluded from the enforcement mechanisms that exist for many other parts of the backstop. This means that many other rules will be better protected and enforced than those on workers' rights.

Trade

- We know from the government's own leaked impact assessments earlier this year that leaving the EU will have a negative impact on our economy, risking jobs and making prices higher.
- It is only a question of how hard a hit we take. And because this is a blindfold Brexit we don't know how big that hit will be.

Northern Ireland

- An immediate hard border between Northern Ireland and Ireland has been averted.
- However there remain huge unanswered questions about how the situation will be resolved in the long term, given that the UK government insists that it will not be necessary to use the backstop.
- The ICTU stated this week that "We remain firmly of the view that there is no such thing as 'a good Brexit for working people' in Northern Ireland or in the Republic of Ireland. Any Brexit Withdrawal Agreement will still be less favourable than full UK membership of the EU for

working people across these islands” and warns that there must be protection for workers’ rights.

My deal/no deal/no Brexit

- The Prime Minister has tried to hold the country to ransom by warning that it’s her deal or no deal, but we all know that was just a desperate bluff.
- Even her Cabinet colleagues have recognised that if Parliament rejects the PM’s deal then we must find an alternative solution – no deal isn’t an option.
- It’s now clear that this government isn’t up to the job. They’ve had two years to deliver a deal yet they’re still in chaos.
- Extending Article 50 will give us more time to come to a deal that protects jobs and rights. Then it’s time for them to step aside and let the people decide - either via a general election or popular vote.

What’s the alternative?

- The PM boxed herself in with self-defeating red lines and failed to stand up to the extreme Brexiteers in her party.
- We would have welcomed any deal that met our tests – but this one certainly doesn’t.
- It’s clear that the government has completely lost control. The PM must secure an extension of Article 50. Then one way or another the people must have the final say – through a general election or popular vote.