

# Workers' Rights (Maintenance of EU Standards) Bill

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**B I L L**

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Make provision about the safeguarding of workers' rights derived from European Union legislation after the withdrawal of the UK from the EU; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 EU Workers' and Associated Rights**

- (1) In this Act "EU Worker Right" means any of the rights, duties, remedies and procedures provided for by or under relevant legislation applying to Great Britain or a part of Great Britain at the exit date.
- (2) In this section "relevant legislation" means legislation or provisions of legislation which give effect in United Kingdom law or in the law of a part of the United Kingdom to the Directives listed in Schedule 1. 5
- (3) No amendment may be made to Schedule 1 save by primary legislation.

**2 Interpretation of EU Worker Rights**

- (1) For the purpose of all legal proceedings, any question as to the meaning or effect of any EU Worker Right shall be determined in accordance with the principles laid down by and any relevant judgment of the Court of Justice of the European Union. 10
- (2) Evidence of any judgment of the Court of Justice of the European Union may be given in any legal proceedings by production of a copy certified as a true copy by an official of that institution; and any document purporting to be a copy shall be received in evidence without proof of the official position or handwriting of the person signing the certificate. 15

### 3 Interpretation of legislation

- (1) So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect to in a way which is compatible with EU Worker Rights.
- (2) This section – 5
  - (a) applies to primary legislation and subordinate legislation whenever enacted;
  - (b) does not affect the validity, continuing operation or enforcement of any incompatible primary legislation; and
  - (c) does not affect the validity, continuing operation or enforcement of any incompatible subordinate legislation if (disregarding any possibility of revocation) primary legislation prevents removal of the incompatibility. 10

### 4 Maintenance of directly effective workers' rights derived from European Union instruments 15

Any EU Worker Right which, at the exit date, was without further enactment given legal effect or used in the United Kingdom shall, with effect from the exit date, be recognised and available in law and be enforced, allowed and followed to the same extent as it was before the exit date.

### 5 Maintenance of implementing legislation 20

- (1) Relevant legislation shall continue in full force and effect after the exit date.
- (2) Subsection (1) shall apply regardless of any repeal or amendments to the European Communities Act 1972.
- (3) After the exit date, no amendments may be made to relevant legislation save by primary legislation. 25
- (4) Subsection (3) does not prevent amendments to relevant legislation for the purpose of introducing provisions which are more favourable to the protection of workers.
- (5) In subsection (1), “relevant legislation” means any legislation applying to Great Britain or a part of Great Britain in force at the exit date which was made for the purpose of implementing, or which at the exit date implements, any EU Worker Right, including the legislation listed in Schedule 2. 30

### 6 Duty to provide equivalent rules of procedure

- (1) After the exit date, the procedural rules governing actions for safeguarding EU Worker Rights shall continue to be no less favourable than the procedural rules governing similar actions under United Kingdom law. 35
- (2) In determining whether procedural rules are no less favourable for the purpose of subsection (1), a court or tribunal shall have regard to the principles laid down by and any relevant judgment of the Court of Justice of the European Union. 40
- (3) For the purpose of this section, “procedural rules” shall include limitation periods, any rules of courts or tribunals, and remedies granted for breach of any law.

## 7 Interpretation, etc.

In this Act –

- “amend” includes repeal and apply (with or without modifications), and related expressions shall be interpreted accordingly;
- “exit date” means the date on which the United Kingdom ceases to be a member of the European Union; 5
- “primary legislation” means any –
  - (a) public general Act,
  - (b) local or personal Act, or
  - (c) private Act; 10
- “subordinate legislation” means any –
  - (a) Order in Council other than one –
    - (i) made in exercise of Her Majesty’s Royal Prerogative; or
    - (ii) (amending an Act of a kind mentioned in the definition of primary legislation); 15
  - (b) Act of the Scottish Parliament;
  - (c) Measure of the National Assembly for Wales;
  - (d) Act of the National Assembly of Wales;
  - (e) Order, rules, regulations, scheme, warrant, byelaw or other instrument made under primary legislation (except to the extent to which it operates to bring one or more provisions of that legislation into force or amends any primary legislation); 20
  - (f) Order, rules, regulations, scheme, warrant, byelaw or other instrument made by a member of the Scottish Executive, Welsh Ministers, the First Minister for Wales, or the Counsel General to the Welsh Assembly Government in exercise of prerogative or other executive functions of Her Majesty which are exercisable by such a person on behalf of Her Majesty; 25
- “worker” means an individual who has entered or works under (or where employment has ceased, worked under) – 30
  - (a) a contract of employment, or
  - (b) any other contract, whether express or implied and (if it is express)
    - whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual. 35

## 8 Short title, commencement and extent

- (1) This Act may be cited as the Workers’ Rights (Maintenance of EU Standards) Act 2017. 40
- (2) This Act shall come into force at the end of the period of one month beginning with the date on which it is passed.
- (3) This Act binds the Crown.
- (4) This Act extends to England and Wales and to Scotland. 45

## SCHEDULES

### SCHEDULE 1

#### EUROPEAN DIRECTIVES, ETC

ARTICLE 157 Treaty on the Functioning of the European Union.	
COUNCIL DIRECTIVE NO 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security.	5
COUNCIL DIRECTIVE NO 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.	10
COUNCIL DIRECTIVE NO 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC).	15
COUNCIL DIRECTIVE NO 94/33/EC of 22 June 1994 on the protection of young people at work.	
COUNCIL DIRECTIVE NO 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.	20
COUNCIL DIRECTIVE NO 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.	
COUNCIL DIRECTIVE NO 96/71/EC of 16 December 1996 concerning the posting of workers in the framework of the provision of services.	25
COUNCIL DIRECTIVE NO 97/74/EC of 15 December 1997 extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.	30
COUNCIL DIRECTIVE NO 97/75/EC of 15 December 1997 amending and extending, to the United Kingdom of Great Britain and Northern Ireland, Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC.	
COUNCIL DIRECTIVE NO 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC.	35

COUNCIL DIRECTIVE NO 98/23/EC of 7 April 1998 on the extension of Directive 97/81/EC on the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC to the United Kingdom of Great Britain and Northern Ireland.	
COUNCIL DIRECTIVE NO 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.	5
COUNCIL DIRECTIVE NO 99/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.	
COUNCIL DIRECTIVE NO 99/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST).	10
COUNCIL DIRECTIVE 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.	15
COUNCIL DIRECTIVE NO 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.	
COUNCIL DIRECTIVE 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.	20
COUNCIL DIRECTIVE 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees.	25
DIRECTIVE 2002/14/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community.	
DIRECTIVE 2002/15/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.	30
DIRECTIVE 2003/41/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision.	
COUNCIL DIRECTIVE 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees.	35
DIRECTIVE 2003/88/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 4 November 2003 concerning certain aspects of the organisation of working time.	40
DIRECTIVE 2005/56/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 October 2005 on cross-border mergers of limited liability companies.	
DIRECTIVE 2006/54/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on the implementation of the principle of	45

equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).	
DIRECTIVE 2008/94 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2008 on the protection of employees in the event of the insolvency of their employer.	5
DIRECTIVE 2008/104/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on temporary agency work.	
DIRECTIVE 2009/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of companies for the purposes of informing and consulting employees.	10
COUNCIL DIRECTIVE 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC.	15
DIRECTIVE 2010/41/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity.	
DIRECTIVE 2014/67/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative co-operation through the Internal Market Information System ('the IMI Regulation').	20 25

## SCHEDULE 2

### LEGISLATION IMPLEMENTING EUROPEAN DIRECTIVES

Part 4, Chapter 2, Trade Union and Labour Relations (Consolidation) Act 1992 (Information and consultation on collective redundancies; enforcement of protective award).	30
Part 1, Employment Rights Act 1996 (Written statement of terms and conditions).	
Sections 44, 45A, 47, 47C Employment Rights Act.	
Part 6, Employment Rights Act 1996 (Maternity rights).	
Part 7, Employment Rights Act 1996 (Maternity/parental rights – maternity/parental leave).	35
Sections 99 101A, 103, Employment Rights Act 1996 (Parental rights).	
Sections 166 to 170 Employment Rights Act 1996 (Protection in case of employer's insolvency (payments from Secretary of State)).	
Parts 1-2, 5 and 9, Equality Act 2010 (Discrimination (etc) related to sex, race, disability).	40

Working Time Regulations 1998.	
Maternity and Parental Leave Regulations 1999 (maternity/parental rights-maternity/parental leave).	
Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Part-time workers discrimination).	5
Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 (Fixed-term workers discrimination).	
Information and Consultation of Employees Regulations 2004.	
Transfer of Undertakings (Protection of Employment) Regulations 2006.	
Agency Workers Regulations 2010.	10
Health and Safety (Consultation with Employees) Regulations 1996 (Paid time off for health and safety representatives).	
Management of Health and Safety at Work Regulations 1999 (Measures to encourage improvements in the safety and health of workers at work).	
Provision and Use of Work Equipment Regulations 1996.	15
Manual Handling Operations Regulations 1992.	
Health and Safety (Display Screen Equipment) Regulations 1992.	
Safety Representatives and Safety Committees Regulations 1977 (Measure to encourage improvements in the safety and health of workers at work).	
Health and Safety (Consultation with Employees) Regulations 1996 (Measure to encourage improvements in the safety and health of workers at work).	20
Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (Measure to encourage improvements in the safety and health of workers at work).	25
Health and Safety (First-Aid) Regulations 1981 (Measure to encourage improvements in the safety and health of workers at work).	
Fire Precautions (Workplace) Regulations 1997 (Measure to encourage improvements in the safety and health of workers at work).	
Personal Protective Equipment Regulations 1992 (Measure to encourage improvements in the safety and health of workers at work).	30
Workplace (Health, Safety and Welfare) Regulations 1992 (Minimum safety and health requirements at work).	

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## B I L L

To make provision about the safeguarding of workers' rights derived from European Union legislation after the withdrawal of the UK from the EU; and for connected purposes.

*Ordered to be brought in by Melanie Onn,  
Louise Haigh,  
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to be Printed, 7 September 2016.*

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