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# EMPLOYMENT RIGHTS

## PRESERVING AND STRENGTHENING FAMILY-FRIENDLY AND EGALITARIAN WORKPLACE CULTURES AFTER BREXIT

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### About this briefing

The UK has been a policy leader in fostering the development of family-friendly and egalitarian workplace cultures. This has been achieved through a range of legal rights, many of which are derived from EU law. This briefing assesses how employment rights underpinning family-friendly workplaces might be affected by the UK's exit from the EU. It also makes recommendations for how the UK might preserve and strengthen its commitment to maintaining family-friendly and egalitarian workplaces after Brexit.

### The current legal framework for family-friendly employment in the UK

The UK framework of family-friendly employment rights entwines domestic and EU-derived law. This framework currently includes: 1) protections of status and rights of pregnant workers, 2) rights to maternity, paternity, parental and other care-related leaves, and to (partial) remuneration during these leaves, 3) protections of contractual position while on leave, and 4) the right to request flexible working. While many of these rights are derived from EU law, UK legislators have taken significant steps to improve upon minimum EU standards, in some cases, independently of the EU. Several of these rights

### Policy Recommendations

- The UK should maintain its status as a policy leader in developing egalitarian and family-friendly workplace cultures. Such workplace cultures are essential to encouraging women to enter and stay in work. This can be of particular importance in occupations such as nursing, construction and engineering, which risk skills shortages after Brexit. Family-friendly workplace cultures are also integral to enabling men to take on more active roles in caregiving.
- Maintaining family-friendly work place cultures will require preserving not only typical work-family reconciliation rights, but also working time standards, especially limits on excessive working hours, and rights of part-time and atypical workers. These latter rights are essential for a family-friendly workplace culture that preserves access to good flexible jobs and gives women and men equal opportunities to engage in care.

(e.g. the extended right to request flexible work introduced in 2014, and shared parental leave in 2015) have received broad cross-party political support. As such, many of them are well embedded in UK law and unlikely to be directly affected by reforms that might follow Brexit.

However, the EU-derived regulations of part-time and atypical work, and standard working time, have received opposition in the past, and may come under scrutiny as the UK leaves the EU. Crucially, these regulations are also essential to preserving the UK's family-friendly work cultures.

## Flexible or atypical work regulation

Flexible or atypical work (part-time, casual or fixed-term contract work) has long been used by working women to reconcile work and family obligations. Historically, these types of work arrangements have been associated with detrimental conditions, lack of benefits, and fewer opportunities for training and advancement, contributing to labour market inequality and enduring gender gaps in employment and pay. In the UK, Part-time employees Regulations (2000) and Fixed-term employees Regulations (2002) - both derived from EU directives - were introduced to provide some protection for workers on non-standard contracts.

These EU derived regulations have faced some opposition regarding the undue costs and burdens they place on businesses. However, they are essential to ensuring that the UK's own right to request flexible working is effective and remains a viable option for workers seeking a more balanced lifestyle. Conditions of flexible work must remain subject to these regulations and be legally protected, otherwise flexibility is less likely to be an effective, secure, or desirable method of achieving family-friendly schedules.

## Working time regulation

The UK's national working time regulations are directly derived from the EU Working Time Directive. These regulations include a limit of 48 hours on the average working week and a minimum of 5.6 weeks paid leave a year. Notably, they have been among the most contested employment norms to be adopted in the UK since EU accession.

### Further information

Lyonette, C., et al., 2012, *The Influence of Working Time Arrangements on Work life Integration or 'Balance': A Review of the International Evidence*, Geneva: ILO.

Zbyszewska, A. 2016. 'Reshaping the European Working-time Regime: Towards a Sustainable Model.' *European Labour Law Journal* 7 (3): 331-347.

Zbyszewska, A., B. Kresal, 2017, 'Through Work-Life-Family Reconciliation to Gender Equality? Slovenia and the United Kingdom's Legal Frameworks Compared' in *Bulletin of Comparative Labour Relations* vol 98.

The UK has integrated an opt-out provision to give individual workers flexibility to work longer hours should they choose to, while the overall working-time framework protects the rights of workers who seek more balance. In order to support the reconciliation of work and family obligations, maintaining this protective framework is important to give women access to good full-time jobs, and to improve the likelihood that men will partake in care work. Research has shown that regulatory regimes where hours of work are less polarised between women and men, and where limitations on work hours are maintained, are more likely to encourage men to take on care responsibilities.

## Conclusion

The UK has taken significant steps towards creating a family-friendly workplace culture. To preserve and extend upon this after Brexit, the government needs to maintain not only the more typical family-friendly regulations but also other EU-derived regulations that underpin them: namely those related to part-time, atypical work and to standard working time. These regulations enable flexibility in employment for parents and carers, give them access to good jobs, and encourage men to participate in care giving, supporting a more equal working environment.

For workplace culture to remain and become even more family-friendly, and egalitarian, employers should be encouraged to offer *good* flexible jobs, with rights to good remuneration, a range of benefits, and possibilities for promotion and progression, including into full time work. This is essential to ensure that family-friendly jobs are not a 'dead end' and are more attractive for men. Both the current care crisis and the anticipated Brexit-related skills shortages make this an urgent policy agenda for the UK.

## Contact the researchers

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