

STATEMENT OF THE ETUC ON THE NOTIFICATION OF THE UK TO WITHDRAW FROM THE EUROPEAN UNION

Statement adopted by the Executive Committee, Malta 15 -16 March 2017

Meeting in Malta during the Maltese Presidency of the European Union the European Trade Union Confederation reaffirmed its commitment that workers and citizens – in UK and the rest of the EU - must not pay the price for Brexit.

Our key common priority is the defence of workers' rights, jobs and living standards.

The ETUC is calling for the Article 50 negotiations to lead to a social and economic agreement that protects jobs, living standards and workers' rights, and not a free trade deal built on a platform of lower pay, tax and standards. We need a level playing field.

Setting the right framework for the negotiations

The UK government has signalled that it will shortly launch the procedure to withdraw from the European Union under Article 50 of the Treaty on European Union (TEU).

The triggering of Article 50 requires the European Council to adopt guidelines setting out the basis on which the negotiations on the terms of exit and future relationship between the EU and UK will take place. The ETUC believes it is essential for these guidelines to support the achievement of an ambitious economic and social post-exit cooperation agreement, which we believe will be in the mutual interest of all.

To protect jobs and to avoid negative consequences for the EU and UK economies, it is essential that the guidelines underpin an organised, well sign-posted and fair negotiation process. The guidelines need to set out how the complex negotiations will be managed, bearing in mind the wide range of issues, such as: the right to remain, to work, to study, to travel, civil aviation, overland transport, agriculture, fisheries, technical standards, public procurement, scientific research, Schengen, fraud, education (including, specific projects such as ERASMUS+ and HORIZON), health, statistics, environment, media, financial services, taxation of savings, equality, employment, pensions, consumer rights, Europol, Eurojust and Euratom, to name just a few. In this context, protection of manufacturing, health and public services and the jobs linked to them, must have high priority.

To ensure all this is addressed properly, and that jobs and social rights are adequately protected, the ETUC's conviction is that the UK should keep membership of the EU Single Market and Customs Union, with the rules and freedoms linked to them, including the role of the European Court of Justice (CJEU).

What happens during the upcoming negotiations will lay the framework for the future and will have a long-term impact on jobs, living standards and workers' rights.

The ETUC is calling for the European Council to issue guidelines to establish a clear roadmap for the negotiations and in particular to:

1. Guarantee the involvement of trade unions at every stage of the process, including preparation of the mandate and conduct of the negotiations; in this respect, the guidelines should impose the greatest possible degree of openness with a presumption of transparency unless a strong case for confidentiality can be shown.
2. Set objectives for the negotiations that properly take account of the real interests of citizens and workers in the EU and the UK, for example by requiring the withdrawal and post-exit agreement to promote the protection of jobs, living and working conditions, along with protecting the highest level of employment standards and ensuring gender equality and the promotion of health and safety, environment and consumer protection.

3. Guarantee at the beginning of the negotiations that workers will not be used as bargaining chips. This means that the guidelines should provide for the right to stay, work, move and continue enjoying rights to be immediately guaranteed to EU citizens in the UK and to UK citizens in the EU. A fair deal on mobility has to be guaranteed for the future as well.
4. Require the UK to fully transpose into UK legislation the social acquis to protect workers' rights, including a non-regression clause. The guidelines should also require UK legislation to continue to keep pace with the evolution of the EU social acquis in order to avoid social dumping between the UK and the EU in its future relationship and to ensure British workers do not become second-class citizens.
5. Ensure that the negotiations deal with the specific situation of Northern Ireland and the Republic of Ireland, including setting an objective for the post-exit agreement to protect the Good Friday Agreement and ensure the continued rights of frontier workers. Similarly, the negotiations need to address the situation of Gibraltar.
6. Ensure that the negotiations include an agreement for a transition period to allow time for adjustments. The arrangements for the transitional period should form part of the exit negotiations, and should not be a separate arrangement negotiated after the exit negotiations. During the transitional period, the current rules and procedures of the EU would be followed, including the social acquis and the role of the CJEU.
7. Recognise that a period longer than two years may be needed to conclude the negotiations for an agreement. Enough time should be allowed to make sure that all issues and concerns listed in this paper are properly addressed in the transition arrangements.
8. Signal that in the case of a genuine revocation of Article 50 this will be facilitated.
9. Include measures to ensure that the negotiations are in accordance with the guidelines such as including a requirement for regular reporting, with impact assessments setting out the likely impact on jobs, living standards and rights of workers in Europe and the UK.

Finally, recognising that there are already negative impacts on jobs and workers, the ETUC is calling for the immediate establishment of funding means, to help counteract any harmful consequences for jobs and communities.