

PART-TIME AND TEMPORARY WORKERS

Risks of Brexit

Introduction

In recent decades, the number of people employed on a part-time or temporary basis has grown. These workers have often been marginalised and denied certain rights and benefits. EU law has helped improve their rights at work.

EU guarantees rights to equal treatment

Women make up the majority of part-time workers. In 1994, the former Equal Opportunities Commission took a case based on EU sex discrimination law that succeeded in getting part-timers the same rights to claim unfair dismissal and redundancy pay as full-timers – previously, part-timers needed 5 years' service to qualify. About 400,000 part-timers in the UK gained access to occupational pensions thanks to EU legal rulings on equal pay. Part-timers were among the main beneficiaries of the Working Time Directive too. Prior to its implementation in the UK, nearly a third of part-timers had no right to paid holiday compared to 4% of full-timers.

Three EU Directives provide specific rights to equal treatment for part-time, fixed-term and agency workers compared to full-time and permanent staff (implemented in the UK in 2000, 2002 and 2011). Trade unions campaigned and negotiated for these rights at EU level. They mean part-timers can claim equal pay and pensions without having to show sex discrimination (benefitting the growing number of men who work part-time). Fixed-term employees have increased job security, better access to permanent jobs and better unfair dismissal and redundancy rights, as well as improved pay and conditions.

The gains on agency worker rights have been more limited. They gained equal access to facilities like staff canteens and some received pay rises and more paid holiday. But some employers have used a loophole to avoid paying them equally. The TUC has complained to the European Commission about the government's implementation of the Agency Workers Directive (this is being investigated) and will continue to campaign for better agency worker rights.

RETAINED FIREFIGHTERS GAIN

Shortly after the Part-Time Worker Regulations were implemented in the UK, the FBU supported 12,000 retained firefighters in a legal challenge claiming parity with full-time firefighters. In a landmark judgement in 2006, the House of Lords agreed that retained firefighters were employed to do broadly similar work as full-timers. As a result, retained firefighters gained access to the same pension scheme, sick pay scheme and the extra pay for additional responsibilities as full-time firefighters.

Risks of Brexit

If the UK votes for Brexit, all EU-guaranteed rights are likely to be reviewed and could be vulnerable to repeal or dilution. Those campaigning for Brexit have repeatedly called for rights that they see as restricting employers' flexibility to be scrapped. Protections for workers who are not full-time and not part of the permanent workforce are particularly vulnerable to repeal.

Earlier Conservative governments resisted the EU Directives on part-time workers and fixed-term workers. They only became part of UK law after the Labour government signed up to the Social Chapter. Leading Brexit campaigner Boris Johnson has repeatedly attacked the Social Chapter legislation and expressed disappointment it was not part of the recent renegotiation of the terms of Britain's membership of the EU.

The Agency Workers Directive is frequently targeted by those in favour of leaving the EU. And the Beecroft review of employment law commissioned by the coalition government called for legislation on agency workers' rights not to be implemented in the UK, even if it meant the UK facing legal action from the EU.

Brexit could also mean discrimination law being watered down. Plus the judgements of the European Court of Justice, which has been strong on equality, would no longer be as influential in the UK. This could make it easier for employers to justify policies and practices that particularly disadvantage women and other groups who are more likely to work part-time or on a temporary basis.

If the UK remains in the EU, there are opportunities to continue to lobby, campaign and use EU law to improve the rights of workers like agency workers and those on zero-hour contracts.

For more information go to www.tuc.org.uk/euref

Printed and promoted by Frances O'Grady on behalf of the TUC, both of Congress House, Great Russell Street, London WC1B 3LS.