

WOMEN'S RIGHTS

The risks of Brexit

Introduction

Britain's membership of the EU has led to significant improvements in the rights of women at work. EU law has extended rights to equal pay and strengthened protection from sex discrimination. It has improved the treatment of pregnant women and new mothers in the workplace and introduced new entitlements for parents to take time off. Many women also benefited from basic rights, like paid holiday, that were introduced at EU level – many of the two million workers who had no paid holiday before the Working Time Directive were part-time women.

Equal pay and sex discrimination

In 1984 the UK government was forced to include equal pay for work of equal value in the Equal Pay Act 1970 after it was taken to court by the European Commission. The original Act had only given women a right to equal pay with men doing the same work or in the same grade as them. The right to equal pay for work of equal value allowed women to challenge lower pay for jobs that were seen as 'women's work' compared to 'men's work' of a similar level of skill, effort or responsibility. Many landmark cases followed: cooks comparing themselves with craftsmen; cleaners and dinner ladies getting equal pay with refuse collectors; and speech therapists getting equal pay with clinical psychologists.

FORD SEWING MACHINISTS GAIN A PAY RISE

Even the Ford sewing machinists, whose strike in 1968 led to the Equal Pay Act, benefited from the right to equal pay for work of equal value. Before the strike the machinists were paid 85 per cent of the men's rate in the 'lower skilled' grade. The strike won them the full lower skilled rate. But after the Equal Pay Act was amended in 1984, the women argued their jobs were of equal value to the men's in the 'higher skilled' grade. They succeeded in getting a re-grading and the pay they really deserved.

EU law also helped women working part-time gain equal pay and benefits compared to full-timers (on a pro-rata basis). It ruled that to give them less would be indirect sex discrimination as mainly women work part-time. This led to about 400,000 part-time women workers in the UK gaining an occupational pension for the first time.

Pregnancy, maternity and family leave rights

Rights to paid time off for antenatal appointments and strong duties on employers to protect pregnant women and breastfeeding mothers from harm in the workplace were introduced in the UK as a result of EU law. EU law also guarantees women a minimum period of maternity leave, a right to return to the same job and protection from dismissal or any other unfavourable treatment because of pregnancy or maternity.

Rights for parents and carers to take time off in an emergency and for parents to take 18 weeks' unpaid parental leave per child also have their origins in EU law. In the UK, one in 10 working parents of pre-school children (and one in five single parents) rely on parental leave each year. And nearly one in four parents take time off to deal with emergencies like a child falling ill or childcare arrangements breaking down.

Risks of Brexit

There would be a great deal of uncertainty following a vote for Brexit. But a government that is keen on cutting 'burdens on business' would be unlikely to leave workers' rights intact.

Rights that are kept after Brexit may be made less effective. For example, EU law says that compensation for victims of sex discrimination must not be capped. But Conservative MPs and advisers have said that they want to limit discrimination awards. And the limit on unfair dismissal compensation (which is not protected in EU law) has recently been lowered.

Many of the improvements in working women's rights have come from EU case law – court rulings that then had to be followed in similar cases across all member states. But if Britain left the EU, the UK government would be free to override any judgement that improved workers' rights.

And, if we left the EU, British women would not benefit from any future gains. For example, a new consultation of trade unions and employers has just begun at EU level on a new package of rights to improve work/life balance, including proposals for carers' leave, flexible working and stronger protections from dismissal for new mothers.

More information: www.tuc.org.uk/euref

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