

## Brexit: what next for UK employment law?

The votes are in and the UK has decided to leave the EU. With many of the UK's employment rights emanating from EU law, what does this historic vote mean for the future of UK employment law?

In the short term, not much is expected to change due in part to the length of time it will take the UK to leave the EU. However, in the longer term, there are a number of laws and rights that may be vulnerable to legislative change, such as:

- **Working time** – the maximum working week of 48 hours could be abolished as it is unpopular with employers.
- **Redundancy consultation** – it is anticipated that the threshold for the requirement to undertake collective consultation (currently 20 affected workers) will be raised.
- **TUPE** – it is highly unlikely that TUPE will disappear, given that it is broadly accepted by employers. However, at present, when a purchaser buys a business and there are employees transferring into the purchasing business, those employees transfer with their existing contractual terms and conditions. In the future, this may be abolished and there may be the ability for the purchaser to align the contractual terms and conditions of transferring employees with those of its existing workforce.
- **Discrimination law** – the UK had legislation in place to protect employees against discrimination long before it was imposed by the EU. It is, therefore, unlikely that these rights will be altered. However, the potential compensation that may be awarded to an employee by an Employment Tribunal is currently unlimited and there have previously been calls for such compensation to be capped in the UK (in the same way that compensation for unfair dismissal is capped), so this may happen at some point in the future.
- **Free movement of people** – as things presently stand, it may be some considerable time before it becomes clear what will happen to those EU citizens who currently live and work in the UK and what, if any, restrictions might be imposed to reduce future immigration of EU citizens into the UK. Much will depend upon the negotiations, led by our new Prime Minister (whoever that may be) for the UK's exit from the EU and any trade agreements negotiated with the EU or its member states.

### What should you do now?

If you are an employer and you are concerned about the potential implications of the 'brexit' on your business, then do not hesitate to get in touch with one of our team members.

If you would like more information on the above changes, or any related matter, please contact a member of Rooks Rider Solicitors' Employment team.



Amanda Pullinger  
Senior Associate, Head of Dispute  
Resolution and Employment  
[apullinger@rooksriver.co.uk](mailto:apullinger@rooksriver.co.uk)  
+44 (0)20 7689 7180



Aaron Heslop  
Solicitor  
Dispute Resolution and Employment  
[aheslop@rooksriver.co.uk](mailto:aheslop@rooksriver.co.uk)  
+44 (0)20 7689 7209



Rooks Rider Solicitors LLP  
Challoner House  
19 Clerkenwell Close ■ London ■ EC1R 0RR

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