

Deal or no deal?

How different Brexit deals could affect employment and immigration

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> A deal has been negotiated, but its passage through the UK parliament looks far from assured. No deal remains a very distinct possibility while a second referendum appears more likely than previous. Our regular update examines what has changed recently in light of the proposed withdrawal agreement when it comes to employment and immigration law.

Employment law	Immigration law	Questions
<p>Deal ✔</p> <ul style="list-style-type: none"> no plans to change UK employment law - legislation flowing from the EU Withdrawal Act seeks to maintain current statute book where not already under UK law and the proposed deal means that the ECJ retains a role in enforcing this during any transition period and, to a certain extent, afterwards direct pipeline of EU law into UK law would be broken, but the UK will agree to broadly keep pace on a "non regression" basis with future EU employment law under the terms of any future free trade deal would "non regression" be enforced through a joint UK/EU quasi judicial body with subsequent enforcement through binding arbitration? no significant employer friendly liberalisation of UK employment law any time soon <p>No deal ✘</p> <ul style="list-style-type: none"> as above, except UK will have more freedom to implement whichever employment laws it chooses 	<p>Deal ✔</p> <ul style="list-style-type: none"> free movement of workers ends 1/1/2021. If you have a high % of EU workers this needs thought and strategy, contingency and communications highly skilled workers will be prioritised and Tier 2 is likely to be adapted to fill the void of free movement. Possible adjustments are abolishing the Tier 2 cap, reducing the skill level and revisiting the need to test the resident labour market for low skilled workers the Youth Mobility Scheme and some family migration could be extended if more workers are needed in preference to a sector based approach 15 member states also plan to introduce settled status, 10 have opted for a simple declaratory approach where settled status can be assumed <p>No deal ✘</p> <ul style="list-style-type: none"> free movement of workers could end as soon as 29 March 2019 the most practically likely outcome is that EU citizens in the UK (or arriving pre March 2019) will be able to stay and work in the UK post 29 March 2019 the situation for UK citizens in Europe is less certain right to work checks should not be needed on current employees employment of EU citizens arriving in the UK from 30 March 2019 is unclear; it is possible that the new immigration regime will apply but practically speaking there is no time for implementation. More likely is the retention of free movement for a period after Brexit as the new law is finalised 	<p>The uncertainty surrounding the outcome of the negotiations leaves many questions unanswered. How would EU/UK enforcement of employment law non-regression actually work? What would it mean for EU/UK citizens who wanted to settle post-2019? Are you considering relocating yourself?</p> <p>If you are concerned about the impact of Brexit on your organisation, we might be able to help</p> <p>For further details please contact:</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="text-align: center;">  Tom Bray <i>Partner</i> T: +44 29 2047 7772 tombray@eversheds-sutherland.com </div> <div style="text-align: center;">  Audrey Elliott <i>Partner</i> T: +44 121 232 1523 audreyelliott@eversheds-sutherland.com </div> </div>