



Changing the world
of work for good

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The Rt Hon. Theresa May MP
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Dear Prime Minister

Thank you for meeting me last week. My staff also welcomed yesterday's opportunity to set out the TUC's position to government officials in more detail.

I wanted to write to you to now, taking account of Tuesday's developments in the House of Commons, to reflect some of the points we discussed and possible developments over the coming period.

As I set out when we met, our General Council and Congress have agreed three tests that a Brexit deal must meet to ensure the interests of people at work are protected. These are:

- Maintain workers' existing rights and establish a level playing field so that British workers' rights do not fall behind those of other European workers.
- Preserve tariff-free, barrier-free, frictionless trade with the rest of Europe to protect jobs.
- Ensure no hard border between Northern Ireland and Ireland, to preserve jobs, livelihoods and peace.

We could consider supporting any deal which meets these tests, including membership of the single market and customs union. However, we have also consistently set out that the Withdrawal Agreement (WA) as drafted falls well short of the protections people at work need.

Given this, at this stage of negotiations I urge you to revisit your red lines and discuss a customs union and single market relationship with the EU. It now appears that this may be the only way to properly protect jobs and rights here in the UK now and into the future, and to uphold peace in Northern Ireland.

In the House of Commons on Tuesday, you made clear your intention to seek a reopening of the WA, with a focus on the backstop provisions. Our view is that if any

Frances O'Grady *General Secretary* Paul Nowak *Deputy General Secretary*



consideration is given to revisiting the WA, rather it should focus on strengthening the provisions on workers' rights.

As you know, the ETUC, TUC and our colleagues in Ireland have consistently called for an approach that supports and upholds the Good Friday Agreement. This remains our position. We are concerned that the GFA, the guarantees of no hard border and the protection of human and equal rights should not be further destabilised.

There are several areas in which the WA would need to be changed to improve the protection on jobs and rights offered by the current deal.

The first area is the **enforcement mechanism** for workers' rights that is contained in the backstop. It is not acceptable that the interest of investors in state aid (articles 7-15 of Annex 4 to the Protocol on Northern Ireland) are put above those of working people or environmental protection (articles 4 and 2-3 Annex 4 respectively). Workers' rights should enjoy, and be subject to, the same enforcement mechanism that applies to the rest of the WA rather than being reliant solely on the domestic legal system.

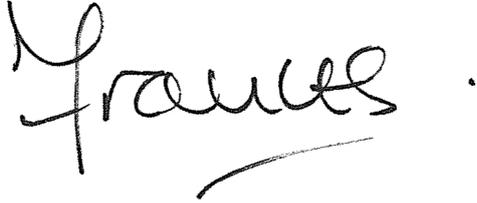
The second area is the lack of a binding commitment to **non-regression of rights** including the lack of confirmation that all future rights implemented by the EU will be incorporated into UK law and will be interpreted in keeping with ECJ judgments. In our view this is the only way to prevent regulatory divergence and deliver full protection for UK workers.

Third, is the potential for **divergence of rights**, during the transition period and the lack of confirmation that the UK will be required to incorporate in full all rights with an implementation period that begins before the end of the transition. At the moment, we understand that this is not your government's intention, as your officials have indicated they are interpreting article 6.1 of the Withdrawal Agreement in a narrow way.

There are also many other areas where working people need the government to do more. After a decade of cuts, lack of investment in public services and a failure to support our economy in towns and cities across the country, we need a genuinely new approach. As my colleagues set out to your officials yesterday, working people need urgent action to deal with the prevalence of zero hours contracts, attacks on workers' collective rights imposed by the Trade Union Act, failures to ensure fair pay and tackle exploitation, as well as cuts to vital public services.

The TUC stands ready as always to coordinate trade union engagement with government across all these issues. It would be helpful to hear your plans for structured engagement with the trade union movement, under the auspices of the TUC, to discuss these and any other points further.

Yours sincerely

A handwritten signature in black ink that reads "Frances". The letter "F" is large and stylized, with a long horizontal stroke extending to the right. The rest of the name "rances" is written in a cursive, lowercase style. There is a small dot at the end of the signature.

Frances O'Grady
General Secretary