

# After Brexit

The right to work as a teacher  
in the UK and the EU





On 23 June 2016, in a Referendum, the UK voted to leave the European Union (EU). This booklet explains the implications of that vote for UK teachers living/working in the EU and for other EU teachers who are living/working in the UK.




The UK remains a part of Europe and, pending further decisions and negotiations, remains a member of the EU. However, following the Referendum vote and the decision to trigger Article 50, the UK Government is taking active steps to end the UK's membership of the EU. This will have implications for teachers in and from all parts of the UK.



## Right to work

Until the process of leaving the EU is concluded, teachers who are EU citizens (including UK teachers) will continue to have the right to live or work in any country in the EU/European Economic Area (EEA).

The EU/EEA includes:

 Austria	 Greece	 Romania
 Belgium	 Hungary	 Slovakia
 Bulgaria	 Ireland	 Slovenia
 Croatia	 Italy	 Spain
 Cyprus	 Latvia	 Sweden
 Czech Republic	 Lithuania	 United Kingdom
 Denmark	 Luxembourg	 Norway (non-EU)
 Estonia	 Malta	 Iceland (non-EU)
 Finland	 Netherlands	 Liechtenstein (non-EU)
 France	 Poland	
 Germany	 Portugal	

Teachers from non-EU/EEA countries working in the UK are not affected by the result of the UK Referendum on EU membership.



# ARTICLE 50

## THE LISBON TREATY

### EUROPEAN UNION

Signed: \_\_\_\_\_

Signed: \_\_\_\_\_

## Exiting the EU

Article 50 is a provision of the 2007 Treaty of Lisbon that gives any EU member state the right, unilaterally, to end their membership of the EU and its institutions. Article 50 outlines the procedure for leaving the EU.

On behalf of the UK, the Prime Minister, Rt Hon Theresa May MP, triggered Article 50 on 29 March 2017. Article 50 requires that the UK exits the EU within two years, on/by 29 March 2019.

The conclusion of the Brexit negotiations may result in an agreement approved by a qualified majority of EU member states but may also be vetoed by the European Parliament.

There is no change to the rights and status of EU nationals living in the UK or to the rights of UK nationals living elsewhere in the EU while the UK remains in the EU.





10 DOWNING STREET  
LONDON SW1A 2AA

29 March 2017

THE PRIME MINISTER

*Dear President Tusk*

On 23 June last year, the people of the United Kingdom voted to leave the European Union. As I have said before, that decision was no rejection of the values we share as fellow Europeans. Nor was it an attempt to do the European Union or any of the remaining member states. On the contrary, the United Kingdom wants the European Union to succeed and prosper. Instead, the referendum was a vote to restore, as we see it, our national self-determination. We are leaving the European Union, but we are not leaving Europe – and we want to remain committed partners and allies to our friends across the continent.

## Triggering Brexit

The Prime Minister's letter of 29 March 2017 to the European President, triggering Article 50, made clear that:

*'On 23 June last year, the people of the United Kingdom voted to leave the European Union. As I have said before, that decision was no rejection of the values we share as fellow Europeans. Nor was it an attempt to do harm to the European Union or any of the remaining member states. On the contrary, the United Kingdom wants the European Union to succeed and prosper. Instead, the referendum was a vote to restore, as we see it, our national self-determination. We are leaving the European Union, but we are not leaving Europe – and we want to remain committed partners and allies to our friends across the continent.'*



In the Prime Minister's letter triggering Article 50, the Government set out a number of negotiating priorities for the process of Brexit negotiation:

- i. *We should engage with one another constructively and respectfully*, in a spirit of sincere cooperation...we understand and respect your position that the four freedoms of the single market are indivisible and there can be no 'cherry picking'...
- ii. *We should always put our citizens first...There are, for example*, many citizens of the remaining member states living in the United Kingdom, and UK citizens living elsewhere in the European Union, and we should aim to strike an early agreement about their rights.
- iii. *We should work towards securing a comprehensive agreement*...taking in both economic and security cooperation...
- iv. *We should work together to minimise disruption and give as much certainty as possible*...In order to avoid any cliff-edge as we move from our current relationship to our future partnership...

- v. *...we must pay attention to the UK's unique relationship with the Republic of Ireland and the importance of the peace process in Northern Ireland...* We want to avoid a return to a hard border between our two countries, to be able to maintain the Common Travel Area between us... We also have an important responsibility to make sure that nothing is done to jeopardise the peace process in Northern Ireland, and to continue to uphold The Belfast Agreement.
- vi. We...should prioritise the biggest challenges... *we... propose a bold and ambitious Free Trade Agreement* between the United Kingdom and the European Union...
- vii. *We should continue to work together to advance and protect our shared European values.* Perhaps now more than ever, the world needs the liberal, democratic values of Europe. We want to play our part to ensure that Europe remains strong and prosperous and able to lead in the world, projecting its values and defending itself from security threats.



## The Brexit negotiations

In spite of a 'snap' General Election held on 8 June 2017, Brexit negotiations commenced, as planned, on 19 June 2017. In a speech delivered on 17 January 2017, the Prime Minister identified three principles for building a fairer Britain following Brexit:

- **Control of immigration**

*'...we will get control of the number of people coming to Britain from the EU.'*

- **Rights for EU nationals in Britain, and British nationals in the EU**

*'We want to guarantee the rights of EU citizens who are already living in Britain, and the rights of British nationals in other member states, as early as we can.'*

- **Protect workers' rights**

*'...we will ensure that workers' rights are fully protected and maintained...Indeed, under my leadership, not only will the government protect the rights of workers set out in European legislation, we will build on them...'*



## European Union (Withdrawal) Bill

The European Union (Withdrawal) Bill was included in the Queen's Speech in June 2017 and introduced to Parliament on 13 July. It will repeal the European Communities Act 1972 and make other provisions in connection with the UK's withdrawal from the European Union.

The Government estimates that around 12,000 EU regulations are currently in force in the UK, in addition to around 8,000 UK statutory instruments implementing EU legislation and 186 Acts of Parliament which incorporate some EU legislation. The total body of European law (the *Acquis Communautaire*) which binds together EU member states is estimated to consist of 80,000 items, covering everything from workers' rights to environment and trade.

Some of the EU laws are in areas that are controlled by the devolved administrations and raise important questions about how the UK's exit from the EU will be managed without undermining the position of government and administrations in Northern Ireland, Scotland and Wales, as well as the Channel Islands, the Isle of Man and Gibraltar.

New EU legislation is being created all the time and will continue to apply to the UK until it leaves.





## EU/UK citizens living in the UK/EU

There are around 3.2 million EU citizens living in the UK and around 1.2 million UK expats living in other EU countries.

A fact sheet – *Rights of EU Citizens in the UK* – published in June 2017, explains the Government's intentions regarding EU citizens living in the UK:

*'We want to ensure EU citizens continue to not only be able to live here as they do now but also to continue enjoying other important rights such as access to healthcare, education, benefits and pensions.'*

*'These rights will apply to all EU citizens equally and will not treat citizens of one member state differently to those of another. But this is without prejudice to our special relationship with Ireland.'*

*'These rights will be enshrined into UK, not EU, law, enforceable through the UK judicial system.'*

*'No EU citizen here lawfully before the cut off date, which is yet to be agreed, will have to leave as a result of us leaving the EU. There will be no "cliff edge" for businesses or individuals and we want to keep together families living lawfully in the UK'.*



Whilst there remains some uncertainty, the Government has confirmed that EU citizens in the UK need not take any action at present. However, the Government intends to ask all EU citizens to apply to the Home Office to obtain a residence document confirming their 'settled status'. An online application system for this purpose is expected to be announced in 2018.

The Government has confirmed that the rights of citizens from the Republic of Ireland residing in the UK will not be affected and they will not need to apply for settled status in order to protect their entitlements.

Further information about UK residence for EU citizens can be obtained from the Home Office or by visiting:

**[www.gov.uk/eea-registration-certificate](https://www.gov.uk/eea-registration-certificate)**



## The right to work in the EU

The right to free movement of people includes the right to work in another EU member state.

The EU Directives on the free movement of people confer certain rights on individuals and family members (including spouses, registered partners, dependent children under 21 years old and dependent parents), whatever their EU nationality.

In the case of registered partners, the right to free movement is provided if the country where a teacher wishes to work recognises registered partnerships as equivalent to marriage. In the UK, registered civil partnerships are recognised as equivalent to marriage.





## Employment rights

As an EU national working in another EU country, teachers also have the right to live in that country without the need to have a residence permit.

Teachers from other EU countries working in the UK are subject to the same working conditions as UK nationals, including with regard to their pay, hours of work, maternity leave entitlements and health and safety at work.





## Teachers' rights

Teachers have the same rights as nationals of the country they are working in regarding pay, working conditions and social security/welfare.

In order to work in a non-EU country, or to work in the UK as a national from a country outside the EU, you will need to obtain a suitable work permit.

Teachers should contact the relevant embassy of the country where they want to work for details about work-permit requirements.



## **The right to equal treatment**

Teachers are entitled to be recruited under the same conditions as teacher nationals of the country in which they are seeking work and cannot be asked to meet any additional requirements.

A UK teacher can apply freely for a teaching job vacancy advertised in any other EU country. Similarly, teachers from other EU countries are free to apply for teaching posts in the UK.



## **The right to work as a teacher**

Each EU country may have local/national requirements for specific qualifications, for certificates or for professional registration as a condition of being employed as a teacher.

In order to work as a teacher in an EU country where a system of professional regulation applies, individuals will need to apply for recognition of their teaching qualifications in the country where they wish to work. The regulatory authorities in that country must reply to any application within four months.

If the regulatory authorities in the country where an individual is seeking to work as a teacher consider that an individual's training is significantly different in terms of duration or content from that given in the host country, the teacher may be asked to undertake additional professional experience or training.





## Teacher registration

To work as a teacher in Scotland, Wales and Northern Ireland, teachers must be registered with the GTC Scotland, the Education Workforce Council in Wales and the GTC Northern Ireland, respectively. For further information about the UK regulatory bodies, go to:

Scotland: **[www.gtcs.org.uk](http://www.gtcs.org.uk)**

Wales: **[www.ewc.wales](http://www.ewc.wales)**

Northern Ireland: **[www.gtcni.org.uk](http://www.gtcni.org.uk)**

Information for EU/EEA nationals wanting to work in England can be obtained from the National College for Teaching and Leadership at: **[www.gov.uk/guidance/qualified-teacher-status-qts#eea-nationals](http://www.gov.uk/guidance/qualified-teacher-status-qts#eea-nationals)**.





## **The right to social security**

By working in another member state and by transferring residence to that country, a teacher will become 'resident for tax purposes' in the country where they are working. Teachers from other EU countries working in the UK will be required to pay the same level of tax and social security contributions (such as National Insurance) as host-country nationals. The same principle applies to UK teachers who work in other EU countries.

Teachers from other EU countries working in the UK will be insured for social security purposes in the UK. Individuals, and in certain circumstances their family, are entitled to the same social security benefits as UK nationals.

These rights cover sickness and maternity benefits, disability, old age and survivors benefits, benefits payable for accidents at work, occupational illness, death and unemployment, as well as family allowances. You cannot be excluded from benefits on grounds of nationality, for reasons of residence, or for any other discriminatory reason.



## **The right to live safely and without fear**

Everyone has the right to work and to live in safety, and without fear. Regrettably, since the result of the UK Referendum to leave the EU, there has been an increase in the number of reported 'hate crimes' targeted against individuals and families because of their nationality, ethnic background or religious belief.

The NASUWT condemns such behaviour and is working hard locally, nationally and internationally to help secure the conditions in which all teachers, pupils, families and communities can live, work and study safely and free from fear of violence, intimidation and abuse.

The NASUWT is at the forefront of efforts nationally and in the EU to support the work of schools in promoting equality and to celebrate the ethnic, cultural and religious diversity of our communities. The NASUWT is a founding member of the European Trade Union Committee for Education (ETUCE) and Education International (EI) which represents 32 million teachers and educators in over 170 countries.



## **The right to respect and dignity**

Where teachers in the UK are affected by racial, religious or other forms of prejudice-related bullying, hatred or bigotry, they should contact the NASUWT immediately for advice and support. Where incidents take place outside the school, including at holidays, members should still contact the NASUWT for help and support, and report the matter to the police.

The NASUWT believes that no one should live in fear because of who they are or where they come from. Any teacher who experiences or witnesses prejudice-related bullying, harassment, victimisation, physical or mental abuse, or other forms of hate crime should make a note of the incident (including the date, time and location of the incident) and the names of any witnesses, and report the matter immediately.

If the abuse or harassment is received via social media or other online platform, a screenshot of the offending material should be taken immediately on the computer, tablet or mobile phone prior to reporting the incident.





## **NASUWT's concerns and priorities**

The NASUWT is concerned that there has been a significant increase in EU citizens leaving the UK since the June 2016 Referendum vote, adding to concerns for many employers.

The Office for National Statistics has identified that around 117,000 EU citizens left the UK in 2016, an increase of 31,000 on the previous year. Those who left were mostly EU8 citizens – a group which includes citizens of Poland, the Czech Republic, the Baltics and Hungary.

Feedback to the NASUWT indicates that many teachers from other EU countries are increasingly concerned about Brexit uncertainty, and others feel that they are less welcome living in the UK. Levels of recorded hate crimes have increased significantly since the Referendum.

The NASUWT was the first union to provide teachers with information and advice on the implications and consequences of Brexit. Since 23 June 2016, the Union has listened carefully to concerns raised by teachers about Brexit, to ensure that members are supported and more confident about the future.



**At the Union's National Conference in April 2017, the NASUWT confirmed its policy priority to campaign to protect workers' rights in the context of continuing Brexit uncertainty.**

The NASUWT is highly critical of the Government's failure to:

- protect the rights of teachers from EU countries working in the UK and the rights of UK teachers working in EU countries;
- commit to guarantee that workers' rights, including trade union rights, will be protected fully within any trade deals established with the UK; and
- protect investment in world-class education and other public services throughout the UK, the Channel Islands, the Isle of Man and Gibraltar.

**The NASUWT is demanding that:**

- UK governments and administrations end the failed and wasteful policies of deregulation and market-driven reforms and ensure that public funding for education is used responsibly and appropriately, in the national interest, and to protect jobs and living standards;

- the post-Brexit framework for workers' rights must include the right to security of employment, together with entitlements to decent working conditions, pay and pensions for all; and
- a campaign is organised involving members throughout the UK, the Channel Islands, the Isle of Man and Gibraltar, to advance the collective interests of all teachers and to prevent a race to the bottom in the wake of Brexit-driven regional and national devolution.

**The NASUWT is working with a range of bodies, nationally and internationally, to:**

- (a) defend the rights of teachers;
- (b) protect members from attacks on their professional status and terms and conditions, through all appropriate means, including industrial action;
- (c) ensure that in the negotiations with the EU the implications for education are considered fully; and
- (d) further ensure that future trade agreements protect workers' rights and deliver economic and social justice for all.




## The right to join the NASUWT

Being a member of the NASUWT – the Teachers' Union – is the best way to protect your job, status, pay and working conditions as a teacher and school/college leader.

Being a member of the Union provides all members with support at work, information and advice, and also a voice in your workplace, with employers and with government.

Whatever issues you are facing, joining the NASUWT, the largest UK teachers' union, is the best way to ensure that your rights at work are protected and improved.


Teachers from other EU countries who work in the UK can join the NASUWT.



The NASUWT is the teachers' union, representing teachers throughout England, Northern Ireland, Scotland, Wales the Channel Islands, the Isle of Man and Gibraltar.

The NASUWT is the union for all teachers in all sectors of education, including nursery/early years, primary, secondary/post primary and further education.

The NASUWT represents teachers and school and college leaders in state maintained schools, academy schools, free schools, independent schools, sixth-form colleges and further education (FE) colleges.



NASUWT members who wish to work in countries outside the UK should contact the Union for advice about their membership.

The NASUWT can also help with information and advice about the implications of taking a break from service in the UK as a result of working overseas, including the implications for future pay, pensions and employment rights.

Wherever you teach within the UK, teachers can rely on the support of the NASUWT.

**NASUWT**  
The Teachers' Union provides teachers with:

- help and advice about teaching in the UK;
- help with finding a job;
- free training and professional development;
- advice about your rights at work;
- information about your pay and conditions of service;
- advice about pensions;
- legal advice and support;
- financial advice and assistance;
- financial benefits including insurance, access to money-saving offers for a new car, holidays and eating out.

NASUWT membership is FREE for the first year.

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The Teachers' Union

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The Teachers' Union



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