

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PERSONNEL COMMITTEE

DECISION

meeting date: 26 OCTOBER 2022
title: EU POLICY CHANGES
submitted by: JANE PEARSON - DIRECTOR OF RESOURCES
principal author: DAWN EVANS-STOREY - HEAD OF HR

1 PURPOSE

1.1 To update members with regard to the impact of EU Policy Changes.

1.2 Relevance to the Council's ambitions and priorities:

- Community objectives – To be a well-managed Council.
- Corporate priorities - To continue to be a responsive Council, meeting the needs of the people who work in the borough.
- Other considerations - To meet the General Equality Duty and the Specific Duties.

2 BACKGROUND

2.1 Following the UK's departure from the EU, new guidance from the government has been expected to clarify how the current employment laws will change.

2.2 The key components depend on the Retained EU Law (Revocation and Reform) Bill. The Bill provides that all retained EU law contained in domestic secondary legislation (such as the Working Time Regulations) and retained direct EU legislation will be revoked on 31 December 2023 (or a later date before 23 June 2026, if agreed) unless a decision has been made to preserve it. This means that over the next few months government departments and the devolved administrations will need to decide which retained EU law can expire, and which should be incorporated into domestic law. From this point employers will have a fixed period of time to change and implement new policies.

3 ISSUES

3.1 The government will review then replace all EU derived law. Any laws that are not formally retained will automatically expire on 31 December 2023. As yet we do not know which laws will be revoked by this deadline, and even if many laws stay the same, reviewing these is a huge task.

3.1 The review of any policy takes considerable time. Consultation and approval of several layers of governance before approval could mean that the cycle of government does not meet frequently enough to approve these changes at the rate needed over the next 12 months.

3.2 Currently, if there is a conflict between UK and EU law, EU law takes priority. This will stop after 31 December 2023. This will impact, for example, on how the courts look at "normal pay" (which has been interpreted in line with the EU right to equal pay as including all aspects of remuneration and not just basic pay).

3.3 At this early stage we know that the main impact will be on employment rights and a significant upheaval in the employment law landscape is expected.

- 3.4 As we have been part of the EU for 47 years (1 January 1973 until 31 January 2020) it is impossible to pick out what has been 'cut and paste' from EU law and placed in UK law over that time.
- 3.5 Our HR policies are subject to review, with additional policies and procedures waiting to be added.
- 3.6 UNISON. The collective consultation requirements contained in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, which derive from the EU. The obligation is not particularly onerous and trade unions are likely to fight any plan to remove it altogether, but it is something which potentially falls away under the Bill.
- 3.7 Our expert HR advice is currently provided by North West Employers (NWE). Whilst this provides a solid platform for networking and sharing policies and advice, and there are no current legal template letters or policies that can be used as a format to start this project. The Chartered Institute of Personnel and Development (CIPD) offer access to their instant employment law updates, policies, templates, letters, pod casts that are up to date, and more importantly in line with changing legislation. CIPD members save 50% on a yearly subscription and can offer access to multiple users at discounted rates. This also provides pay calculations which will potentially change under REUL enabling us to enact instant change. Cost of subscribing to a CIPD Inform is £55 per month (plus VAT) for a 5 year subscription That will be funded from the Subscriptions budget.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – There will be a significant workload in order to undertake this project in the time frame provided by government. We need to consider how best to achieve this in discussion with CMT. The cost of the subscription to CIPD inform can be met from existing budgets.
- Technical, Environmental and Legal – None.
- Other councils will be in the same position and so the current practice of 'sharing policies and information' will not be relevant as everyone will have new policies to write at the same time in line with their practices.
- Political – None. Failure to undertake could lead to incorrect consultation
- Reputation – None identified. High turnover, the loss of the psychological contract and widespread discontent would be expected.
- Equality and Diversity – None. All policy and procedures will need to have a new Equality Impact Assessment undertaken

5 CONCLUSION

- 5.1 Over the next 15 months there will be a stream of updates which HR will have to track and manage accordingly.
- 5.2 This will be a large task that will need significant resources. CMT will need to hold many meetings to discuss and ratify changes. Also, this committee will be required to ratify these new policies.

6 RECOMMENDATION

- 6.1 Note the impact of the EU Policy changes as set out in the report.
- 6.2 Agree to purchase CIPD Inform for 5 years at a members cost of £55 per month

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REF

BACKGROUND PAPERS

For further information please ask for Dawn Evans-Storey, extension 4402