

What does Brexit Mean for Human Resources?

The UK and EU have come to an agreement: The Trade and Cooperation Agreement.

This impacts the HR landscape of your business in the following ways:

Existing EU derived employment law is unchanged, as it was transposed into domestic law already. Domestic UK employment law is unchanged. Finally, the UK has agreed that it will not reduce employment law rights below the standards that existed on 31 December 2020 (to the extent that it affects trade or investment).

The UK is free to diverge from future EU employment laws. The UK courts do not need to follow existing (pre-2021) European Court of Justice decisions and can depart from them if it “seems right to do so”. However, the agreement says that both sides shall continue to strive to increase their respective labour and social levels of protection - so expect cooperation and alignment in this area, nonetheless.

There are changes to immigration permissions and social security payment obligations for detached workers. Therefore, UK employers will need to check the immigration status of EU workers and get advice if they are sending employees to work in other European countries for extend periods of time.

Regarding data privacy, there is a six-month grace period between the EU and the UK. We expect there to be an adequacy decision in this time (which would mean the UK would, for all intents and purposes, remain in the EU sphere for sharing of personal data). However, if this adequacy decision does not come through, or there is some other arrangement put in place, companies should be reviewing and updating all GDPR/privacy-related documentation.

On a practical note, businesses need to check existing employment documentation – contracts, handbooks and other policies – to make sure that any stray references to the EU (especially in any non-competes etc.) are updated to reflect the new EU/UK relationship.

For further information and assistance on updating your HR documentation or GDPR queries, please contact me at kwatkins@ihrsolutions.co.uk or call me direct on 07566 766954 or call our helpline on 01604 709509.

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About the Author

KATHERINE WATKINS

Katherine has over 20 years' international experience working in HR, across various sectors, including financial services, insurance and regulated environments. Over the years, she has collaborated with some exceptionally talented HR professionals, with whom she has joined forces on special projects. Her network of HR professionals provides advice and training to companies and other HR teams.

In her role with UKGI Group, Katherine heads up the Human Resources Consultancy and provides objective support to firms on employment law and HR issues. She uses her extensive skills and knowledge to work with firms to help them develop strong and resilient HR strategies and establish healthy organisational cultures.

Katherine holds a degree in Business Administration and Management from the University of Northampton and a Postgraduate Diploma in Human Resource Strategies from London Metropolitan University. She is a Fellow of the Chartered Institute of Personnel and Development (FCIPD).

