

## Scottish Women's Convention (SWC) Response to the UK Parliament Women and Equalities Committee

### Inquiry to examine further the implications of leaving the EU on equalities legislation and policy in the UK

#### The Consultation

Following on from a one off session on the possible impact of Brexit on the equalities agenda, the Women and Equalities Committee has launched an Inquiry to examine further the implications of leaving the EU on equalities legislation and policy in the UK.

Committee Chair, Maria Miller, said:

*"Our new inquiry, Ensuring Strong Equalities Legislation outside the EU, is launched against the backdrop of growing consensus for robust parliamentary scrutiny of the UK's exit from the EU. Select Committees like ours will play a fundamental role in assessing the Government's plans, and making cross party recommendations based on evidence from a wide range of stakeholders. I hope this inquiry will help ensure that the critical issue of equalities protection is not forgotten as we navigate our future outside the EU."*

The Committee is seeking views on three key areas:

#### Legislation

- What aspects of equalities legislation could be affected when the UK leaves the EU? This could include implications for the Equality Act 2010 as well as other regulations and legislation that have an impact on those with protected characteristics.

#### Courts, Case Law and Appeals

- Which institutions, organisations and processes are best placed to ensure that the UK maintains and develops its legislation and policies designed to support those with protected characteristics?
- What impact will the European Court of Justice's decisions have in the UK?
- What is the ongoing role of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) in enforcing UK equality law/legal decision making processes?
- Will there be a legal gap post Brexit that would disadvantage UK citizens who want to appeal decisions taken by the UK Courts?

#### Embedding Equality Principles

- Is it necessary to further embed equalities legislation into the UK law on leaving the EU?
- What role will the ECHR play?
- How do other countries ensure strong protection for equalities legislation & rights?
- What is the role of the ECtHR?
- What role could the Office for Disability Issues and the Government Equalities Office (GEO) play in promoting and strengthening equalities post Brexit?
- What policy and/or legislative changes should be made to ensure that the UK is well placed to support strong equalities legislation and processes outside the EU?

## **Introduction and General Comments**

The Scottish Women's Convention (SWC) has undertaken some consultation with women on the impact of the UK's decision to leave the European Union (EU). Overall, there is recognition that a strong gender focus is necessary when considering the impact of 'Brexit'. Women are 52% of the population, are the cornerstone of communities and need to be heard in these historic discussions. Outcomes from Brexit will impact heavily on the social and economic lives of women throughout Scotland.

There is a degree of uncertainty, particularly with regard to how long it will take Britain to leave the EU, as well as Scotland's position within that process. The progression of the UK's exit from Europe must include a 4 nations approach. Although the Westminster Government will be the main negotiator, the voices of women in Scotland must not be lost. This is particularly the case in legal, business and devolved policy areas.

Many women have expressed disappointment with the outcome of the referendum. This is primarily due to uncertainty around what is going to happen as a result of the decision.

*"The result is raising anxieties and fears amongst families where one partner comes from out with the UK. People who have followed the rules and who live legally in Scotland now fear for their futures."*

*"I feel frustrated, fearful and helpless. We're already seeing a rise in hate crime and the normalisation of racism. The decision will have an impact on the opportunities and decisions of young people in the future."*

*"There are big concerns around human rights and equalities. We have struggled to get to where we are now. It would be terrible if this was lost because we are being forced to leave the EU."*

It is extremely important that, going forward, the public are kept up to date with all information regarding Brexit. This must be presented in a concise, non-jargoned way and should be accessible to everyone. Some of the concerns expressed by individuals may be easy to alleviate through clear and effective communication.

There is a growing frustration due to the lack of information following the Brexit result in June 2016. 4 months after the decision to leave Europe, the public have been given very few details regarding the UK Government's progress and negotiations. Politicians need to remember that the public voted and have a right to know what follows. Communities cannot comment on what Brexit will mean if there are no facts or details to discuss.

Some women see that there is potential for Scotland and its people in the wake of the referendum result.

*"This new beginning has to be taken in a positive way so we can make sure we get the best outcomes for Scotland. Our future is in our hands. There has to be time and space for the new Prime Minister to work with others to do her best for us all."*

This is particularly the case in rural and coastal areas, where farming and fishing are an integral part of the community. The amount of 'red tape' is seen to create barriers.

*"Perhaps fewer EU regulations on crofting and farming communities will ease some of the pressure for women living and working a croft. They are often supporting and subsidising their husbands and families and are struggling."*

## Legislation

The SWC is concerned about the potential impact that Brexit will have on European legislation, which has had a significant impact on the lives of women. This includes, in particular, the hard fought protections against discrimination and around maternity rights.

European principles have been embedded into domestic law at a UK level. Despite this, women continue to be discriminated against in the workplace. This is particularly true for those who are pregnant and who are new mothers. The added protection of European courts on these matters is seen by many women as a “*safety net*”, the removal of which would be very damaging. There are real concerns that without the support of Europe behind the domestic legislation, the situation will become even worse.

*“If there is no obligation for these important measures to be adhered to, there’s a real possibility that the UK Government won’t see fit to do anything to ensure they’re being carried out domestically.”*

There also needs to be recognition of the adverse impact of the removal of services which are funded by money which comes from Europe. Local organisations and projects provide vital support and assistance, particularly in rural communities, without which many women would be unable to access education and employment opportunities. The sense of community which can be fostered through these services cannot be underestimated.

Many areas of Scotland, again particularly rural locations, rely on European funding for infrastructure projects and business support. New roads and buildings provide employment opportunities and networks which ensure that women engage economically, socially and without isolation.

*“Scottish communities benefit financially from EU membership. Funding allows them to make choices about what works best for them. Communities are very strong entities but require access to funding, information and shared experiences. All of this can be found within the framework of the EU.”*

There is mounting concern around issues of European case law, which may not be relied upon when the UK leaves Europe. These court decisions are often used to challenge judgments made in the UK. Citizens may lose the opportunity to rely on this additional support.

## Courts, Case Law and Appeals

Women have also expressed concern around what leaving the EU will mean for the protection of human rights. The European Convention on Human Rights (ECHR) is enshrined in domestic law through the Human Rights Act 1998. The current UK Government’s manifesto commitment to repealing this piece of legislation and replacing it with a ‘British Bill of Rights’ has raised a number of issues. There is a feeling amongst many women that this is even more likely to happen following the EU referendum result.

*“Even though technically Brexit doesn’t mean we are outwith the protection of the ECHR, there’s still a worry that our protections will be eroded as a result of the vote. Human rights are universal and guarantee every citizen’s most fundamental freedoms. This cannot be forgotten.”*

### **Embedding Equality Principles**

The SWC believe it is vital that equalities legislation is further embedded into UK law when Britain leaves the EU. The additional protections which exist through European law are important in ensuring that women in particular are not discriminated against in a number of ways. This is not only the case through measures to safeguard against pregnancy, maternity and sex discrimination, but also through rights such as the Working Time Directive and the right to a written statement of terms and conditions. These protections are particularly important for those who undertake part time, low paid, temporary employment on zero hour contracts, for example in the cleaning and homecare sectors, in which women predominate.

*“If it wasn’t for Europe we wouldn’t have some of the most basic employment rights. Many are at real danger of exploitation if these are reduced or removed. This could force women out of the workplace and into the benefits system. That would be disastrous, both from an economic perspective and also for women in general.”*

It is, therefore, vital that the UK Government takes this into account as part of Brexit talks. Women’s position in the labour market must not be diminished in any way as a result of the UK voting to leave the EU.

### **Conclusion**

The result of the EU referendum, as well as subsequent discussions and negotiations, will shape the future of the UK as a whole. There are undoubtedly a number of areas in which Brexit will have an impact on equalities provisions. It is essential that meaningful consultation is carried out with those who will be most directly affected by any potential changes to existing legislation, policy and practice.

*“Women are the cornerstone of communities – both socially and economically. Their voices and concerns must be a key focus of this process.”*

### **Moving Forward**

The Scottish Women’s Convention will be undertaking significant consultation with women throughout Scotland on the impact of leaving the EU over the next few months. A conference is being planned for Saturday 28<sup>th</sup> January to allow women the opportunity to discuss Brexit in a safe and secure environment.

The organisation will ensure that the Women and Equalities Committee is kept up to date with the information received. This will ensure that the views, ideas and concerns of women, their families and communities as a whole are reflected throughout the process.

### **The Scottish Women’s Convention (SWC)**

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy. This is achieved in a number of different ways - through roadshow, round table, conference and celebratory events. Following each event a report is compiled and issued to women who attend and relevant policy and decision makers. The SWC uses the views of women to respond to Scottish and UK Government consultation papers.