
DRAFT STATUTORY INSTRUMENTS

2019 No. XXXX

**EXITING THE EUROPEAN UNION
TERMS AND CONDITIONS OF EMPLOYMENT**

**The Employment Rights (Amendment)
(EU Exit) Regulations 2019**

Made - - - - - *******

Coming into force in accordance with regulation 1

**THE EMPLOYMENT RIGHTS (AMENDMENT)
(EU EXIT) REGULATIONS 2019**

1. Citation, commencement and extent
 2. Amendments to employment rights legislation
- Signature

SCHEDULE 1 — AMENDMENTS TO EMPLOYMENT RIGHTS LEGISLATION
EXTENDING TO ENGLAND AND WALES, AND SCOTLAND

PART 1 — PRIMARY LEGISLATION

1. The Employment Rights Act 1996
 2. In section 79 (entitlement to parental leave - supplemental) omit...
 3. In Schedule 2, in paragraph 10 (validity of provisions deriving...
 4. The Employment Relations Act 1999
 5. The Employment Act 2002
 6. The Employment Relations Act 2004
- PART 2 — SECONDARY LEGISLATION
7. The Working Time Regulations 1998
 8. In regulation 18 (excluded sectors)— (a) in paragraph (2)—
 9. In regulation 28(1) (enforcement) in the definition of “relevant road...
 10. The Statutory Paternity Pay and Statutory Adoption Pay (Persons Abroad
and Mariners) Regulations 2002
 11. In regulation 3 (treatment of persons in other EEA States...
 12. In regulation 5 (entitlement to statutory paternity pay where person...
 13. In regulation 6 (entitlement to statutory adoption pay where person...

14. Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013
15. The Statutory Shared Parental Pay (Persons Abroad and Mariners) Regulations 2014
16. In regulation 5 (treatment of persons in other EEA States...
17. In regulation 7 (entitlement to statutory shared parental pay where...
18. In Schedule 2 (modifications for adoptions from overseas) in paragraph...
19. The Posted Workers (Enforcement of Employment Rights) Regulations 2016
20. (1) Regulation 4 (scope of application of Part 2) is...
21. In regulation 11 (cross-border enforcement of financial penalties) omit “other...”
- PART 3 — SAVING PROVISION
22. The amendments made by Part 1 of this Schedule do...

SCHEDULE 2 — AMENDMENTS TO THE TRANSNATIONAL INFORMATION AND CONSULTATION OF EMPLOYEES REGULATIONS 1999

PART 1

1. Amendments to the Regulations
2. Throughout the Regulations in each place they occur—
3. In regulation 2 (interpretation)— (a) In paragraph (1)—
4. In regulation 3(4) (controlled and controlling undertaking)—
5. In regulation 4 (circumstances in which provisions of these Regulations...
6. In regulation 5 (the central management)— (a) in paragraph (1)—...
7. In the heading for Part 2, omit the words from...
8. In regulation 6(4) (calculation of employee numbers)—
9. Omit regulations 7 to 10 (requests for information and to...
10. Omit Part 3 (regulations 11 to 15: special negotiating body)....
11. Omit regulation 16 (negotiation procedure).
12. In regulation 17 (content and scope of a European Works...
13. For regulation 18 (subsidiary requirements) substitute— Subsidiary requirements The provisions of the Schedule continue to apply on and...
14. In regulation 18A(1)(a) and (b) (information and consultation) after “established”,...
15. In regulation 19B(1) (right to training for members of a...
16. In regulation 19E(1)(a) (links between information and consultation of European...
17. Omit regulation 19F (adaptation).
18. In regulation 20 (failure to establish European Works Council or...
19. In regulation 21 (disputes about operation of European Works Council...
20. In regulation 21A (disputes about failures of management)—
21. In regulation 25 (right to time off for members of...
22. In regulation 34 (Appeal Tribunal: jurisdiction)— (a) omit paragraph (2);...
23. In regulation 36 (Industrial Court: jurisdiction)— (a) in paragraph (2)...
24. In regulation 38 (CAC: proceedings)— (a) omit paragraph (5);
25. In regulation 42 (Article 6 agreements)— (a) in paragraph (1)(a)...
26. In regulation 43 (Article 7 European Works Councils)—
27. In regulation 44 (Article 3 agreements)— (a) in paragraph (1)—...
28. In regulation 45 (Article 13 agreements)— (a) in paragraph (1)—...
29. In regulation 45A (agreements signed or revised on or after...
30. In regulation 46(1)— (a) omit “of a special negotiating body...
31. Omit regulation 47 (transitionals: special negotiating body).
32. In the Schedule (subsidiary requirements) omit paragraph 10.

PART 2 — SAVING AND TRANSITIONAL PROVISIONS

33. Interpretation
34. Information requests
35. Ongoing negotiations
36. The reference in paragraph 35 to ongoing negotiations is a...
37. For the purposes of paragraph 36— (a) the negotiation process...
38. The 1999 Regulations (as amended by Part 1 of this...
39. The 1999 Regulations (as amended by Part 1 of this...
40. The 1999 Regulations (as amended by Part 1 of this...
41. Complaints and proceedings

Explanatory Note