



Brexit and HR : The two-minute read

By **Dónall Breen** - 8 January 2021

The UK and EU have come to an agreement.

Technically, it is called the Trade and Cooperation Agreement.

But what does this mean for employment law and the HR landscape? The headlines points are:

1. Not much will change for now. 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).
2. There may be change down the line. 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.
3. 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.
4. 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. See [here](#) for further information on this.

On a practical note, HR departments should 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.

We advise all employers to watch this space over the coming months as the dust settles on our new relationship. However, overall, it is good news if you are a fan of consistency.

If you would like more information on the headline points above please get in touch with your usual GQ|Littler contact or email Dónall Breen.