Earlier this month, the government voted down an amendment to the EU (Withdrawal) Bill to enshrine workers' rights in primary legislation in order to protect them during and after the Brexit process, but it was a close call (311 to 299). Workers' rights derived from the EU include the Working Time Directive, more favourable equality and discrimination laws, more favourable parental and maternity rights, and more favourable holiday rights.

Even senior Tories such as Ken Clarke warned during the debate that there are elements in the Tory party who would like to dilute employment law and Brexit gives them opportunity.

There are several ways employment rights could be affected by Brexit:

* + - **Weakened by Henry VIII powers**: The government has given itself, within the EU (Withdrawal) Bill sweeping powers to amend EU law as it is passed into UK law by statutory instrument, which means that many changes to the law will not receive a democratic vote in parliament. This is intended to prevent parliamentary business from being flooded with technical amendments, but there is currently nothing to stop the Tories from diluting workers' rights that derive from the EU as they go.
    - **Overturned by the courts**: Even if the government does not change the substance of the law as it is transferred to the UK statute, should case law not be taken into account and written into primary legislation then employers could rechallenge precedents set in EU courts that no longer have jurisdiction in the UK. Without UK law to preserve these precedents, it is possible UK judges will overturn former successes by workers.
    - **Left in secondary legislation:** Even if the government transfers EU law as is during the Brexit process, if employment rights currently in secondary legislation are not transferred to primary legislation, Ministers could dilute the law without a democratic vote in a post-Brexit UK.
    - **Eroded due to international pressure:** The UK will be under pressure to create new free-trade-agreements after it leaves the EU, and there is a danger the government will acquiesce to lower labour and health and safety standards, or pressure for further privatisation, in order to win favourable trade tariffs, joining an international race to the bottom on employment rights.

But it's not all doom and gloom. There has also been significant debate within the labour movement around whether the political structure of the EU is a friend or foe to workers, with a strong left-wing Leave movement apparent not only in the UK but across many European states.

Criticism is mostly levelled at European Court judgments that have prioritised the rights of businesses and the EU principle of free movement over the rights of workers - such as in the cases of *Viking*, *Laval* and *Holship* in which rulings limited workers' right to strike and allowed international companies to undermine collective agreements.

Further, it is notable that EU political structures have become increasingly neoliberal in their attitude over time, and supranational bodies such as the Troika have pressured member states into accepting neoliberal policy in order to receive bailouts during the financial crisis, leading to a swift decline in trade union rights and the imposition of an economic and labour model closer to that of the US and UK (see our Thatcher book).

The policies of the EU have been found to result in a dramatic decline in collective bargaining coverage, a breakdown of collective bargaining, a strong downward pressure on wages leading to deflationary tendencies, downward wage competition and an overall reduction in the wage-setting power of trade unions.

Finally, the co-organised an international seminar with the Marxist Memorial Library in July of this year, at which many of the international labour movement representatives from across Europe noted that the Labour Party's Manifesto *For the Many Not the Few* could not be enacted within the EU, due to directives that prevent state interjection in certain markets. So an opportunity that Brexit has delivered to the UK is to enact the more socialist policies put forth by Corbyn's Labour in a Manifesto that proved to be very popular with the British population. (See our Europe, the EU and Britain book).