

# Brexit: A Threat to Women's Rights

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**BEST for  
BRITAIN**

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## Foreword

### **Naomi Smith, CEO of Best for Britain**

Much discussion of the disastrous impact of the UK's withdrawal from the EU centres on the economy and trade. But we must not understate the effects that Brexit will have on the rights and wellbeing of women and minority groups. The principle of equality between women and men is enshrined in EU law; many employment rights, maternity rights, trafficking laws and measures to combat violence against women and girls are derived from EU treaties and directives. Any form of Brexit will put these protections at risk of removal, and will mean that future EU equality and human rights protections are not binding in UK law.

Theresa May's Brexit deal was unforgiving: it did not include any commitment that current protections under the Equality Act, the UK's anti-discrimination law implementing EU's Equal Treatment rules, would continue to apply after Brexit. It is likely that any Brexit deal will remove the jurisdiction of the European Court of Justice and repeal the EU Charter of Fundamental Rights from UK law. With no British replacement lined up, the Government will be removing existing avenues of protection and leave women in the UK more vulnerable to abuse.

Women are also likely to pay a disproportionate price for Brexit as any form of Brexit will have a detrimental impact on the UK economy. Research has revealed that the burdens of austerity, for example, tend to fall on women with more than 80% of the reduction in government spending between 2010 and 2017 falling on women.<sup>1</sup> Brexit's economic implications are likely to hurt women in more significant ways than men, as workers, consumers and carers.



If the UK leaves the EU without a deal, the damage to women's rights will be even greater. The uncertainty alone will see the pound plummet, prices rise, and lower paid jobs being put at particular risk. A hard border in Ireland will make it even more difficult for Northern Irish women seeking safe and legal abortions to travel to access the care they need.

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<sup>1</sup> <https://fullfact.org/economy/austerity-women/>

We, women, never wanted this. Analysis of the British Election Study and Ipsos Mori estimates reveal that young women massively voted remain in 2016 and that economically independent women are more likely to back remain. Yet we now see our future at significant risk because of Brexit.<sup>2</sup>

We are at a profound moment in UK history, and the fight to protect women and minority rights is real. Any form of Brexit risks undoing 45 years of progress and diluting existing avenues of law enforcement. We cannot let a group of mostly male Brexiters strip back women's hard-fought rights. For all our sakes, we must stop this impending crisis and stay in the EU.

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<sup>2</sup> <https://www.ipsos.com/ipsos-mori/en-uk/how-britain-voted-2016-eu-referendum> as well as Best for Britain's analysis of BES demographic data [https://www.bestforbritain.org/brexit\\_by\\_demographics](https://www.bestforbritain.org/brexit_by_demographics)

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## **An Overview of EU Law: The Rights That Women In The UK Stand To Lose**

Brexit is a black hole for women's rights. In their 2018 report on women's rights and gender equality, the Equality and Human Rights Commission (EHRC) issued a stark warning that withdrawing from the EU jeopardises hard-won equality and human rights protections for women in the UK.<sup>3</sup>

### **Caroline Criado Perez, Campaigner and Author:**

*“Brexit is and always has been a backwards looking project. And, for men like Nigel Farage and Boris Johnson, perhaps the past was golden. But women and minorities won't go back to where we came from. We've made some great progress in the past 50 years, but we still have a long way to go. And we won't allow a small group of fanatics to steal our future from us.”*



Women and minority groups in the UK are set to be disproportionately affected by the Government's failure to replace the intricate protections afforded by the EU. Below are but a few examples of EU legal protections that have shaped gender equality in the UK.

### **Protection Against Trafficking**

Women and girls account for 70% of human trafficking globally, with girls representing nearly three out of every four child trafficking victims.<sup>4</sup> At present, UK laws to combat human trafficking are underpinned by the EU Trafficking Directive, which provides far more thorough protections than those in UK law, and may not be upheld by the UK Government after Brexit. This will endanger victims' rights and claims for support and assistance, and put women and migrants at risk of modern slavery. And, as the EHRC reports, the UK has failed to offer alternatives to the EU's legal duty to provide victims of modern slavery with support.<sup>5</sup> Brexit could not only impact the safety of women born in Britain, but that of all women on British soil.

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<sup>3</sup> EHRC, Pressing for progress: women's rights and gender equality in 2018, 23 July 2018: <https://www.equalityhumanrights.com/en/publication-download/pressing-progress-women's-rights-and-gender-equality-2018>

<sup>4</sup> UNODC, *Global Report On Trafficking In Persons 2016*, December 2016: [http://www.unodc.org/documents/data-and-analysis/glotip/2016\\_Global\\_Report\\_on\\_Trafficking\\_in\\_Persons.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf)

<sup>5</sup> EHRC, Pressing for progress: women's rights and gender equality in 2018, 23 July 2018: <https://www.equalityhumanrights.com/en/publication-download/pressing-progress-women's-rights-and-gender-equality-2018>, p.53-57

## Domestic Abuse and Safety Across Borders

The EU ensures restraining orders that are issued in one EU country are recognised in others, enhancing safety across borders. If you benefit from a restraining order in one member state, you may request a European Protection Order (EPO), meaning your original restraining order will be adopted by the member state to which you travel or move.<sup>6</sup> Women – who are more likely to be victims of domestic abuse, harassment, violence and stalking,<sup>7</sup> and therefore to require a restraining order and EPO – will be directly and disproportionately impacted by the removal of these laws.

Since the late 1990s, the EU has also funded specific projects to combat violence against women and girls. The Daphne Initiative launched in 1997 and is now a specific objective within the Rights, Equality and Citizenship Programme, 2014-2020. Around €17million was dedicated to this objective in 2017, with the UK being one of the largest beneficiaries.<sup>8</sup> If Brexit happens and this funding is lost, it seems unlikely that the current Government will replace it as a priority. The loss of this funding represents a real danger to women at risk of domestic abuse.

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<sup>6</sup> Directive 2011/99/EU, 13 December 2011: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0099>

<sup>7</sup> Women's Aid report that: "Whilst both men and women may experience incidents of inter-personal violence and abuse, women are considerably more likely to experience repeated and severe forms of abuse, including sexual violence. They are also more likely to have experienced sustained physical, psychological or emotional abuse, or violence which results in injury or death." Women's Aid, Domestic abuse is a gendered crime: <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/domestic-abuse-is-a-gendered-crime/>  
According to the ONS, in the year ending March 2018, 92% of defendants in domestic abuse-related prosecutions were men. ONS, Domestic abuse in England and Wales: year ending March 2018: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwales/yearendingmarch2018>

<sup>8</sup> European Parliament FEMM committee, *Implementation of the Daphne programme and other funds aimed at fighting violence against women and girls*, January 2019: [http://www.europarl.europa.eu/RegData/etudes/STUD/2019/608857/IPOL\\_STU\(2019\)608857\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2019/608857/IPOL_STU(2019)608857_EN.pdf), p.7

### Jessica Simor QC, Barrister, Matrix Chambers

“People’s lives are no longer confined within the borders of a nation state. The rights and freedoms provided by EU law improve and enrich lives, enabling people to live, love and work across 31 countries. This facilitates social mobility and equality. Removing those rights, as Brexit does, will not affect those who can command high salaries and obtain visas, still frequently male, but it will affect those seeking opportunities for change and development. Women have often progressed through taking less traditional paths – these paths will be shut off by Brexit. Perhaps the most surprising thing about Brexit is that it involves a Government actively pursuing a policy to diminish and remove its citizens’ rights and protections. This, for me, is nothing short of astonishing.”



### Equal Pay and Equal Treatment

Since the Treaty of Rome in 1957, equal pay between women and men has remained a founding principle of the EU. It was the basis for the first equality directives, including the Equal Pay Directive of 1975<sup>9</sup> and the Equal Treatment Directive of 1976.<sup>10</sup> The latter prohibits discrimination on the grounds of gender in access to employment, vocational training and promotion, and working conditions.<sup>11</sup> EU law has therefore driven improvements in employment rights for women and safeguards for UK employees.

The principle of equal pay also has ‘direct effect’ under EU law, meaning it can be relied upon directly by individuals in national courts.<sup>12</sup> In practice, this means that the European Court of Justice (ECJ) can uphold a woman’s right to equal pay, even in the absence of, or in conflict with, any UK legislation. After Brexit, outside the jurisdiction of the ECJ, women in Britain will have one less regulatory body to enforce and safeguard their employment rights.

<sup>9</sup> Directive 75/117/EEC, 10 February 1975: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:c10905>

<sup>10</sup> Directive 76/207/EEC, 9 February 1976: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31976L0207>

<sup>11</sup> Academy of European Law, *Overview of EU anti-discrimination law and human rights frameworks*: [https://www.era-comm.eu/anti-discrim/e\\_learning/module1\\_intro.html](https://www.era-comm.eu/anti-discrim/e_learning/module1_intro.html)

<sup>12</sup> Michael Ford QC, *Workers’ Rights from Europe: The Impact of Brexit*, 10 March 2016: <https://www.tuc.org.uk/sites/default/files/Workers%E2%80%99rights%20from%20Europe%20the%20impact%20of%20Brexit%20-%20Michael%20Ford%20QC.pdf>, p.8

**Schona Jolly QC, Barrister and Chair of The Bar Human Rights Committee of England and Wales:**



*"Brexit poses a serious challenge to many of the rights we take for granted, including workers' rights and our right to equality, which is not protected by a written constitution. Many of those rights that we enjoy today are in very substantial measure the product of our membership of the European Union, underpinned and developed over 40 years through laws passed and case law developed with British input. Once we leave the EU, any of those rights that originate with our EU membership, for example working time protections and the right to equal pay for work of equal value, are subject to potential removal or restriction by a future government so inclined."*

### **Maternity Protections**

The EU protects the basic rights of all pregnant workers, breastfeeding workers, and workers who have recently given birth.<sup>13</sup> Specifically, EU law:

#### **Gives women the right to a minimum period of maternity leave**

EU law ensures that employers provide their pregnant workers with a minimum of 14 weeks' maternity leave, of which two weeks must occur before birth.<sup>14</sup>

#### **Safeguards shared parental leave**

It was an EU law that gave men the same right as their partners to take parental leave. This means that women, men, and same-sex parents have an equal right to at least 18 weeks' parental leave for each child.<sup>15</sup>

#### **Prevents dismissal on the grounds of pregnancy**

Before the Pregnant Workers' Directive was passed in 1992, it was argued that dismissing a woman on the grounds of pregnancy was not sex discrimination – pregnancy was equated with long-term illness, for which any man or woman could be legally dismissed.

<sup>13</sup> Directive 92/85/EEC, 19 October 1992: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01992L0085-20140325>

<sup>14</sup> *Ibid.*

<sup>15</sup> The Parental Leave (EU Directive) Regulations 2013: <https://www.legislation.gov.uk/ukdsi/2013/9780111532850>

EU law now makes it illegal to dismiss women on the grounds of pregnancy, and ensures that women have a right to return to their jobs after maternity leave.<sup>16</sup>

### **Provides for paid leave for antenatal appointments**

Employers must ensure that pregnant workers can take paid time off in order to attend antenatal examinations, if such examinations fall during working hours.<sup>17</sup>

### **Enshrines health and safety measures for pregnant and breastfeeding workers**

The Pregnant Workers' Directive ensures that businesses maintain a safe working environment for pregnant women, including safeguards for both their physical and mental health.<sup>18</sup>



### **Enforceability**

If an employer in an EU member state does not adhere to the Pregnant Workers' Directive or other EU legislation regarding the rights of pregnant women and parents, the dispute can be referred to the ECJ. A withdrawal agreement or no-deal Brexit would remove the jurisdiction of the ECJ, without which pregnant workers' rights will be more vulnerable.

### **Protections For Agency Workers**

While 54% of all agency workers are male – the same gender split as those in employment overall – a Resolution Foundation report reveals that women account for 85% of the growth in the number of temporary agency staff in the last five years.<sup>19</sup> This is due in part to women's caring responsibilities, which often demand flexible working hours. But this flexibility comes with a price. Without employee status, agency workers are not entitled to sick pay or paid parental leave, have no notice period, and have little recourse in the event of dismissal.

The EU's Agency Workers Regulations mean agency workers are entitled to the same or better treatment, in terms of basic employment and working conditions, as non-agency workers (if they

<sup>16</sup> Directive 92/85/EEC

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Resolution Foundation, *Secret Agents: agency workers in the new world of work*, 5 December 2016: <https://www.resolutionfoundation.org/publications/secret-agents-agency-workers-in-the-new-world-of-work/>, p.27

complete a qualifying period of 12 weeks in a particular job).<sup>20</sup> The UK has adopted a narrow definition of “pay” for the purpose of equal treatment, and makes maximum use of what is known as the “Swedish derogation”. This enables employers to largely avoid the requirement of equal pay for agency workers.<sup>21</sup> It therefore seems likely that, after Brexit, the Agency Workers Regulations will be scrapped in their entirety; the UK has a track record of reducing the rights of agency workers in favour of employers. If this particular EU law is not retained, future agency workers’ rights to equality and protection will be diminished. This disproportionately affects women – particularly low earning women – who represent an increasingly large proportion of agency workers.

In short: EU law aims to safeguard agency workers by making it the contracting employer’s duty to ensure that a certain level of protection is in place. Such laws are clear targets for removal in the event of any form of Brexit.

### **Protections For Gig Workers**

The gig economy refers to a system of temporary, flexible positions. The worker contracts into and out of a job whenever they sign into an app. Hence the name ‘gig’: each worker has a series of gigs. The worker is inherently vulnerable in that they have little to no employment rights. By classifying “gig economy” employees as independent contractors or self-employed workers, companies avoid making redundancy payments and providing paid holiday and maternity leave, which disproportionately disadvantages women.

The EU has just brought in new rules to protect these workers, conscious of the realities of flexible working and how often it represents one-sided flexibility for the contracting party. This EU legislation establishes minimum rights for gig workers and demands increased transparency for those in “on-demand” jobs. It enforces more predictable hours, compensation for cancelled work, and an end to abusive practices around casual contracts.

As the Resolution Foundation research<sup>22</sup> showed, it is often women who opt for part-time and flexible work. If the UK leaves the EU, the working conditions of women in these precarious jobs are likely to worsen as they lose the protection that this new EU legislation brings.

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<sup>20</sup> The Agency Workers Regulations 2010: <http://www.legislation.gov.uk/uksi/2010/93/introduction/made>

<sup>21</sup> See ACAS, *Understanding Swedish derogation*, for an explanation of the Swedish derogation exception: <http://www.acas.org.uk/?articleid=4162>

<sup>22</sup> Resolution Foundation, *Secret Agents: agency workers in the new world of work*, 5 December 2016: <https://www.resolutionfoundation.org/publications/secret-agents-agency-workers-in-the-new-world-of-work/>, p.27

**Felicity Williams, Barrister, Garden Court Chambers:**

*“The EU has played a pivotal role in advancing women’s rights, from the workplace through to healthcare and consumer protection. Tragically, Brexit strips away fundamental safeguards, putting equality in jeopardy.”*

**Care Work And The EU**

Leaving the EU will entail **reduced legal safeguards, stockpiling of medicine and food, EU nationals leaving their UK-based caring roles, and austerity-induced cuts to disability services and childcare.** All of this will increase the burden on carers – and women represent 82% of paid carers<sup>23</sup> and 58% of unpaid carers in the UK.<sup>24</sup>

**A Diminution Of Disability Rights**

Before the 2016 referendum, Paralympian, now Baroness, Tanni Grey-Thompson warned that

"leaving the EU would prevent British people with disabilities from benefiting from upcoming EU legislation on accessibility".<sup>25</sup> Such fears were not unfounded. The Government has yet to carry out an assessment of the impact of Brexit on people with disabilities, an oversight that has been criticised by Marsha de Cordova MP, Labour’s Shadow Minister for Disabled People.<sup>26</sup> Without the accountability enforced



by EU law, there is a risk that disability rights and funding will be rolled back after Brexit. EU grant funding could be withdrawn without replacement, and the UK will not be obliged to transpose EU disability protections.

These include the European Employment Equality Directive which, in 2000, was the first EU legislation to explicitly prohibit direct and indirect discrimination in the workplace on the grounds

<sup>23</sup> Full Fact, *People who look after people tend to be women on low pay*, 8 February 2018: <https://fullfact.org/economy/women-low-pay/>

<sup>24</sup> See Carers.org study here: <https://carers.org/key-facts-about-carers-and-people-they-care>

<sup>25</sup> BBC, *Grey-Thompson: Brexit would hit disability rights plans*, 2 June 2016: <https://www.bbc.co.uk/news/uk-politics-eu-referendum-36433807>

<sup>26</sup> Marsha de Cordova in Able Magazine, *Remember the minister who suggested Britain should make life tougher for disabled people?*, 14 June 2019: <https://ablemagazine.co.uk/remember-the-minister-who-suggested-britain-should-make-life-tougher-for-disabled-people/>

of race, sexual orientation, religion or disability.<sup>27</sup> It also closed a UK loophole through which companies with fewer than 20 employees could still discriminate on grounds of disability.<sup>28</sup> Moreover, the ECJ judgment *Coleman v Attridge Law* led to the prohibition of discrimination against employees due to their carer status or relationship to a disabled person.<sup>29</sup> And an EU directive of 2001 made Braille compulsory on all medicinal products.<sup>30</sup>

The EU is a force for good for both disabled people and their carers. Leaving the EU puts all these positive measures at risk. Not only will this make life harder for women and men with disabilities, but it will also affect their carers, the vast majority of whom are women.

**Susan Scott-Parker OBE, CEO and Founder, Business Disability International:**

*“Disabled people and their carers have benefited hugely from the UK’s membership of the European Union. A No-Deal Brexit would be a particularly extreme and detrimental outcome: stockpiling and shortages will make it difficult for those with disabilities to do their daily shop and access vital medicines. Without the EU, disabled people and their carers are also at risk of discrimination. The lack of attention to these issues, and their particular impact on women, is a damning indictment of those in charge of the Brexit process, who refuse to prioritise our rights.”*



<sup>27</sup> Directive 2000/78/EC, 27 November 2000: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

<sup>28</sup> The European Employment Equality Directive, unlike, the UK Disability Discrimination Act of 1995, did not make an exception for companies with under 20 employees.

<sup>29</sup> Judgment of the Court (Grand Chamber), *S. Coleman v Attridge Law and Steve Law*, 17 July 2008: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62006CJ0303>

<sup>30</sup> Directive 2001/83/EC, 6 November 2001: [https://www.ema.europa.eu/en/documents/regulatory-procedural-guideline/directive-2001/83/ec-european-parliament-council-6-november-2001-community-code-relating-medicinal-products-human-use\\_en.pdf](https://www.ema.europa.eu/en/documents/regulatory-procedural-guideline/directive-2001/83/ec-european-parliament-council-6-november-2001-community-code-relating-medicinal-products-human-use_en.pdf) pg 41

### The Impacts Of Brexit On The NHS

Years of austerity have already negatively affected GP practices, NHS waiting times and the availability of appointments. After Brexit, the NHS will be hit by **the rising cost of recruitment, pharmaceuticals, and other medical products**, as well as a **heightened staffing deficit**. In such a female-dominated sector,<sup>31</sup> this will disproportionately affect women workers, as well as vulnerable patients, especially women who may require specialist maternity care. Navigating a chronically underfunded and understaffed health service will undoubtedly add to the burden of women, who are often the main caregivers in their families.

- England alone is already in need of more than 100,000 social care workers, and is likely to need half a million more by 2035. Yet think tank Global Future reports that, if Brexit goes ahead, there could be 115,000 fewer social care workers by 2026<sup>32</sup>.
- In November 2018, Nursing and Midwifery Council data revealed a 67% year-on-year increase in EU staff leaving its register.<sup>33</sup> Since the 2016 referendum, there has been a 96% drop in nursing applications from non-British EU citizens, while 45% of EU doctors in the UK are considering leaving the country due to Brexit.<sup>34</sup>
- This growing staffing deficit has implications for the efficiency of the NHS, for vulnerable service users, and for EU women whose talents will be lost to the UK. As EU staff leave, the existing, dire staffing situation is rapidly turning into a crisis.

<sup>31</sup> Approximately 80% of workers in the health and social care sectors are women: The King's Fund, *Overview of the health and social care workforce*: <https://www.kingsfund.org.uk/projects/time-think-differently/trends-workforce-overview>

<sup>32</sup> Global Future, *100,000 Carers Missing*, 21 August 2018: <https://ourglobalfuture.com/reports/100000-carers-missing/>

<sup>33</sup> NMC, *Increasing number of nurses and midwives leaving profession 'highlights major challenges faced by health and care sectors'*, 2 November 2017: <https://www.nmc.org.uk/news/news-and-updates/increasing-number-nurses-midwives-leaving-profession-major-challenges/>

<sup>34</sup> The Health Foundation, *Brexit and Health and Social Care*, 19 January 2017: <https://www.health.org.uk/consultation-responses/brexit-and-health-and-social-care> pg.

## Women And GDP

Economists predict that if the UK leaves the EU there will be a long-term, detrimental impact on GDP.<sup>35</sup> Estimates vary significantly depending on assumptions about future trading relationships with the EU, but it is clear that a No-Deal Brexit would have the most negative economic impact.

For women, a Brexit-induced recession will mean job losses, cuts to services, and squeezed family budgets. As women are more likely to work in the public sector and need public services, they will be the worst affected by an economic downturn. Research found that women tend to be disproportionately impacted by austerity measures. A House of Commons Library brief found that 86% of the reduction in government spending between 2010 and 2017 was in spending on women.<sup>36</sup> This is further confirmed in the Fawcett Society and Women’s Budget Group’s joint impact assessment of the economic implications of Brexit on women. This assessment shows a drastic drop in GDP would have serious implications for women: as workers, as consumers, and, if the government response was to cut public spending, as users of public services.<sup>37</sup>

Brexit’s threat to women’s rights is likely to translate into a missed economic opportunity for the UK. Recent Research found that if the UK were to match Sweden’s level of women’s employment, the benefit to the UK economy would be around £178bn (approximately 9% of UK GDP). Similarly, closing the gender pay gap would boost female earnings by £92bn (a 20% increase).<sup>38</sup>



### **Dr Mary-Ann Stephenson, Director Of The Women’s Budget Group:**

*“Based on our analysis, WBG has concluded that Brexit will have a damaging impact on the UK economy, with a ‘hard Brexit’ likely to be the most damaging. For many women, particularly the poorest, this could mean job losses, cuts to services, squeezed family budgets and reduced legal protections. **Far from taking back control, a bad deal with the EU will make us vulnerable** to demands from larger countries to reduce consumer rights and regulations protecting public services, and competitive pressures to reduce our own labour standards.”*

<sup>35</sup> Iain Begg and Fabian Mushövel, LSE, *The economic impact of Brexit: jobs, growth and the public finances, 2016*. <http://eprints.lse.ac.uk/67008/1/Hearing-11---The-impact-of-Brexit-on-jobs-and-economic-growth-summary.pdf> pg.2

<sup>36</sup> <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06758#fullreport>

<sup>37</sup> WBG and Fawcett Society, *Exploring the Economic Impact of Brexit on Women*, March 2018: <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=049e3458-12b0-4d0f-b0a6-b086e860b210> pg.13

<sup>38</sup> See PWC report here: <https://www.pwc.co.uk/economic-services/WIWI/pwc-women-in-work-2019-final-web.pdf>

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### Women As Consumers

If the UK leaves the EU, especially if it does so without a deal, consumer rights and food standards will be at risk. The Customs Union sets standards on goods that are imported into the EU. The UK, outside the EU and Customs Union, is vulnerable to an array of divergent standards coupled with a weaker trade negotiating position.

For example, a post-Brexit UK risks:

- Importing and eating chlorinated chicken, if the TTIP (Transatlantic Trade and Investment Partnership) deal is signed.<sup>39</sup>
- Letting go of the EU's tried-and-tested, farm-to-fork approach to food hygiene and meat safety.<sup>40</sup>
- Applying the same tariffs to food from the EU as from the rest of the world which, coupled with the falling value of the pound, means households will be hit with rising food prices.

Women often take responsibility for the purchase and preparation of food for their children and families, and for the management of budgets in poorer households. Furthermore, women are on average poorer than men (largely due to the pay gap, low pensions, the cost of childcare, and the fact that women are more likely to be unpaid carers, meaning a larger proportion of their income is spent on food and other essentials). Women also often manage health-related appointments and purchases for their families. Shopping around for medicines in short supply will directly impact women's lives, especially when they are forced to do so during working hours. The rising cost and declining quality of food, medicine and consumer goods will hit women, especially poorer women, the hardest.

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<sup>39</sup> BEUC, *What is wrong with chlorinated chicken*, 14 July 2014: <https://www.beuc.eu/blog/what-is-wrong-with-chlorinated-chicken/>

<sup>40</sup> *Ibid.*

## Women Of Colour

People of colour, and particularly women of colour, have been disproportionately affected by austerity,<sup>41</sup> and have experienced a spike in hate crime since the 2016 referendum. Brexit is likely to exacerbate this inequality: its economic, social and political impacts will hit minorities the hardest.

### The Pay Gap and Reduced Economic Growth

- There is stark proof of the economic disadvantage of people of colour in the UK. According to the Resolution Foundation, Bangladeshi and Pakistani households earn about a third less on average than the median for white families — a gap of £8,900 and £8,700 respectively. Earnings in black African families are typically about a fifth less than white families.<sup>42</sup>
- Fawcett Society research has shown that the existing gender pay gap is worse for women of colour: women of Bangladeshi and Pakistani backgrounds earn 26.2% less than their white British male counterparts, while black women earn 19.6% less than white British men.<sup>43</sup>
- In light of these statistics, Brexit's disastrous impact on the UK economy is likely to disproportionately impact women of colour, with Government cuts and austerity-induced restructuring threatening wages and job security.



#### **Lauren Pemberton-Nelson, Campaigns Manager of Ethnic Minorities for a People's Vote and LGBT+ for a People's Vote:**

*“Brexit is likely to have a drastic impact on the economy, which would disproportionately impact BME women, through subsequent Government funding cuts in public services in a hapless attempt to even out the balance sheet”<sup>44</sup>*

<sup>41</sup> Kimberly McIntosh, *Race inequality is out in the open: time to stop talking and act*, 10 October 2017: <https://www.theguardian.com/commentisfree/2017/oct/10/race-inequality-disparity-audit-bme-women-britain>

<sup>42</sup> Resolution Foundation, *Diverse outcomes: Living standards by ethnicity*, August 2017: <https://www.resolutionfoundation.org/app/uploads/2017/08/Diverse-outcomes.pdf>

<sup>43</sup> Fawcett Society, *Gender Pay Gap by Ethnicity in Britain – Briefing*, March 2017: <https://www.fawcettsociety.org.uk/Handlers/Download.ashx?IDMF=f31d6adc-9e0e-4bfe-a3df-3e85605ee4a9>

<sup>44</sup> Lauren Pemberton-Nelson for gal-dem, *We urgently need a more representative debate around Brexit*, 12 December 2018: <http://gal-dem.com/ethnic-minority-women-peoples-vote-brexit/>

## Hate Crime

- In the immediate aftermath of the 2016 EU referendum, anti-Muslim attacks rose by 475%, with women specifically targeted.<sup>45</sup>
- The percentage of people from ethnic minorities reporting overtly racist abuse and discrimination has risen from 58% before the referendum to 71% in 2019<sup>46</sup>.
- In the year before the EU referendum, only 10% of people referred to the UK Government's anti-terrorism Prevent programme were referred for concerns related to right wing extremism.<sup>47</sup> This has since nearly doubled.<sup>48</sup>

Brexit is a regressive force, ripe for exploitation by racists and abusers. The racism directed at people of colour takes on a misogynistic bent when directed at women and combined with sexual harassment and abuse. This is only set to worsen: police are preparing for hate crime to increase if we leave the EU.<sup>49</sup>

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<sup>45</sup> Tell MAMA, *Beyond the Incident: Outcomes for Victims of Anti-Muslim Prejudice*, 23 July 2018: <https://tellmamauk.org/wp-content/uploads/2018/07/Tell-MAMA-Report-2017.pdf>

<sup>46</sup> Poll by Opinium, May 2019: <https://www.opinium.co.uk/racism-rising-since-brexit-vote/>

<sup>47</sup> The Home Office, *Individuals referred to and supported through the Prevent Programme, April 2015 to March 2016*, Statistical Bulletin 23/17, 9 November 2017: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677646/individuals-referred-supported-prevent-programme-apr2015-mar2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677646/individuals-referred-supported-prevent-programme-apr2015-mar2016.pdf)

<sup>48</sup> Lizzie Dearden for the Independent, *Police bracing for Brexit hate crime spike against EU citizens and migrants in March*, 18 October 2018: <https://www.independent.co.uk/news/uk/crime/brexit-hate-crime-eu-citizens-xenophobia-racism-police-bracing-march-2019-article-50-a8590921.html>

<sup>49</sup> Lizzie Dearden for the Independent, *Police bracing for Brexit hate crime spike against EU citizens and migrants in March*, 18 October 2018: <https://www.independent.co.uk/news/uk/crime/brexit-hate-crime-eu-citizens-xenophobia-racism-police-bracing-march-2019-article-50-a8590921.html>

## Health, Welfare, and Safety

- According to the ESRC, women of colour are more likely to suffer from long-term illnesses than men of colour.<sup>50</sup> As detailed earlier in this report, Brexit could spell disaster for the NHS, compromising vital services relied upon by BME women.
- Ethnic minority women already have poorer outcomes from pregnancy compared with white women, with longer hospital stays, less pain relief<sup>51</sup> and higher rates of infant mortality.<sup>52</sup> These shocking facts will only be exacerbated when Brexit plunges the NHS into a staffing crisis. Women of colour will be less safe giving birth after Brexit.<sup>53</sup>
- Black, ethnic minority and migrant women experience higher rates of domestic abuse and homicide than white women.<sup>54</sup> Yet specialist BME organisations that counter violence against women and girls (VAWG) face greater spending cuts than general anti-VAWG organisations.<sup>55</sup> Once again, this will only get worse in the case of Brexit-induced austerity, which will put women's lives at risk.

Brexit is an ideologically motivated phenomenon driven predominantly by white male politicians. But for women and women of colour, it is dangerous, and it puts our welfare, safety and economic livelihoods at risk.

<sup>50</sup> University of Manchester ESRC Centre on Dynamics of Ethnicity, *Which ethnic groups have the poorest health?*, October 2013: <http://hummedia.manchester.ac.uk/institutes/code/briefingsupdated/which-ethnic-groups-have-the-poorest-health.pdf>

<sup>51</sup> NPEU, *Women's outcomes and experience of care*, 2016: <https://www.npeu.ox.ac.uk/prumhc/maternity-care-womens-experience-and-outcomes-218>

<sup>52</sup> BMA, *Addressing unmet needs in women's health*, 2018: <https://www.bma.org.uk/-/media/files/pdfs/collective%20voice/policy%20research/public%20and%20population%20health/womens%20health/womens-health-full-report-aug2018.pdf?la=en>

<sup>53</sup> Konnie Huq for the Independent, *After Brexit, black women will be less safe when giving birth in Britain*, 2 May 2019: <https://www.independent.co.uk/voices/brexit-nhs-maternity-care-pregnancy-bame-black-asian-women-a8896371.html>

<sup>54</sup> Sisters for Change, *Unequal regard, unequal protection: Public authority responses to violence against BME women in England*, 2017: <http://sistersforchange.org.uk/unequal-regard-unequal-protection/>

<sup>55</sup> Women's Budget Group and Runnymede Trust, *Intersecting inequalities: The impact of austerity on Black and Minority Ethnic women in the UK*, 10 October 2017: <https://www.intersecting-inequalities.com/copy-of-report>

## Conclusions

While women are still being failed in many areas of life and the gender gap hasn't been closed yet, Brexit is set to reverse women's progress and equality. Data shows that women, especially young and economically independent women, never wanted Brexit.<sup>56</sup> Yet they may see their future stolen as hard-won gender rights from the workplace through to healthcare and consumer protection are under threat. It is women, especially the most vulnerable, that Brexit will hit the hardest.

The loss of EU legislation, plans for deregulation, and the current Government's plans for closer alignment with US commercial models will strip away women's rights. Add to an increased burden on women as workers, consumers, carers, mothers and NHS users, and it becomes clear that Brexit will be highly detrimental for women.

The economic shock from Brexit is likely to widen the gender gap. Research found that women are disproportionately impacted by austerity. Between 2010 and 2017, 86% of the reduction in government spending was in spending on women.<sup>57</sup> The impact of Brexit on the UK economy will be detrimental and long-lasting, with no-deal being the most damaging. For many women, a Brexit-induced recession will mean job losses, cuts to services, and squeezed family budgets.

Brexit will only exacerbate the severe hardship women of colour and others in minority communities already experience. Disabled women, migrant women, women of colour, LGBTQI+ women, and others in minority communities throughout the UK already face greater inequalities. Brexit's disastrous impact on the UK economy and further resulting austerity-induced cuts are likely to aggravate this. The surge in hate crime that women of colour have experienced since the 2016 referendum is also likely to further increase following Brexit.

This report has not touched upon the wider loss of rights facing both women and men, from freedom of movement to environmental protections. The uncertainty of Brexit is in itself a threat: we do not know exactly how severely women will be affected. But we do know that women *will* be affected across all walks of life, and that No Deal is the very worst scenario. Any form of Brexit risks precious, hard-won legal safeguards that protect women and minorities from discrimination and harm. 80% of women aged 18-24 voted remain; there is no mandate for this.<sup>58</sup>

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<sup>56</sup> According to Ipsos Mori, 67% of women aged 18-34 voted remain and 55% of 35-44. The British Election Study also shows that older males with few educational qualifications are most likely to vote leave while economically independent women are more likely to vote remain.

<sup>57</sup> <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06758#fullreport>

<sup>58</sup> Micha Frazer-Carroll for gal-dem, Brexit is set to hit people of colour the hardest, so why is nobody asking us what we think?, 28 March 2019: <http://gal-dem.com/brexit-is-set-to-hit-people-of-colour-the-hardest-so-why-is-nobody-asking-us-what-we-think/>

**Women 4 Europe:**

*“We welcome the publication of this report and concur that any form of Brexit will have a devastating and negative impact on women and human rights.*

*Brexit is personal and Brexit is political: a male project that will destroy our rights, standard of living, opportunities and freedoms. Women will bear the brunt of these both at work and in the home.*

*The EU has secured and improved women’s and workers’ rights over many years. One man’s ‘red tape’ is another woman’s rights and protections. Brexit also threatens the rights of future generations, who will have fewer rights and opportunities than their European counterparts if we leave the EU.*

*Courage calls to courage everywhere. We know unless we stop Brexit our future will be dark. We are not prepared to see our children, families and country plunged into chaos when we know it is avoidable. Shoulder to shoulder, we are proud to stand alongside the team at Best for Britain and fight for a better future for all.”*

**Women for a People’s Vote:**

*“What we now know about Brexit is so far removed from the fantasy we were sold in 2016. We simply cannot trust the Prime Minister to deliver a Brexit that works for women. With so many freedoms at stake, we must be given the final say in what our future looks like.”*



### Acknowledgements

*These briefings are as accurate as possible at the time of writing, and the information contained herein will be subject to change in light of ongoing negotiations between the UK and the EU, as well as developments in domestic legislation relating to Brexit. These briefings are an overview and are not intended as an exhaustive legal analysis.*

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*Input from and thanks to:*

Alice Antoine-Grégoire  
Jonathan Cooper OBE  
Susie Courtault  
Charlie Craggs  
Caroline Criado Perez  
Rachel Franklin  
Schona Jolly QC  
Juliet Lodge  
Karen McCullagh  
Gina Miller  
Tessa Milligan

Tracey Mwaniki  
Lauren Pemberton-Nelson  
Elisabeth Price  
Alexandra Pugh  
Claudina Richards  
Susan Scott-Parker OBE  
Jessica Simor QC  
Mary-Ann Stephenson  
Cathy Wigley  
Felicity Williams

*Contributing Organizations:*

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