Twitter Thread by Peter Foster

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So. The hunt is on in Whitehall for #brexit dividends...to show some clear value in the freedoms given by Brexit.

As we report today one area being looked at is workers' rights...but it is politically difficult territory.

No cabinet decisions have been taken, but per sources, three potential areas been identified in Business Dept...

- the 48 Hour Week
- holiday pay/overtime calculations
- new EU rules on reporting hours worked...

All potentially possible post #brexit /2

The government says it has no intention of “lowering” workers’ rights....and notes that UK has actually gold-plated many EU regulations...BUT (think of government saying it won't "lower" animal welfare standards)...the devil will all be in the detail, if and when it comes /3

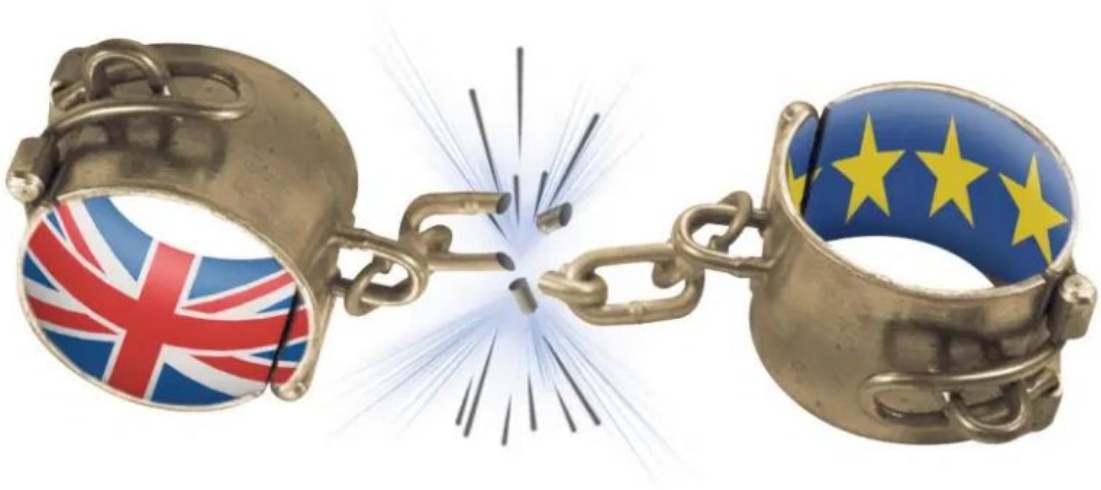
So the government likes to talk about ensuring workers’ rights are protected but ALSO making sure businesses has freedoms and flexibility to grow...so one man's reduction in rights is another freedom to get richer/work harder/be more prosperous. It depends how you sell it. /4

So take this 2017 story from The Sun on the cash bonanza that will be rained down on hardworking families by Brexiteers' (long standing) desire to scrap the 48-hour week. Overtime booooom..../5

https://t.co/QLqQ7rCzkv

BRITISH workers are set for an overtime bonanza after Brexit, it was revealed last night.

Ministers want to scrap EU laws which limit the working week to 48 hours. A Sun analysis suggests that the current limit could cost some families £1,200 in lost pay, representing 160 extra hours a year for a person earning the minimum wage.



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The EU shackles may finally come off British workers thanks to Brexit

But then look at the rather sorry correction that someone made The Sun print after their story was published....which as @JohnSpringford has noted, confesses that 48-hour week isn't actually that big a thing. But as @mattholehouse notes, it's a long standing #Brexit talisman /6

> "And it will allow millions of people to earn vital overtime cash."
>
> The directive has also piled extra costs on to cash-strapped public services, with hospitals having to scrap weekend "on call" work".
>
> **This article previously reported that "ministers want to scrap EU laws which limit the working week to 48 hours - costing the average family £1,200 in lost pay." The article has been amended to make clear that the £1,200 figure was based on a Sun analysis, and represents 160 extra hours a year for a person earning the minimum wage. In practice only a small minority of families is currently restricted from working longer hours by the current rules.*

@JohnSpringford @mattholehouse Exactly what the government does/doesn't do with it's Brexit freedoms is an absolutely core question of this year....see this @spectator piece by Lord Bridges, former Tory Brexit minster...who bets on a damp squib/7

https://t.co/yauBQmxbg9

@JohnSpringford @mattholehouse @spectator As we report in our story, employers would be keen on some of these moves, per Colin Leckey, partner in employment law at Lewis Silkin @EmploymentLS and @MichaelFordQC /8

> Colin Leckey, partner in employment law at Lewis Silkin, said employers would welcome the UK rejecting new European case law requiring the detailed, daily reporting of working hours.
>
> However, any move to overturn recent European case law on holiday pay — which stipulates that sales commissions and overtime must be taken into account in its calculation — would be more contentious.
>
> Michael Ford, a barrister and professor at Bristol university, said much of the complexity employers faced in calculating holiday pay was the result of domestic legislation, rather than the judgments of the European Court of Justice, although UK employers also disliked the ECJ's stance in principle.
>
> Unions have brought a series of cases on the underpayment of holiday entitlements and employers would love to see them overturned, Mr Leckey said.

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC These moves also obviously have lots of support on the Tory right - the "Britannia Unchained" brigade (Priti Patel, Dominic Raab, Liz Truss and new biz sec Kwasi Kwarteng) - that my colleague @SebastianEPayne has written about here /9

https://t.co/mx06akoZGY

> Almost every author of Britannia Unchained - a 2012 Tory pamphlet arguing for radical free market solutions - is the cabinet: Priti Patel, Dominic Raab, Liz Truss and now Kwasi Kwarteng.
>
> Only Chris Skidmore is not in government (he was universities minister until last year)
>
> — Sebastian Payne (@SebastianEPayne) January 8, 2021

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne Views echoed by free market think tanks like @ASI whose Matt Kilcoyne @MRJKilcoyne welcomed the proposals — saying the current “one size fits all” 48-hour rule was a “straitjacket on the economy”. /10

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne There are however some issues. First the TCA signed with the EU just last month and the risk that EU will take retaliatory measures if the UK deregulates too hard - but a lot of the Twitter hot takes on this have been overstated /11

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne As my colleague @jimbrunsden writes, you need 'material impact' and it's not clear that this would immediately qualify...how these mechanism work will be of course interesting. More here from @BrunoBrussels /12

https://t.co/rj9I2uIOwx

> The directive is pretty patchy in implementation across the EU, not popular with governments (such as Jaeger case impact on health services) or unions - opt-outs are widespread
> Various EU reviews of the legislation have gone nowhere over the last five or six years
>
> — Bruno Waterfield (@BrunoBrussels) January 15, 2021

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne @jimbrunsden @BrunoBrussels But then of course there is the politics - will @BorisJohnson believe he can spin these reforms as unleashing the inner beast of British business, Sun-style...or does he fear that the reaction that @Ed_Miliband and @The_TUC will cut through /13

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne @jimbrunsden @BrunoBrussels @BorisJohnson @Ed_Miliband @The_TUC You can obviuosly see how these kinds of measures could be used as a wedge issue come 2024..../14

But Ed Miliband, Labour's shadow business secretary, said the proposals were a "disgrace" at a time when so many people were worried about their jobs.

"In the midst of the worst economic crisis in three centuries, ministers are preparing to tear up their promises to the British people and taking a sledgehammer to workers' rights," he said.

"Workers in the UK are the primary beneficiaries of the very positive judgments of the European courts," said an official at the Trades Union Congress, adding that any attempt to "whittle down and narrow" the interpretation of European law "is a concern because it amounts to a diminution of rights".

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne @jimbrunsden @BrunoBrussels @BorisJohnson @Ed_Miliband @The_TUC One final thought. In my conversations with business represntatives like @BCCAdam @MarkFoxNews I was struck by how cool they were on these ideas/plans....their priority was on stability and looking to future, rather than undoing what's there now./15

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Mark Fox, chief executive of the Business Services Association, said his members wanted reforms that "enhance stability" rather than cause disruption. "We are also mindful of the prime minister's call to 'level up' and that must always mean improving the environment in which people work."

Adam Marshall, director-general of the British Chambers of Commerce, said the immediate priority for business after Brexit was to focus on developing a stable trading relationship with the EU. Any deregulatory dividend was likely to come in emerging sectors such as fintech or health tech, he added.

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne @jimbrunsden @BrunoBrussels @BorisJohnson @Ed_Miliband @The_TUC @BCCAdam @MarkFoxNews

There is lots of looking around for dividends - recall this story from last year I did on tonnage tax reform plans/investigation to make UK more attractive to shipping companies.../16

https://t.co/cXInStiD8g

@JohnSpringford @mattholehouse @spectator @EmploymentLS @MichaelFordQC @SebastianEPayne @ASI @MRJKilcoyne @jimbrunsden @BrunoBrussels @BorisJohnson @Ed_Miliband @The_TUC @BCCAdam @MarkFoxNews In reality I suspect that aspirations will come up hard against politics.

But as we've seen with #Brexit, the ideological wing has huge power in the Tory party...and the desire to show something for Brexit other than red tape n rotting fish will be huge.

Watch this space ENDS