



**UNISON Scotland consultation response.
Scottish Parliament Culture, Tourism, Europe and
External Relations Committee
Article 50 withdrawal negotiations**

Introduction

UNISON Scotland is the largest trade union representing members across the devolved public sector. We have a significant number of members who are EU nationals and who provide essential public services. UNISON Scotland welcomes the opportunity to respond to this consultation.

Inquiry

We welcome the remit of the inquiry to consider—

- the implications for Scotland and EU citizens in Scotland of the Article 50 withdrawal treaty;
- the process by which the UK position in relation to the Article 50 withdrawal negotiations are agreed and how Scotland's interests are taken into account;
- the implications for Scotland of any discussions or agreement on the framework for the future relationship with the EU.

Our previous submission¹ to the Committee sets out our broad concerns in relation to EU exit.

As requested in the Committee's call for evidence we have focussed on the European Commission's initial working paper, 'Essential Principles on Citizens' Rights'. There will be some crossover with our submission to the Committee's call for evidence on immigration. We do not have a view at this stage on the financial settlement paper.

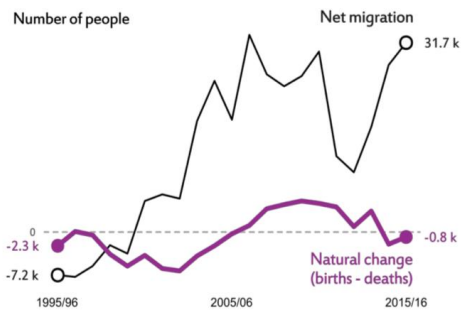
Citizen's Rights

UNISON Scotland believes that there is overwhelming evidence that immigration has had a positive impact on the Scottish economy and in the delivery of our public services. The simple fact is you're more likely to be treated by a migrant than you are to be behind one in an NHS Scotland waiting list.

Migrants have a higher employment rate than people born in the UK, are less likely to claim benefits or use the NHS. Migrant employment neither deprives British workers of jobs nor depresses local wages, as a study by the London School of Economics' Centre for Economic Performance (CEP)² shows.

¹ <http://www.unison-scotland.org/library/Submission-European-and-External-Relations-Committee-on-Brexit.pdf>

² <http://cep.lse.ac.uk/pubs/download/brexit05.pdf>



Nowhere in the UK is the economic and social case for immigration stronger than in Scotland. Recent increases in population are almost entirely driven by migration (see chart). Our working age population is not projected to increase at the same rate as the rest of the UK. The biggest increase in demand for new jobs is in health and care with some 65,000 extra jobs needed by 2020. The numbers of working age Scots to support our ageing population is unlikely to meet the labour market requirements without immigration.

Public opinion polls in Scotland and the UK shows strong support for letting EU migrants stay and that includes three quarters of leave voters. UNISON has launched a dedicated network to support the more than 67,000 members and their families who are EU citizens from outside the UK. We have published an advice booklet³ and held a series of roadshows across the UK. We have also supported lobbies at Westminster on the right to stay.

The general principles in the EU paper set out a reasonable starting point for negotiations. We would broadly support the Commission’s aims including:

- the right to acquire permanent residence after living in a country continuously for five years, no matter how many years prior to the withdrawal date the person had been living in that country.
- the right of “current and future family members” to join the person that has exercised their right to free movement, at any point after the date of withdrawal.
- the protection of recognised professional qualifications which were either obtained or recognised in any member state prior to withdrawal.

We recognise the differences between the EU paper and the position set out by the UK government. In particular over the jurisdiction of the ECJ and cut-off dates. It is hard to see how a cut-off date other than the date of withdrawal from the EU could work and it would also impact on the ability to achieve ‘settled status’ under the UK proposals. We would be concerned that a retrospective cut-off date will discourage health care workers from coming to Scotland now, something that is already obvious from the nurse registration data. We are more sympathetic to the UK government position on ECJ jurisdiction and it should be possible to reach a compromise position on a suitable disputes mechanism.

By wanting to change the current status of EU nationals, the UK government position is inconsistent with its stated approach to other EU law in the Repeal Bill. The key principle should be the protection of existing rights for EU Nationals in the UK and reciprocal rights for UK citizens living in the EU.

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https://www.unison.org.uk/content/uploads/2017/06/24406.pdf?utm_medium=email&utm_campaign=14%20June%202017&utm_source=Communications&utm_content=Organising%2C%20supporting%20and%20negotiating%20for%20EU%20workers

While resolving the differences between the UK and EU positions is important, we should also be looking more broadly at the impact of any agreement on Scotland and begin planning now. We would urge the committee to support the following actions:

- Support the right to remain in the UK for EU nationals currently working in public services in the Scotland and the UK.
- Provide funding and resources to recruit, train, retain and grow a domestic workforce to meet any shortfall from the loss of EU workers.
- The annual and periodic 'churn' of the workforce particularly at the 'low skilled' end of the health and social care services is higher from all workers (UK, EU and non-EU). Addressing career progression and skilling care workers at entry level can help reduce churn and stabilise the workforce supply. UNISON's Ethical Care Charter sets out a number of measures IJBs should be adopting now.
- Introduce a migration system, working alongside a workforce strategy for Scotland, which enables Scotland and the UK to continue to be able to attract talented professionals to help the public sector provide the best health, local government, social care and higher education possible. We believe this should include devolved powers of migration to Scotland as highlighted by the Scottish Affairs Committee and others.
- Ensure a continued pipeline of international staff (both EU and non-EU) to meet the estimated shortfalls in the skills and labour needed for Scotland's public services.

UNISON's evidence to the House of Lords Select Committee on Economic Affairs inquiry into Brexit and the Labour Market, sets out our view on labour market issues in more detail.⁴

Conclusion

Our key concern is to ensure that the rights of our members who are EU nationals working in Scotland are protected. They also provide essential public services that are already stretched. In the health and care sector we are already facing acute staff shortages and the loss of EU nationals will exacerbate this.

The EU paper generally sets out a more coherent approach than the UK government's position. The early adoption of these measures would reassure members and support the delivery of public services in Scotland.

UNISON Scotland
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⁴ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/economic-affairs-committee/brexit-and-the-labour-market/written/47316.html>