



HR
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Brexit Business Preparation

Risk and Compliance Advice
October 2019

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Brexit Risk & Compliance

General business preparations

HR Solutions are continually discussing the impact on HR and employment legislation with the aim of providing practical advice to help businesses to get ready for Brexit. The Prime Minister, Boris Johnson, has written to the EU confirming the UK's acceptance of the new Brexit extension until 31st January 2020. European leaders agreed to the UK's request for a Brexit extension from the former date of 31st October 2019. Below are suggestions for how an organisation as a whole may identify the potential impact that Brexit could have on its operations and how developments may be monitored.

Set up a working party

We have been suggesting setting up a working party comprised of individuals who represent key departments that may be impacted by Brexit. This should help to build the picture of the extent to which the organisation as a whole may be affected, e.g. your supply chain. You may consider meeting regularly to discuss both external developments (issues that have come up in the market, changes to the law, feedback from suppliers etc.) and also internal developments (such as action points that have been discussed and agreed, awareness raising exercises, concerns of others that have been put to the department representative etc.).

Get ready for Brexit checker

The government have launched a campaign to help ensure that businesses (and the general public) are ready for the UK to exit the EU. It recognises that businesses who employ EU nationals, who deal with data from the EU or who import or export to the EU, will all be affected. The checker is designed to be a quick way to check the ways in which all areas of your business may need to prepare and points to government guidance on general and niche areas. Access the checker at: www.gov.uk/brexit

Free webinars and articles

In addition to guidance articles, HR Solutions have several free webinar recordings available that discuss the impact of Brexit on employers. You can access the articles, and watch the webinars on demand via www.hrsolutions-uk.com/brexit-preparation

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Recruitment and retention

- Examine current staffing and identify EU nationals currently employed
- Provide information about and discuss intentions of EU national employees regarding the EU Settlement Scheme
- Future recruitment of EU nationals to maintain both current and projected staffing levels

Right to work in the UK

- Recent changes to right to work checks regarding the EU Settlement Scheme
- Future arrangements

Policies and procedures

- Adapting policies and procedures post-Brexit
- Legal changes post-Brexit which are more favourable for the employee
- Legal changes post-Brexit which are less favourable for the employee
- References to EU law (or operation within the EU) in contracts, policies and handbooks

European Works Councils

- European Works Councils (EWC) – awareness of 'no deal' arrangements
- If you do not have EWCs in your organisation, then you do not need to make any preparations in this area.

Insolvency

- Insolvency arrangements for employees who live and operate in EU member states – awareness of 'no deal' arrangements

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Data Protection

- The UK is committed to maintaining the standards of the GDPR and the gov't plans to incorporate it into UK law alongside the DPA 2018 after Brexit.
- The UK gov't has confirmed that when the UK exits the EU, transfers from the UK to the EEA will not be restricted. There will be transitional provisions for a UK adequacy decision to cover these transfers.
- The UK gov't intends to recognise existing EU adequacy decisions, approved EU SCCs and BCRs wherever possible post Brexit
- Transfers from the EEA to the UK will need to comply with GDPR transfer restrictions.
- Consider if restricted transfers apply to you
- Find out more about The Information Commissioners' Office FAQs

Countries in the EU and EEA

As a reminder, here is a list of countries that belong to the EU and the EEA.

- **EU:** Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the UK.
- **EEA:** All of the above countries, plus Iceland, Liechtenstein and Norway.
- **Switzerland:** Does not belong to the EU or EEA but is part of single market so Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

Working in Europe

- Check the country that the employee is working in as to the rules that apply
- Check the Insurance you have for the employee
- Mobile phone tariff; check with your phone operator to find out about any roaming charges after 31 October 2019
- Check rules set by the country for sending personal data (as set by member state)
- For further information visit www.gov.uk/working-abroad

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Travelling and Driving in Europe

- Different countries may have their own requirements for those traveling on business. Some may require a specific visa. For more information visit www.gov.uk/visit-europe-brexit
- If the UK leaves the EU without a deal, then you should have at least 6 months left on your passport to travel to most countries in Europe, as well as Iceland, Liechtenstein, Norway and Switzerland. It should also be fewer than 10 years old. For more information visit www.gov.uk/guidance/passport-rules-for-travel-to-europe-after-brexit
- The European Health Insurance Card (EHIC) may not be valid after Brexit. You should make sure your travel insurance covers your healthcare needs.
- Those driving on Company business (Individuals) after Brexit are likely to require some extra documents. They will need an international driving permit (IDP) to drive in some countries
- Those taking a vehicle will also need:
 - a 'green card' - allow 1 month to get this from your vehicle insurance company
 - a GB sticker
- Be aware that the Mobile phone tariff may change after Brexit
- In a no deal Brexit scenario, check that HGV drivers have:
 - a valid passport
 - a valid Driver Certificate of Professional Competence (CPC) card
 - an international driving permit (IDP); note that your driver will need an IDP to drive in some EU countries if there's a no-deal Brexit
 - The driver must carry these documents with them
 - For further information visit www.gov.uk and search for "Driving in EU after Brexit: lorry and goods vehicle drivers".

HR Knowledge Base & Advice Line

HR Solutions are here to help. For further HR support and advice call 0844 324 5840. For information about our outsourced HR services visit www.hrsolutions-uk.com/hr-services.

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