

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol | External Affairs and
Additional Legislation Committee

Y goblygiadau i Gymru wrth i Brydain adael yr Undeb Ewropeaidd | Implications for
Wales of Britain exiting the European Union

IOB 44

Ymateb gan Rhwydwaith Cydraddoldeb Menywod Cymru
Evidence from Women's Equality Network (WEN) Wales

The Women's Equality Network (WEN) Wales is a membership organisation that supports the women's sector and advances equality for women in Wales. As a member of the UK Joint Committee on the Status of Women (UKJCW), we represent Wales to the European Women's Lobby (EWL). You can read our full statement on the EU Referendum result on our website: <http://www.wenwales.org.uk/news/eu-referendum-responseymateb-i-refferendwm-ue/>

We would like to submit the following comments in response to the National Assembly's consultation on the implications for Wales of Britain exiting the European Union.

1. What should be the top priority for Wales in advance of the UK Government triggering of Article 50 (which starts the formal process of exiting the EU)

- 1.2. The top priorities for WEN Wales are 1), the protection of equality, justice and human rights legislation and 2.), mitigating the potential negative impact on the Welsh economy that could result from an economic downturn and loss of EU funding to Wales. We believe that unless these two areas are prioritised, leaving the EU could potentially have a serious impact on achieving the Wellbeing Goals identified in the of *Wellbeing of Future Generations Act (2015)*.
- 1.3. WEN Wales wants the National Assembly for Wales to commit to resisting any weakening of women's rights following the UK's departure from the EU. The EU has guaranteed standards for women's rights that are reflected in current UK legislation. While we understand that EU Directives won't disappear immediately following the UK's departure from the EU, there is a risk that, over time, rights could be rolled back because their continuance in legislation will depend on the political will of future governments. A number of key protections either derive from, or are guaranteed by, European law, e.g., maternity discrimination, maternity rights, equal pay, pension

rights, part-time workers rights and the application of European discrimination law to all employers without exception. We are concerned that discrimination legislation which has been implemented via secondary legislation, e.g., maternity and parental leave regulations (1999) could be easier to repeal than primary legislation and could therefore be particularly vulnerable. For more detail on the implications of leaving the EU, please see the Fawcett Society's submission to the Women and Equalities inquiry on 'Ensuring strong equalities legislation after EU exit': <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/women-and-equalities-committee/ensuring-strong-equalities-legislation-after-the-eu-exit/written/42927.html>

- 1.4. Moreover, EU membership ensures that women are protected across and within borders from domestic violence and the EU has provided significant amounts of funding for women's services e.g., Daphne Programme. Work on tackling Female Genital Mutilation (FGM) and trafficking (for sexual exploitation or forced labour) also requires co-operation across borders and it is vital that this co-operation continues following our departure from the EU. We would recommend that the Welsh Government consult further with our members who work on these issues (e.g., BAWSO, Safer Wales).

- 1.5. It is difficult to predict the economic implications of triggering Article 50, but an economic downturn has been widely predicted and this could have a significant impact in a country with high levels of poverty and where women have already been impacted by the previous downturn and austerity. We are concerned that women in Wales could be affected in two ways 1.) by the impact of a general economic downturn and the loss of specific EU funding to Wales and 2.) by alterations to employment protections that contribute to women's economic empowerment and are guaranteed by EU legislation. Indeed, these two concerns overlap because an economic down-turn may make it easier to argue for a weakening to employment protections to make women "more employable". See The Bevan Foundation, 'Women, Work and the Recession in Wales' <https://www.bevanfoundation.org/publications/women-work-and-the-recession-in-wales/> and our report Women and Multiple Disadvantage: A Summary of Key findings <http://www.wenwales.org.uk/wp-content/uploads/Women-and-Multiple-Disadvantage-Summary-of-Key-findings.pdf>

- 1.6. The European Social Fund (ESF) has funded large-scale programmes for girls and women in Wales e.g., Chwarae Teg, WAVE Project etc. Gender equality objectives and a dual gender equality approach are mandatory requirements in the ESF and this has ensured that women have benefitted from these programmes in Wales
- 1.7. Another area of concern in Wales is the potential loss of agricultural subsidies which would impact women living in rural areas (just under a third of Welsh women live in rural areas) and loss of jobs in these areas would impact women and their families.
- 1.8. WEN Wales is therefore calling on Welsh Government to implement Gender Responsive Budgeting and to carry out Gender Impact Assessments on any major spending decisions leading up to and after leaving the EU.

2. Can you provide examples of where the UK's proposed approach to transferring the *acquis communautaire* (the body of European law), through the proposed Great Repeal Bill, into domestic law might have particular implications for Wales?

2.1. It is difficult to predict the implications of the Great Repeal Bill before the full details are available, but the Fawcett society and other women's organisations have expressed concerns that the Bill could allow the use of "Henry VIII clauses" which would give the Government the power to subsequently amend or repeal significant parts of EU sourced legislation without full parliamentary debate and scrutiny. From an equalities perspective, WEN Wales believes that Wales will need to prepare for two potential outcomes of the Great Repeal Bill:

- I. The entire body of European law and the EU directives (equalities, workers' rights) are transferred into domestic law with no change in equalities legislation and employment protections. As a result, nothing will change immediately, but there will need to be vigilance about any future reforms.
- II. The primary legislation is transferred into domestic law, but the EU Directives are not retained which would mean that the UK loses the equalities legislation and employment protections contained in the EU directives.

2.2. We are also concerned by the lack of clarity about whether the EU Charter of Fundamental Rights will be included in the Great Repeal Bill and we would ask the National Assembly to seek clarity of this point from UK Government. We also need clarity on the UK's membership of the European Convention of Human Rights and

whether previous case law from the Court of Justice of the European Union (CJEU) will continue to apply and UK citizens will have access to the CJEU.

As a general comment, WEN Wales was concerned by the absence of women's voices in the run up to the EU Referendum in June. It is vital that women in Wales are fully involved in the decision-making process following the referendum and after Article 50 is triggered.

We would like to thank Professor Jackie Jones from Wales Assembly of Women for her support in the production of this consultation response.

Yours sincerely

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The Women's Equality Network (WEN) Wales