EU REFERENDUM AND HEALTH

What Brexit would mean for employment of doctors
Anne Gulland assesses how leaving the EU would affect working conditions

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Would working hours change for doctors?
The European Working Time Directive is the key piece of 
European Union legislation affecting doctors’ working hours, 
limiting the working week to 48 hours. The regulations were 
implemented in 1998, but all junior doctors were not included 
until 2009.

Some specialties, particularly surgeons, have been concerned 
that the 48 hour week limits training. Doctors can opt out of the 
48 hour limit, and a Royal College of Surgeons (RCS) review 
of the directive called for more widespread use of the opt-out.1 
The UK is one of the few EU countries to use the opt-out.

Jason Heyes, professor of employment relations at the University 
of Sheffield, believes that the working time regulations, the UK 
law enacting the EU directive, is one of the employment laws 
most likely to be repealed or reformed if we leave the EU.

“The regulations are a particular bugbear as they’re seen by 
many Conservative politicians as an unnecessary and damaging 
burden on employers,” he says.

However, the British Medical Association is likely to resist any 
large increase in hours worked. In a statement published at the 
time of the RCS review, Mark Porter, BMA council chair, said, 
“No one wants a return to the days when doctors were working 
dangerously long hours.”

But Heyes adds, “Without the protection of the legislation, 
changes in working time and holidays would probably play out 
differently sector to sector. If the legislation is repealed it might 
reduce the bargaining strength of trade unions, and workers in 
non-union environments would have no protection.”

Would retirement age and pensions change?
Doctors with an NHS pension are unlikely to see changes if we 
leave the EU. The rules of the NHS pension scheme are laid 
down in regulations agreed by parliament, and pensions are 
funded by taxation rather than relying on investments. Doctors 
with private pensions may be affected, however. A report from 
the Society of Pension Professionals said the resulting 
uncertainty after a vote to leave would be detrimental to financial 
markets and therefore pensions in the short term. But in the long 
term Brexit could “create new opportunities for UK pensions 
to avoid potentially crippling liabilities in the future.”2

Like most of their fellow European citizens, UK workers will 
see their retirement age increase over the coming years. By 2028 
it will be 67, rising to 68 by 2046. The UK already has one of 
the highest retirement ages in Europe, and the trajectory for 
retirement age is only upwards, regardless of whether the UK 
is a member of the EU.

Would maternity rights change?
Women in the UK have the second longest maternity leave 
entitlement in the EU. Mothers are allowed to take 52 weeks’ 
leave (39 weeks of which is paid), well above the EU statutory 
minimum of 14 weeks. However, it is harder to compare 
maternity pay as EU countries’ policies vary greatly.

Like most occupational maternity schemes the NHS maternity 
scheme is more generous than the statutory scheme. Because 
this is an NHS agreement it is unlikely to be affected by Brexit. 
However, other social protections have been introduced by EU 
law, such as the right to parental leave. This directive, 
implemented in the UK in March 2013, gives mothers and 
fathers the right to take 13 weeks’ unpaid leave per child before 
its 5th birthday. It also gives workers rights to paid leave to look 
after a sick child or other dependant, although it does not specify 
how much time should be taken.

The EU has also introduced laws ruling against discrimination 
on the grounds of disability, age, religion, and sexual orientation. 
However, Heyes believes there is little appetite in government 
to roll back on any of these social protections.

“Once these things become embedded and employers start to 
change their procedures they don’t necessarily clamour for 
legislation to be repealed,” he said.

Would Brexit affect my job security?
Another law based on an EU directive that Heyes believes could 
be a target for reform or repeal in the event of Brexit is the law 
governing agency workers. These regulations give temporary
workers, including locum doctors, the same working conditions and employment rights as a permanent employee. Again, they are seen by employers to present an unnecessary burden.

In a report assessing the effect of the regulations a year after their implementation the Confederation of British Industry said that businesses’ costs had increased while “positive impacts for temps were unclear.”

Gisela Stuart, Labour MP for Birmingham Edgbaston, who is campaigning to leave the EU, said: “Most of our workplace protections were introduced by the House of Commons before our membership of the EU or go further than the protections in other EU states. Britain has a very strong tradition of institutions in civil society—the trade unions, labour movement, the voluntary sector and churches—campaigning for the advancement of social rights and providing a check on attempts to erode them.”

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