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[Blog article](#) by Paul Oakes, Manager of the Advisory Services Team

Employment and status of EU citizens in the post-Brexit period

An issue of increasing concern to employers in Northern Ireland is the status of job applicants and employees who are European Union citizens in the immediate post-Brexit period. This is not helped by a sense that these are among the many issues which could be affected depending on the outcome of ongoing negotiation and debate.

The context is one of near record-low unemployment across the UK and a situation in which employers, in both the public and private sector, regularly talk of their reliance on overseas workers, including from across the EU, to maintain the health and vitality of their organisations. From the Equality Commission's perspective it is vital that, whatever the situation, the rights which people living and working here have under our equality laws should not be lessened or removed.

The Equality Commission's advice is that employers continue to follow their normal equal opportunity policies in a fair, consistent and non-discriminatory manner. In practice, this means ensuring that employers promote equality of opportunity in relation to their recruitment and selection policy and procedure and that all workers are provided with a good and harmonious working environment in which to work.

To address the employment status of EU citizens in the post-Brexit period, the UK Government has introduced a Settlement Scheme which will be implemented on a phased basis and is proposed to be fully open by 30 March 2019. It is communicating with EU citizens about the scheme through a number of channels including employers, community groups, local authorities and direct marketing.

EEA citizens who enter the UK before the UK leaves the EU will be eligible to apply for the EU Settlement Scheme to continue living in the UK. EEA citizens and their families will be able to remain in the UK indefinitely if they are granted settled status under the [EU Settlement Scheme](#).

The basic principles underlying the Government's Scheme are:

- EU citizens and their family members who, by 31 December 2020, have been continuously resident in the UK for five years are, or will be, eligible to apply for "settled status", enabling them to stay indefinitely. EU citizens and their family members who arrive by 31 December 2020 but who will not yet have been continuously resident in the UK for five years, are eligible to apply for "pre-

settled status”, enabling them to stay until they have reached the five-year threshold. They can then also apply for settled status.

- The right of some persons in this category to stay and apply for pre-settled status will be significantly affected by a “no deal” Brexit. In that event, they will only have the right to stay and apply to the scheme if they arrived in the UK prior to Brexit day (29 March 2019). If they arrive after Brexit day and intend to stay here for more than 3 months, then different rules will apply: for example, they will have to apply and obtain a new form of permission to stay called [European Temporary Leave to Remain](#) which will entitle them to remain in the UK for a period of 36 months only).
- EU citizens and their family members with settled status or pre-settled status will have the same access as they currently do to healthcare, state pensions and other benefits in the UK.

The [information provided by the government](#) notes that Irish nationals need not to apply to the Settlement Scheme, as many of their rights derive from other bilateral arrangements between the Irish and British governments.

The UK Government has also made separate arrangements with the governments of [Switzerland](#) and [Norway, Iceland and Liechtenstein](#) to protect the rights of their respective citizens in the post-Brexit period.

Those people who are entitled to apply for settled or pre-settled status will have up to 30 June 2021 to do so (or, up to 31 December 2020 in the event of a “no deal” Brexit).

One of the implications of this is that the rights of those individuals under equality law will remain unchanged for at least the next 2½ years, hence the duty to continue to treat all workers in a fair and non-discriminatory way remains. That point was specifically noted in the [toolkit for employers](#) that the Government has published.

Furthermore, for those individuals who have applied and obtained settled or pre-settled status, then their current equality law rights and employers’ obligations to them would be the same as to all other workers.

Further information

The Equality Commission provides advice and support in relation to equality matters and you can contact our Advisory Services Team on 028 90 500 600 for more information.

Further information on the Government’s EU Settlement Scheme:

- [EU Settlement Scheme](#)
- [Toolkit for employers](#)

Related information

Read the Equality Commission's [recommendations for protecting and advancing equality and good relations as the UK exits from EU](#)

- Further blogs are available online at www.equalityni.org/blog