



# A GUIDE TO YOUR RIGHTS FOR EEA/EU CITIZENS IN SCOTLAND

## Factsheet 2. My Right to Work

This factsheet provides a brief summary of your right to work in Scotland before, during and after the Brexit transition period.

This Information is intended for guidance only and was reproduced from information from The Human Rights Consortium Scotland, JustRight Scotland & Scottish Universities Legal Network on Europe.

It is based upon our understanding of current proposals and is correct at the time of printing these documents.

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## What are my rights now (until 12 April 2019)?

You have the right to work in Scotland under EU free movement law.

This includes the right to:

- Seek work (jobseeking)
- Work without a work permit
- Be self-employed without a work permit
- Stay in the UK even after work has finished, as a former worker<sup>1</sup> or a retired person<sup>2</sup>

You also have the right to equal treatment with British workers in access to employment, working conditions and all other social and tax advantages related to work (for example, access to work-related benefits and pensions).

## What will my rights be during the Brexit transition period (12 April 2019 to 31 December 2020)?

- The UK and the EU have reached agreement in principle that there will be no change to your rights during the Brexit transition period.
- They have also agreed that EEA/EU citizens arriving during this period will enjoy the same rights as those who arrived before Brexit.
- This means that you will have the same rights to work and be self-employed - and will be protected by the same conditions of equal treatment with British workers - during the transition period.
- However, the transition period will only come into effect if the withdrawal agreement is ratified by both the EU and the UK before 12 April 2019.

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<sup>1</sup> An EEA/EU citizen who has ceased work is considered to have retained her worker status if she is temporarily unable to work as a result of accident or illness, is involuntarily unemployed (having been employed for at least 1 year previously), is starting vocational training, or is heavily pregnant. An EEA/EU citizen who has become permanently incapacitated (after having worked for 2 years previously), or has become permanently incapacitated because of an accident or occupational disease which means she will be paid a pension by a UK institution can immediately apply for 'permanent residence.'

<sup>2</sup> An EEA/EU citizen who has reached the state retirement age and then has retired after either living continuously in the UK for 3 years, or working in the UK for 1 year, can immediately apply for 'permanent residence.'



## What will my rights be after the transition period (after 1 January 2021)?

- EEA/EU citizens who have been granted 'settled status' or 'pre-settled status' will enjoy the same rights to work as currently and during the transition period.
- The UK Government has not yet published their policy about EEA/EU citizen employment rights after the transition period.
- However, the Home Secretary stated in July 2018 that EEA/EU citizens will not have any automatic right to work in the UK after the Brexit transition period.
- This means it is likely that for EEA/EU citizens arriving after the transition period, their right to work will be linked to the type of leave to remain (LTR) they are granted. Some forms of LTR allow an unrestricted right to work, whereas others restrict the hours of work (for example, for student visas). This may also mean that EEA/EU citizens who wish to come to the UK as workers may require to apply for a work permit.

## How can I find out more?

- For information about your rights in work you can contact My World of Work: <https://www.myworldofwork.co.uk/getting-job/your-rights-work>
- Read more about the UK Government on EEA/EU citizens rights and settled status scheme here: <https://eucitizensrights.campaign.gov.uk>
- Read more about the Scottish Government policy on EEA/EU citizens here: <https://beta.gov.scot/policies/europe/eu-citizens/>
- Read the UK Government's toolkit for employers around settled status: <https://www.gov.uk/government/publications/eu-settlement-scheme-employer-toolkit>

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