

**44 Circular Road
Newtownabbey
BT37 0RG**

28 February 2018

Dear Madam Prime Minister Theresa May,

I am writing to you on behalf of TUDA (Trades Union Disability Alliance). TUDA is an organisation dedicated to supporting disabled workers.

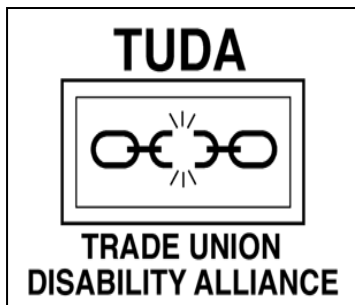
We are very concerned that Brexit will have a significant detrimental effect on the rights of British people with disabilities when we leave the EU for the following reasons:

We will no longer be protected by EU legislation such as the “*framework directive for equal treatment in employment and occupation. Passed in 2000*”

The 2008 European Court of Justice judgment, which made it unlawful to discriminate against employees because of their relationship to a disabled person.

While we continue to be members of the EU the “2004 regulation on the coordination of social security systems,” would allow UK Citizens with disabilities, who may have worked and paid taxes in the UK for many years, to continue to receive benefits such as Personal Independence Payments (PIP), even if they moved to another EU member state. When we leave the EU, British people with disabilities will lose that right.

When we leave the EU, UK citizens with disabilities will cease to be protected by the 2015 “European Accessibility Act,” which is intended to improve the functioning of the internal market for

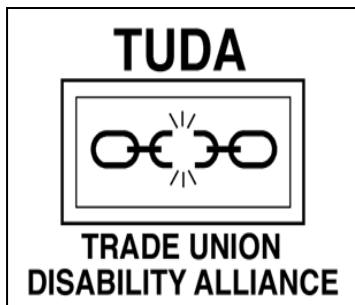


accessible products and services for people with disabilities and older people by removing barriers created by divergent legislation.

UK Nationals with disabilities will no longer be able to appeal to the European Court of Justice, if we feel our human rights are being denied us by the UK government and/or courts.

Now we would respectfully ask you to consider the situation of a disabled UK national who wishes to go on holiday in the EU. Currently s/he is eligible to apply for an EHIC card (European Health Insurance Card). This card gives the holder the right to access state-provided healthcare during a temporary stay in another European Economic Area (EEA) country or Switzerland. No medical questions are asked in the application process and so no one is refused (or charged more) because of their disability or pre-existing health conditions. This card enables the member state to charge the country of origin for the medical treatment provided to its citizen, while they are in that country. So, a UK citizen in France who used this card would enable France to recover the cost of the treatment provided from the UK, just as the UK could recover the cost of treatment given to a French citizen while in the UK. This is reciprocal and consequently cost neutral. Now you may say that after Brexit, UK nationals can simply take out travel insurance, and while this is an added cost and inconvenience for able bodied travellers, people with disabilities or pre-existing health conditions will almost certainly be charged more for health insurance than their non-disabled peers and may even be refused cover altogether. While the loss of EHIC facilities will add cost & inconvenience for most travellers, this may make it impossible for UK citizens with disabilities to travel to the EU and for EU nationals with disabilities to travel to the UK. This will put disabled people at a significant and unfair disadvantage relative to their non-disabled peers. And will also result in a loss of revenue to the UK tourist industry and consequently the public purse.

Now consider the case of a disabled UK national who might wish to emigrate to an EU country. Currently we have “freedom of movement” so the government of the EU country that the disabled UK citizen wishes to emigrate to can’t refuse that person on the basis that, due to their disability, they may be “a drain on their health and social care system”. After Brexit UK nationals will no longer have freedom of movement rights within the EU, so EU countries may well refuse to take them because their



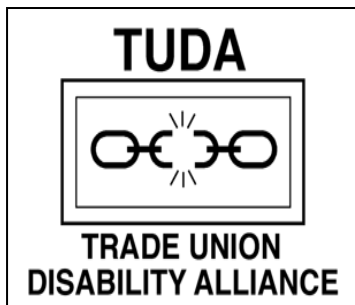
disabilities/pre-existing health conditions may make them “a drain on their health/social care systems”. This will once again disproportionately disadvantage disabled people.

We are also very worried that after Brexit, the EU nationals that provide a large part of the workforce in the NHS and the UK social care sector will leave resulting in major staff shortages which will have a negative impact on people with disabilities and longterm health conditions who are dependent on our NHS and/or social services for their care.

We also fear that, Brexit will cause the loss of EU financial support for UK disabled people from European structural and investment funds, which have been changed to place more emphasis on anti-poverty and social inclusion measures. Currently the UK government has not committed to funding these programs after 2020.

We are further concerned that following Brexit, the loss of trade with the EU and therefore tax revenue combined with an ill-advised attempt to compete on wages and other employment benefits with countries with far lower living costs, little public health provision and almost non-existent health & safety/anti-discrimination/employment rights legislation, will result in irresistible pressure to reduce taxes. This will in turn necessitate even further savage cuts to welfare provision in the UK, on top of the deep and inhumane austerity cuts we have already been subjected to. Making life almost impossible for the poor generally and disabled people in particular.

In conclusion and in the light of the above, while we recognise that some of this depends on the terms of any post Brexit agreement between the UK and the EU, having heard the “Lancaster House Speech” and other official government announcements, it is clear that your government intends us to leave the single market, the customs union and the jurisdiction of the European Court. (A so called Hard Brexit) Consequently, as far as we can see, all of the above will apply. Therefore, TUDA is very concerned that Brexit will have a significant negative impact on the UK poor generally,



but especially and disproportionately, on British disabled people, whether they are in employment or not. While the “EU Repeal Bill” should copy EU legislation into UK law, once we leave the EU the UK government can amend this legislation as it sees fit, and British people with disabilities, will no longer have recourse to the European Court of Justice. So we will be at the mercy of the UK government. The omens are not good. A United Nations enquiry has already found that the UK Government is failing to uphold disabled people’s right across a range of areas from education, work and housing to health, transport and social security even before we leave the protection of the EU. The most reliable way of predicting the future is to look at the past, and the past actions of this UK Government has shown us that they are neither compassionate or merciful, in spite of protestations to the contrary. Take the closure of the Independent Living Fund, the numerous attempt to restrict PIP, the chronic housing problem and austerity generally. We fear for the future of UK nationals with disabilities. What will happen to people who through no fault of their own are unable to compete in a highly competitive labour market.

In the light of the above, TUDA is calling on the British Government to reconsider this and especially the effect this will have on disabled people in our society, and at the very least try to find some real way to make up for all that we, the British people, and especially the poor and disabled, are going to lose as a result of Brexit.

Thank you for taking time to consider carefully and reply to the concerns raised in this letter.

Regards from Berni McCrea (Secretary of TUDA)

*The Right Honourable Theresa May MP
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