



FACULTY OF
PUBLIC HEALTH

Brexit, health and trade – what are the health and business communities telling us?

An FPH discussion paper

Introduction

During July and August 2018, the Faculty of Public Health's (FPH) Brexit Project Group undertook an extensive programme of engagement with stakeholders in the public health and wider health community, legal experts, civil servants and the business community. The aim was to start to understand their priorities and aspirations for the public's health as the Government develops the UK's post-Brexit trade policy. In total we met with 20 different organisations including the Brexit Health Alliance, European Public Health Alliance and the Department for International Trade.

This paper seeks to summarise what we heard from these conversations. It is written with the intention to continue a conversation with our members, the health and business communities, and government about what is a realistic expectation for the role a post-Brexit trade policy can play in delivering a healthier society. The health sector has welcomed the Government's guarantee that "our high standards of health improvement, health security, food safety and environmental protection [will not] be compromised in any way [as we leave the EU]". Our stakeholders are keen for the Government's [five commitments to 'do no harm' to the public's health](#) to underpin its approach to our post-Brexit trade negotiations.

As well as seeking further feedback on this paper, FPH will be exploring the ideas within it at a forthcoming workshop on 17 October 2018. We will be using what we learn to inform our response to the [Department of International Trade consultation](#) at the end of October. At the beginning of next year, FPH will be setting out our own set of principles for 'healthy' trade agreements that we will encourage the Government's trade negotiators to support as they agree future trade deals with the EU and the rest of the world.

What are we hearing?

In our conversations so far we have heard six key ideas about what's needed for healthy trade deals and the expectations of the health and business communities:

1. The importance of a 'seat at the table'

As the Government prepares to develop its own trade policy, it has an opportunity to establish a new and detailed, substantive and permanent dialogue with the health sector. Our stakeholders told us that a formalised and transparent engagement and scrutiny process will be vital in providing negotiators with the specialised expertise, insights and support needed to identify and mitigate potential health risks and understand the opportunities. With a full 'seat at the table' for the health sector, our negotiators will have the best opportunity to build a healthy economy based on the healthiest workforce and a reduction in inequalities; and, the UK will send a signal to our trading partners in the EU and around the world of a new, sustainable approach to trade.

2. The right to health

The UK has an opportunity to set out a positive vision for the kind of country we want to be after we have left the EU. As part of that vision, we heard that respect for the right to health should form the bedrock of the high level objectives of our future trade policy. While recognising caution at using trade agreements as vehicles for other policy objectives, stakeholders view policy coherence on health and trade in particular as essential to long-term, sustainable, economic growth and health equity and improvement.

The EU currently requires trade negotiations to promote sustainable economic development by embedding social justice, human rights, high labour and environmental standards. Many stakeholders stressed that our future trade negotiations should, as a minimum, embed the same levels of protection to the right to health as currently found in the EU's trade policy and in our international obligations. For example, some stakeholders spoke of the importance of ensuring a 'healthy economy' through ensuring fair and sustainable employment. The UK has an opportunity to show global leadership by setting a high bar for a rights based approach to its post-Brexit trade policy and future trade agreements.

3. The right to regulate

Stakeholders view the development of an independent trade policy as an opportunity for the Government to reinforce the UK's right to regulate in the public interest. Modern trade agreements include not only regulations for the exchange of goods and services, but rules and protections for investment and intellectual property. As these rules have expanded, so too has their potential to undermine policies promoting and protecting the public's health, e.g. standards for the environment, food hygiene and safety and medicines.

As the Government considers different models for these rules – for a future 'Investor-State Dispute Settlement' (ISDS) system – several stakeholders spoke of the opportunities to create a positive investment environment based on embedding the right to health and our existing minimum standards for public health and health improvement. Stakeholders are keen for the Government to ensure that any system does not constrain its ability to make laws on social, environmental and economic matters. We heard concerns that a future system should ensure democratic accountability, judicial independence and procedural fairness.

4. A commitment to 'do no harm'

Our stakeholders spoke of the opportunity the UK's post-Brexit trade policy presents for the Government to 'futureproof' the progress we've made on public health during our time in the EU. The Government has made an unequivocal "guarantee of equivalent or higher standards of health protection and health improvement when we have left the EU". Stakeholders are keen to ensure the Government is true to its word. For example, some stakeholders noted the opportunities to take action post-Brexit to promote healthier diets and to tackle obesity.

Our conversations with the business community so far have also highlighted a mutual interest in avoiding a 'race to the bottom' at the expense of our vital standards of health security, health improvement, food hygiene and safety, and environmental protection. There is a clear recognition of the connections between productivity and health and the understanding that a post-Brexit economy will require a workforce that is fitter and healthier for longer. There is also a clear consensus that the Precautionary Principle should continue to underpin the UK's approach to risk.

5. A commitment to ‘do better’

The UK remains a world leader in public health. Both the health and business communities told us that this leadership can be converted into a competitive advantage as the UK develops its trade policy – a policy that can drive improvements in the public’s health and the health of our workforce. Stakeholders emphasised the unique opportunities to move faster across a range of policies from minimum unit pricing and setting alcohol duties to taking a tougher approach on advertising health-harming food and drinks.

The UK also has an opportunity to consider areas of scope that trade agreements don’t reach, such as memorandums of understanding with international agencies like the World Health Organization, on public health regulations. Stakeholders are also keen for the UK to build on existing relationships with our EU partners and beyond. The recent Brexit White Paper’s emphasis on health security and continued close collaboration with the European Centre for Disease Prevention and Control (ECDC) was welcomed, and echoed [FPH’s own blueprint](#) on how the UK’s post-Brexit relationship with ECDC could work.

6. The NHS should be protected

Stakeholders welcome the Government’s signal that the NHS and public services will not be traded away. However, concern was raised that several aspects of traded healthcare, including at national and local level, should be ‘off-limits’. A universally available health service, free at the point of delivery is critical to long term health improvement and the reduction of health inequalities. Given the complexity of services, and implications this has on trade (not only services but medicines, medicinal products and devices), the NHS merits attention. Pre-existing trade agreements should be scrutinised in developing a position on the potential health impacts of a traded health system and the feasibility of an NHS ‘carve-out’.

Questions we’re keen to explore further

To support our thinking, FPH’s Brexit Project Group would welcome your perspectives on the six themes above. In particular, we are keen to hear your thoughts on the following questions:

1. Do these six themes cover the key priorities for health and trade?
2. If so, are there any further points related to these themes that you feel we should consider?

3. Are any themes missing from the list? If so, what and why do you feel them important?
4. Are you able to share any supportive evidence or case studies that may be helpful?
5. Are there any key milestones that you feel we should be working towards?
6. Are you currently undertaking or planning to undertake any work on this issue?
7. Who should we be contacting in Government and the public health and wider health sector?
8. Where should we look to build our evidence-base? What evidence gaps are there?

Suggested next steps

1. If you're interested and have expertise in this topic, join us at our forthcoming workshop on 17 October 2018. RSVP to markweiss@fph.org.uk.
2. We hope to build a 'healthy trade' coalition of stakeholders and health organisations in support of our trade blueprint. If you want to get involved or want to find out more, please get in touch. We would be happy to meet you to talk about how we can work together over the coming months.
3. If you're an FPH member and would like to help us shape our thinking on this, please join our new, informal, Brexit 'sounding board'.
4. Help us develop a response to the Department for International Trade's consultations on our post-Brexit trade agreements, <https://bit.ly/2QZs06q>. You can do this in two ways:
 - If you're a health organisation, we would be very grateful if you'd agree in principle to endorse our consultation response – we will share a draft version for you to feedback on as soon as possible.
 - If you are already completing a response to the consultation, please consider telling us what your thoughts are on the key issues.

If you would like to attend the October workshop (spaces limited!) or offer any feedback on the issues above, please contact Mark Weiss via email: markweiss@fph.org.uk. FPH's Brexit Project Group is very grateful for your time and consideration as we develop this important strand of our Brexit campaign.

Mark Weiss
Senior Policy Officer and Brexit Campaign Lead at FPH
26 September 2018