

Border Agency Legal Working Compliance Policy

It is the policy of Stone & Ceramic Ltd to ensure the eligibility of its workforce to be lawfully and legally engaged in employment. The Company commits to comply with the Asylum and Nationality Act 2006, UK Borders Act 2007 and the Employment Rights Act 1996 and to exercise its checks in recognition of the following.

Employment of overseas nationals

All European Economic Area nationals have the right to work in the UK. Other nationalities will generally need a work permit, although we recognise there are a number of exceptions to this general rule.

The EEA includes the following countries:		
Austria	Greece	Netherlands
Belgium	Hungary	Norway
Bulgaria	Iceland	Poland
Cyprus	Ireland	Portugal
Czech Republic	Italy	Romania
Denmark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxembourg	Sweden
Germany	Malta	

Employment of all workers

There is a simple 3 stage process that as employers we are obliged to follow for all new employees and any employees engaged after 27th January 2007. Until all 3 stages have been satisfactorily completed we cannot engage any worker in employment.

Stage 1: As employer we will expect the potential employee, or existing employee, to provide either **one** original document from List 1 or **two** original documents from List 2.

List 1 documents are:

- A UK passport
- An EEA passport or national identity card
- A UK residence permit issued by the Home Office
- An application registration card issued by the Home Office to an asylum seeker stating that the holder is permitted to take up employment

List 2 documents are:

- An official document bearing a national insurance number i.e. P45, NI Card, P60 plus:
 - A birth certificate, or
 - A letter from the Home Office, or
 - An immigration status document
- A work permit plus:
 - A passport; or
 - A letter from the Home Office.

Stage 2: Where the above documents are provided then an employer must act diligently in ensuring the presented document is valid.

- Does the person look like the photograph on the document?
- Is the date of birth consistent with the appearance of the candidate?
- If the document has an expiry date, is it still valid?
- Does any stamp or endorsement allow the potential worker to do the type of work you are offering?
- If two documents are required, is the same name used on both of them?

The documents must confirm the jobholder's right to remain in the UK and take up the employment in question.

At application and offer stage when a candidate cannot provide any of the above then the employer will consider withdrawing the offer of employment. Where possible the employer may hold open a position while the candidate obtains relevant evidence confirming their eligibility to work in the UK.

Stage 3: Obtain and securely maintain a copy of the documentation provided in a format that cannot be used or altered.

Maintaining Eligibility to Work

The employer is obliged to ensure the employee or worker maintains their eligibility to work in the UK. Employers must act responsibly and proactively where temporary permits are known to expire.

The employer must request from the employee any documentation received from the UK Border Agency in relation to their application for extended or permanent residency.

Where applications for residency are being considered by the UK Border Agency then the employee is entitled to remain in employment.

Where employees cannot prove their application for residency has been obtained or is being reviewed by the UK Border Agency the employer will undertake a status check through the UK Border Agency. Where a residency / work permit has not been granted or has expired and an application for renewal or permanency has not been made by the employee then the employer is obliged to consider a breach of the employment contract given the law and jurisdiction under which it is governed, principally the Employment Rights Act 1996 and the Asylum and Immigration Act 1996. This could result in summary dismissal.

Government guidelines on document checking

You must check that a job applicant is allowed to work for you in the UK before you employ them.

You must see the worker's original documents.

You must check that the documents are valid with the worker present.

You must make and keep copies of the documents and record the date you made the check.

You could face a civil penalty if you employ an illegal worker and haven't carried out a correct right to work check.

Make sure the documents are valid

You need to check that:

- The documents are originals and belong to the person who has given them to you;
- The dates for the worker's right to work in the UK haven't expired;
- Photos are the same across all documents and look like the applicant;
- Dates of birth are the same across all documents;
- The person has permission to do the type of work you are offering (including any limit on the number of hours they can work);
- For students you see evidence of their study and vacation times;
- If two documents give different names, the person has supporting documents showing why they're different, e.g. marriage certificate or divorce decree;
- Machine readable passports issued since 2010 should have a unique number on all pages except the inside covers;
- Many passports include optically variable features on the biographical data page. An optically variable feature (most commonly a hologram) changes appearance in colour or design as the page is tilted;
- Ensure there is an intricate, repetitive pattern as the background design on each page.

Take a copy of the documents

When you copy the documents:

- Make a copy that can't be changed, e.g. a photocopy;
- Sign and date each photo copy page;
- For passports, copy any page with the expiry date, applicant's details (e.g. nationality date of birth and photograph) including endorsements, e.g. a work visa or Certificate of Entitlement to the right of abode in the UK;
- For biometric residence permits, copy both sides;
- For all other documents you must make a complete copy;
- Keep copies during the worker's employment and for 2 years after the person stops working for you.

Do you suspect a worker is illegal?

Sponsorship and Employers' Helpline on 0300 123 4699