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Community

# Voluntary Code of Practice on Employing Migrant Workers / Overseas Staff in Great Britain

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# Introduction

**Migrant workers are a growing category of employees in Great Britain. They are a necessary resource for many employment sectors due to a shortage of available local labour. Evidence suggests that migrant workers can have a positive impact on local communities and be an important factor in sustaining local business diversity.**

There are a number of different and distinct categories of migrant workers who have varying rights to work in Great Britain. The main categories are:

- Nationals of the European Economic Area (EEA), who have a right to travel, live and work in the UK.
- Nationals of all other countries, who require a work permit which is obtained by an employer who cannot find a suitable national to fill the post.
- Commonwealth working holidaymakers aged 17 - 30 with a UK working holiday visa, who can work for up to 12 months of their 2-year stay.
- Students from outside the EEA, who can undertake part-time work whilst enrolled on courses here (and full time work during their vacation).

Business in the Community has devised this Code of Practice to better inform employers about how they can make migrant workers feel welcome and help them settle into their new environment. It also sets out what employers can do on a longer-term basis to help migrant workers integrate more effectively into their workplace and the community.

This Code does not impose any legal obligation nor is it an authoritative statement of the law. The intention is that the Code will help guide and reinforce best practice in relation to the employment of migrant workers.

The Code is split into 7 elements. At the end of the publication there is a section listing sources of further information.



# Elements of the Code

## Recruitment

Employers should aim to be ethical in their recruitment practices, both in relation to potential employees and any impact on their country of origin. In particular, employers should:

- Take care that in recruiting from a country they do not create a shortage of local skills, for example, in nursing. Recruitment in developing countries should be undertaken as part of an intergovernmental co-operation agreement.
- Where practicable, apply their usual recruitment and selection policy and procedure when undertaking a proactive recruitment campaign in another country.
- Establish and agree clear and ethical recruitment guidelines to which recruitment agencies, operating on their behalf, should adhere. It is worth remembering that an employment agency cannot charge a fee to a worker simply for finding them work or putting them on their books.
- Employers in agriculture and food processing and packaging should only use labour providers who are licensed by the Gangmasters Licensing Authority (GLA). This will ensure

that the employer is complying with the requisite standards in the way it recruits, manages and employs workers.

## Travel and accommodation

Migrant workers will often have to travel long distances and be in need of accommodation when they arrive to take up a job. Employers should:

- Where necessary or appropriate, assist with travel costs incurred by migrant workers during the recruitment stage. The employer will usually reclaim these costs - where this is the case, there should be no obligation on a migrant to take up any offer of assistance. Where assistance is accepted, the repayment process should be clear, and the money paid back at an agreed affordable rate over a specified time period. The total amount repayable should be no more than that lent so that workers are not financially disadvantaged.
- Where possible, support migrant workers in finding suitable accommodation. Workers should not be required to stay in accommodation provided by the employer but should be free



to choose their own if they wish to do so. Where employers do provide accommodation, they should ensure that they do not breach the accommodation offset rules (see 'further information').

- Help to ensure that, where workers obtain their own accommodation, they are not being exploited, and offer advice and help if requested.
- Ensure that accommodation which is provided is not overcrowded and does not pose a risk to the health and safety of those living there, and that any agreed notice periods are observed.

### Integration into the host community

Relocating to a new country can be difficult and intimidating. Employers should try to play an active role in helping migrant workers settle and integrate into their new host community. For example, an employer might:

- Provide relevant information to workers prior to their arrival regarding, for example, the employer, the geographical location, climate, and cost of living. It is important that overseas staff have as much information as possible in order to be prepared and develop

realistic expectations.

- Support workers in familiarising themselves with the local neighbourhood and facilities by, for example:
  - Helping them register with a dentist and GP or with the (company doctor where appropriate).
  - Helping with the issue of a National Insurance Number.
  - Working with a local bank to help set up a bank account.
  - Where necessary, working with local utility providers to have the company channel payment in the first instance.
  - Signposting to local resources such as the library, Citizens Advice Bureau, and FE Colleges.
- Establish local liaison arrangements with the local authority, the education authority or local schools, health service, and community representatives. Notify them in advance about significant movements of people into or out of their area in order to support the integration of migrant workers and their safety in the community.
- Work with the local police community liaison officers to ensure awareness of safety issues and encourage reporting of racial incidents in the community.
- Liaise with local community



- organisations, to provide 'welcome packs' for workers.
- Seek to build a sense of belonging, social integration and acceptance by the local community, through social and sporting events.
  - Provide information on how workers can access the internet and set up personal e-mail addresses (for example, through their local library) in order to allow them to keep in touch with their families and reduce feelings of isolation.

### **Providing for the needs of those who speak little or no English**

For workers with little or no understanding of English, or who cannot read English, special arrangements relating to the provision of information should be made. These could include providing translation, using interpreters, or replacing written notices with clearly understood symbols or diagrams. In particular, employers should:

- Disseminate information in the worker's own language or signpost workers to where this can be found.
- Provide training in a format that takes account of any language difficulties.

- Support migrant workers to learn English as a second language, for example by providing English language classes in conjunction with a local College. This may provide a more effective, and longer-term, solution to language difficulties.

### **Ensuring that the basic cultural needs of minority ethnic people are met**

Coming to live and work in a new country can be a 'culture shock' for migrant workers and it is important for employers to be supportive of the diversity of personal cultures that employing migrant workers brings. In particular, employers should:

- Increase the awareness, knowledge and skills of staff in dealing with the needs of minority ethnic workers.
- Provide Cultural Diversity Awareness training for all staff.
- Provide an induction programme to support migrant workers in adjusting to both British culture and the employing organisation's culture. This could include information on food, supermarkets, transport, laundrettes, emergency telephone numbers, religious services, and maps of the local area.



### **Preventing and addressing racial discrimination and harassment in the workplace**

Unfortunately, workplace discrimination and harassment still take place, often directed at migrant workers. Employers have a responsibility to address this issue and in particular, they should:

- Promote a workplace culture that recognises, values and respects diversity.
- Communicate with the existing workforce to ensure they understand the reasons for overseas recruitment, are aware of the skills and experience of the individuals and also have an understanding of the different cultures they come from.
- Provide opportunities for dialogue and support on an ongoing basis.
- Identify a liaison person within the organisation to provide advice and support, and encourage the reporting of racial harassment.
- Provide diversity awareness training to staff, where appropriate, and inform them about how to deal with racial harassment.
- Ensure your staff do not issue discriminatory instructions to your labour provider or recruitment agency.

### **Affording fair treatment in the workplace**

Treating the people who work for you well is a key indicator of a socially responsible business and employers must ensure that they treat migrant workers fairly and equitably in relation to other employees. In particular, employers should:

- Ensure that workers are provided with a copy of, and have understood, their employment contract / terms and conditions. Provide an explanation of these in the worker's first language where required.
- Not prevent workers from joining a trade union of their choice.
- Ensure that the same pay, terms and conditions of employment are applied to migrant workers as apply to other employees in the same staff grouping.
- Recognise that migrant workers are entitled to the same statutory employment rights and are protected by UK employment legislation in the same way as other staff.
- Afford migrant workers the same opportunities for learning and development as other staff.
- Ensure that all workers, including those whose first language is not English, understand all work related procedures and processes and can confirm that understanding.



### Further Information

- Association of Labour Providers [www.labourproviders.org.uk](http://www.labourproviders.org.uk) is the trade association for organisations that provide and use temporary, contract and seasonal workers within the GLA sectors. It can provide advice on good practice for both labour providers and labour users.
- Department for Business, Enterprise and Regulatory Reform [www.berr.gov.uk](http://www.berr.gov.uk) provides advice on employment matters including:
  - information on the national minimum wage and accommodation offset [www.berr.gov.uk/employment/pay/national-minimum-wage/index.html](http://www.berr.gov.uk/employment/pay/national-minimum-wage/index.html)
  - information for migrant workers on working in the UK [www.berr.gov.uk/employment/migrant-workers/index.html](http://www.berr.gov.uk/employment/migrant-workers/index.html)
- Directgov [www.direct.gov.uk/](http://www.direct.gov.uk/) employees provides information on employment rights and responsibilities.
- Ethical Trading Initiative [www.ethicaltrade.org](http://www.ethicaltrade.org) aims to promote and improve the implementation of corporate codes of practice which cover supply chain working conditions.
- Gangmasters Licensing Authority [www.gla.gov.uk](http://www.gla.gov.uk) regulates those who supply labour or use workers in agriculture, forestry, horticulture, shellfish gathering and food processing and packaging.
- Health and Safety Executive [www.hse.gov.uk/migrantworkers/index.htm](http://www.hse.gov.uk/migrantworkers/index.htm) provides health and safety advice for migrant workers and their employers.
- Meeting Information Needs of Economic Migrants [www.minem.eu](http://www.minem.eu) provides information and advice on moving to the UK for work.
- Train to Gain [www.traintogain.gov.uk](http://www.traintogain.gov.uk) is provided by the Learning and Skills Council and offers businesses in England impartial and independent advice on training.
- UK Commission for Employment and Skills [www.ukces.org.uk](http://www.ukces.org.uk) looks after the Sector Skills Councils (such as Improve Ltd) which can help employers develop skills programmes for workers.

Employers who come across illegal practice in the treatment of migrant workers supplied by a labour provider should report it to the Gangmasters Licensing Authority (GLA), 0845 602 5020 email: [enquiries@gla.gsi.gov.uk](mailto:enquiries@gla.gsi.gov.uk), or call Crimestoppers 0800 555 111.

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If you want more information or wish to sign up to this Code of Practice then please contact:  
The Prince's Rural Action Programme  
[rural@bitc.org.uk](mailto:rural@bitc.org.uk)



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