

Trans European employment

- a guide ...

Could employing someone from another part of Europe work for you? Could you benefit from their skills, their experience, their attitude to work or their ability to see things differently?

This guide provides details of the rights of people from the European Economic Area (EEA) to work in the UK. It also provides details of the employment process (it's really quite simple) and outlines some of the mutual advantages.



The EEA

Nationals of the EEA (which consists of the EU states plus Norway, Iceland and Liechtenstein) have certain rights to work in the UK. Nationals of Switzerland, although not a member of the EEA, enjoy broadly equivalent rights and privileges as EEA nationals. EEA member nations are:

- Austria
- Belgium
- Bulgaria - see note 2
- Cyprus
- Czech Republic - see note 1
- Denmark
- Estonia - see note 1
- Finland
- France
- Germany
- Greece
- Hungary - see note 1
- Iceland
- Ireland
- Italy
- Latvia - see note 1
- Liechtenstein
- Lithuania
- Luxembourg - see note 1
- Malta
- Netherlands
- Norway
- Poland - see note 1
- Portugal
- Romania - see note 2
- Slovakia - see note 1
- Slovenia - see note 1
- Spain
- Sweden

Non members

- Switzerland - see note 3

Note 1:

The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia joined the EU in May 2004 and are often called 'A8' nations.

Note 2:

Bulgaria and Romania joined the EU in January 2007 and are often called the 'A2 nations'. People from these countries have many of the same rights as other EEA/EU nationals but with some restrictions.

Note 3:

Nationals from Switzerland also have the same free movement and employment rights as existing EEA nationals.

The Benefits

Within the West Midlands there are thousands of students from Europe many of who are keen to work here. Employers who have recruited international students have found they have many assets including:

- Language skills - international students/graduates can bring a broad range of new language skills to your business and hence potentially open new untapped markets for your products/services.
- Technical skills - many international students have highly developed technical skills in computing, engineering, mathematical modelling, statistics etc, and generally follow vocational courses.
- Thinking skills and new ideas - international graduates may bring a different perspective to business problems and may provide original and creative solutions.
- Intercultural communication skills will help your organisation to improve their communication across cultures.
- Cultural awareness - their good knowledge of a foreign market can give you an added dimension when developing marketing strategies for foreign market penetration. Knowledge of foreign business practices - many students/graduates have worked in overseas businesses and can thus give you an insight into different ways of doing business.
- Motivation - many overseas students are highly motivated, enthusiastic and have a highly developed work ethic. They are keen to see a return on their substantial investment in their UK education and will therefore try to make the most of any employment opportunity.
- Overseas networks - could allow you to tap in to overseas business networks and contacts.
- Variety – can contribute to increased diversity in the workforce.
- Mobility - international students are generally more mobile and are happy to move to different locations without difficulty as they are used to adapting to new environments.

Rights to work

As an employer there are certain checks that you must carry out before you employ workers from EU/EEA countries.

Most Nationals will not need to apply for a work permit. However there is some variation in the way nationals from some countries are treated:

- Nationals of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia – the A8 countries – need to register under the Worker Registration Scheme when they take work in the United Kingdom. This is not an application as it cannot be refused – it is for information purposes only. The registration form must be submitted to the Home Office within one month of starting work as an employed person in the UK. A fee of £90 applies and the Home Office will issue a registration card that looks a little like a passport and a registration certificate for the worker. Employers have a responsibility to ensure that nationals from the A8 countries register with the Home Office under the Workers Registration Scheme within one month of starting work.

- Nationals of Bulgaria or Romania – the A2 countries – need Home Office permission before starting work and must not work until they have been granted permission. The prospective employer needs to complete and submit a WP1 form, once permission has been received (by letter) the prospective employee needs to complete and submit a BR3 form – this leads to a purple work permit. Forms are available on the bia website at www.bia.homeoffice.gov.uk
- Student from the A2 countries may engage in employment for up to 20 hours a week during term time and full-time work during vacation periods but they must first obtain a registration certificate confirming that they are a student.

In terms of taxation, employers will normally need to complete a P46 form or a P30S for students.

Employers are required to check the eligibility of workers – please see the following section.

More information on the employment of A8 and A2 nationals can be found at www.bia.homeoffice.gov.uk [click on 'For European Citizens']

Apart from ensuring that they comply with Home Office Regulations, employers should also ensure that they adhere to National Minimum Wage and Working Time Regulations and ensure that all employees regardless of their nationality have the same benefits and entitlements in order to avoid breaching UK employment legislation and potential claims in the Employment Tribunals.

The Employers help-line on 0845 010 6677 can provide further help and guidance.

Eligibility Checks

The Government's Business Link Website provides detailed guidance of the checks that enable businesses to demonstrate adherence to this requirement [www.businesslink.gov.uk] click on 'employing people', then on 'employing different types of worker', and then on 'check the eligibility of your migrant workers'.

The principle steps of this approach – which provides “a statutory excuse” – are as follows:

1. Prospective employee provides documentation that proves his/her entitlement to work in the UK, e.g. Passport.
2. Employer checks that document(s) is/are genuine
3. Employer copies (for evidence) document(s)
4. Employer checks Worker Registration Scheme documents [A8 Nationals ONLY]
5. Employer checks Home Office Authorisation [A2 Nationals ONLY]

National Insurance

All employees will need a valid National Insurance number. In order to obtain an NI number EEA Nationals will need to attend a simple interview to check identity and, where applicable, the right to work.

Interviews can be arranged by calling 0845 6000 643. Applicants will be told what information should be brought to the meeting - this will include evidence of a job offer or employment. The employers NI help-line is on 0845 7 143 143.

Making it work

Many of the benefits of employing students that are listed overleaf will also apply when employing graduates or older workers from the EEA.

Employers will of course want to follow their normal recruitment process to make sure they select the 'right' candidate for the job. Nationals from the EEA however, may need extra help in terms of sorting accommodation and 'settling' into a new location.

A little extra effort in order to get the maximum benefit from the 'new recruit' is well worthwhile.

- Welcome them and encourage them to be part of the team
- Try and understand something of their culture
- Consider arranging that someone is nominated to liaise with them, to be their 'buddy'
- Learn something from them about their culture and their working experience
- Invite them to any after-work activities or introduce them to any local clubs or groups from their country of origin
- Seek their suggestions for improvement
- Use their language skills
- Use their knowledge and contacts to grow your overseas trade

More information

This simple guide is provided in good faith but legislation can change and users are advised to check the current position using the web sites and telephone numbers provided.



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Individuals are advised to carry out their own research, and seek legal advice where appropriate.

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