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## ILLEGAL WORKERS POLICY

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The purpose of this policy is to support in the prevention of illegal working, Inspectahire Instrument Company Ltd is responsible for gathering and checking documents providing proof of the eligibility to work for prospective employees at the offer of employment stage during our recruitment process.

### **Document Checking**

Administrative personnel must check that a job applicant is legally allowed to work for Inspectahire Instrument Company Ltd in the relevant country of operations before they can be employed by the company. We would apply the employment laws of the United Kingdom and Australia to our business scope.

You can either:

check the applicant's original documents

check the applicant's right to work online

Government department of home affairs websites offer an online service to check the status of a current or prospective employee's entitlement which will tell you if they are allowed to work and any working conditions that apply.

British Government Service - <https://www.gov.uk/legal-right-work-uk>

Australian Government Service - Visa Entitlement Verification Online (VEVO)

### **Eligibility and the Right to Work in the United Kingdom**

#### **British Citizens**

A British can prove their right to work in the UK with a passport which can be current or expired. If the person does not hold a passport, then they can use one of the following:

- a UK birth or adoption certificate
- an Irish birth or adoption certificate
- a certificate of registration or naturalisation as a British citizen

#### **Right to work checks for EEA citizens since 1 July 2021**

EEA citizens and their family members are required to have immigration status in the UK. They can no longer rely on an EEA passport or national identity card to prove their right to work as this only confirms their nationality. They are required to provide evidence of lawful immigration status in the UK, in the same way as other foreign nationals.

There is no requirement for a retrospective check to be undertaken on EEA citizens who entered our employment before 1 July 2021. We will maintain a continuous statutory excuse against liability for a civil penalty if the initial checks were undertaken in line with the guidance that applied at the time you made the check. Any retrospective checks conducted will be completed in a non-discriminatory manner.

### **Irish citizens**

Irish citizens continue to have unrestricted access to work in the UK. They can prove their right to work using their Irish passport or Irish passport card (in either case, whether current or expired), or their Irish birth or adoption certificate together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

## **Eligibility and the Right to Work in Australia**

### **Australian Citizens**

Australian citizens have no restrictions placed on them working in Australia. However, a citizen may have their working rights restricted due to other factors, e.g. criminal history.

### **New Zealand Citizens**

New Zealand citizens do not need to apply for a visa to work in Australia but will usually receive a temporary one when they arrive that allows them to visit, study stay and work in Australia. Some restrictions apply.

### **Permanent Residents**

Like Australian citizens, permanent residents have no restrictions placed on them working in Australia. A permanent resident, again like Australian citizens, may have their working rights restricted due to other factors, e.g. criminal history.

### **Non-Citizens with a Valid Visa**

Whether or not a prospective or current employer can work in Australia will depend on the conditions of the visa they hold. Further, their visa may restrict the type and hours per week of work they can undertake.

There are many different visas in Australia that provide a person with a right to work in Australia.

## **Identity Checking Flowchart**

The below flowchart summarises the processes which shall ensure Inspectahire Instrument Company Ltd meets the legislative requirements.

### **Step 1: Requesting proof of eligibility to work in the UK**

Prospective employees must be asked to bring in original documents from the following list accepted documents list.

Note the following when checking documents:

1. Photographs are consistent with appearance of potential employee
2. Birth dates are consistent with appearance of potential employee
3. Expiry dates of documents have not passed
4. If documents provided have different names for the potential employee request a different document which concurs with their stated name.
5. For students you see evidence of their study and vacation times.

#### **Accepted Documents**

- A passport or other travel document endorsed to show that the holder is exempt from immigration control, can stay indefinitely in the U.K., has the right of abode in the U.K., or has no time limit on his or her stay in the U.K
- A passport, travel document or right to work share code to show that the holder can stay in the U.K. and can do the type of work in question, if it does not require the issue of a work permit.



### **Step 2: Complete a Right to Work Check**

Any prospective employee is to provide original documents for verification, to the Operations Administrator who shall check the authenticity by checking the name, date of birth, the photograph, or other available data on the supplied document.

Once satisfied that the documents are authentic, please go to the government website <https://right-to-work.service.gov.uk/view/share-code> and complete the right to work check with a share code.

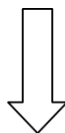
#### **OR**

With their original documents such as passport or VISA:  
<https://www.gov.uk/check-job-applicant-right-to-work>



### **Step 3: Photocopy and Save Identity Documentation**

Once satisfied that the documents are authentic & the individual does have the correct permissions to work in the United Kingdom, photocopy the supplied evidence document(s), and save into the employee's personal information folder.

**Step 4: Record Keeping and Retention**

Retain these verified documents within the personal files of the employee, they may be subject to inspection by Immigration authorities. These documents are retained for at least 2 years after the individual has left the employer.

**Checking the applicant's original documents:****What to check??**

You need to check that:

- the documents are genuine, original, and unchanged and belong to the person who has given them to you
- the dates for the applicant's right to work have not expired
- photos are the same across all documents and look like the applicant
- dates of birth are the same across all documents
- the applicant has permission to do the type of work you're 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 applicant has supporting documents showing why they're different, such as a marriage certificate or divorce decree

**Follow-up checks**

If the employee's right to work is time-limited, you will need to check their documents again when it's due to expire.

When you copy the documents:

- make a copy that cannot be changed, for example a photocopy
- make sure the copy is clear enough to read
- for passports, copy any page with the expiry date and applicant's details (for example nationality, date of birth and photograph) including endorsements, for example a work visa
- for biometric residence permits and residence cards (biometric format), copy both sides
- for all other documents you must make a complete copy
- keep copies during the applicant's employment and for 2 years after they stop working for you
- record the date the check was made

### **What If the job applicant cannot show their documents?**

You must ask the Home Office to check your employee or potential employee's immigration employment status if one of the following applies:

- you are reasonably satisfied that they cannot show you their documents because of an outstanding appeal, administrative review, or application with the Home Office
- they have an Application Registration Card
- they have a Certificate of Application that is less than 6 months old
- they are a Commonwealth citizen who's been living in the UK since before 1988

Application registration cards and certificates of application must state that the work the employer is offering is permitted. Many of these documents do not allow the person to work. The Home Office will send you a 'Positive Verification Notice' to confirm that the applicant has the right to work. You must keep this document.

### **Home Office Employer Enquiry helpline**

Telephone: 0300 790 6268

Monday to Thursday, 9am to 4:45pm

Friday, 9am to 4:30pm

For application questions as a business (or representative) or a Tier 1 investor, contact the business helpdesk on [businesshelpdesk@homeoffice.gov.uk](mailto:businesshelpdesk@homeoffice.gov.uk)

### **Still need more help??**

If you need more help or clarity on this policy contact the Quality Assurance Manager for support.

### **2) Risk Assessment**

Inspectahire Instrument Company Ltd could face a civil penalty if it employs an illegal worker and have not carried out a correct right to work check.

If Inspectahire Instrument Company Ltd is found not to be complying with this legislation by employing illegal migrants, penalties may include unlimited fines and up to five years' imprisonment.


If the company employs an Illegal worker without correctly conducting the right checks it might have to pay a civil penalty (fine) of up to £20,000 for each illegal worker.

Providing Inspectahire Instrument Company Ltd continues to employ best practice and fully complies with all government guidance the risk of employing illegal immigrants will be minimal along with risk of a fine and or imprisonment.

### **3) Equality Impact Assessment**

To avoid discrimination against prospective applicants and staff, (including migrant staff) it is important all members of Inspectahire Instrument Company Ltd are treated equitably. Therefore, Inspectahire Ltd must continue to adhere to our Equal Opportunities Policy and ensure all the necessary eligibility checks are conducted in line with internal company policies, legislation, and best practice.

Authorised By:

  
Cailean Forrester (Sep 9, 2024 11:21 GMT+1)

Cailean Forrester

Title: Managing Director

Date: 09/09/24

(Review period is within 13 months)






# Illegal Workers Policy 2024 - 2025

Final Audit Report

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