

PREPARING FOR BREXIT: PROTECTING YOUR WORKFORCE



People are at the heart of any business and the Brexit negotiations have given both employers and their European workforces a bumpy ride so far.

Despite recent announcements by the Government beginning to shed light on the rights of EU citizens already living in the UK, uncertainty over how businesses will recruit EU workers in the future still remains.

Businesses of all shapes and sizes need to get the wheels in motion to ensure they are in the best possible position to secure their current workforce and new talent going forward.

What do the current Government proposals say?

The latest Government proposals state that any EU citizen who has been continuously living in the UK for five or more years will be able to apply to stay post-Brexit by obtaining 'settled status' through a newly announced settlement scheme, expected to go live by March 2019. EU nationals will then have until 30 June 2021 to apply for this new immigration status. Those who do not apply by this date will not have the right to live and work in the UK.

For EU nationals who haven't lived in the UK for the required five years, 'pre-settled status' can be applied for. They will then be able to apply for 'settled status' once the required timeframe has been met. However, the status of people who arrive after the grace period ends remains unclear.

EU nationals who have already obtained permanent residence or indefinite leave to remain in the UK will need to apply again for a new style settled status document.

What are the potential challenges for employers?

The latest announcements have been a welcome positive step for EU nationals currently living in the UK, and provide some much needed clarity for businesses. However employers must not sit back and relax. Uncertainty still remains for employers looking to recruit employees after the implementation period ends.

Businesses must also take into account that whilst decisions to migrate are complex, Brexit has created a unique set of circumstances – such as a fall in the value of the pound, and increased uncertainty about future status – that threatens to make the UK less attractive.

Businesses need to prepare now for a new era of reduced migration. Our five step plan shows you how.

5 steps to protect your workforce

1 Review your employment profile

Rushing and making decisions affecting the workplace post-Brexit is an unwise move. In order to plot a pragmatic and logical approach, it's essential that you understand your employment landscape.

Key things you need to know as an employer include the number of employees and their respective nationalities, and where relevant their immigration status. It's often all too easy to let crucial tasks such as simple right to work checks fall by the wayside as unnecessary admin, but gathering this information has never been more important. Taking a step back to assess the workforce you have is an essential piece of groundwork in helping to secure residence rights going forward.

2 Confirm your records

Just as important as gathering information about your workforce is verifying that it is correct and meets the appropriate criteria for fulfilling obligatory right to work checks. If you don't have this evidence, gather it carefully and sensitively now and record it.

Not only is this key for building an accurate picture of the workforce profile in your business, but it is a statutory duty to prevent illegal working and a required step for EU nationals already working in the UK to secure their residence.

Properly checking and evaluating employee documents should become a natural part of business operations as well as preparation for recruiting after we leave the EU.

3 Start a dialogue

It's important to reassure any affected staff that you're doing everything in your power to support their future employment, and that they remain an integral part of the team and your future business plans.

How this dialogue is opened up will depend on your business and what works for one organisation may not work for others. Possible options include immigration workshops and discussions, business-wide surveys or Q&As communicating important information to staff.

4 Budget for the future

Whilst the process for how EU nationals already living in the UK can secure their right to remain post-Brexit has now been clarified, questions remain for employers looking to recruit EU employees after the implementation period ends.

Have you considered the cost to your business of looking outside of the EU for staff? Is the cost manageable? You'll need a budget to plan and take the interventions you need. Looking not too far ahead, consider the contingency funds you need for recruitment, training and immigration to access the future skills you need.

5 Build close links with your people

Although recent announcements have been a welcome positive step in reducing some uncertainty for both employers and employees, there are still many questions unanswered.

With more potential turbulent times ahead, it's important that a meaningful connection is made between management and the workforce. Making sure the business is listening and acting on any vital tasks relating to immigration changes should be a high priority.

Get in touch with our immigration specialists



Tijen Ahmet

T 0207 264 4434
M 07730 695 289
E tijen.ahmet@shma.co.uk