

ACS requirements for Right to Work

The Government is keen to ensure that all employers create a business environment where everyone is working legally and no-one is discriminated against. Regardless of whether you employ (or plan to employ) staff from within or outside of the UK, you should make checks on the right to work of all prospective employees. Appropriate document checks must be undertaken **before** employment commences to obtain a defence against conviction for employing illegal migrants. Additionally, the ACS standard and self-assessment workbook (Indicator 6.1.1) require that right to work checks are carried out for all staff on an ongoing basis.

Race Relations and Right to Work checks

Given the ACS requirement for right to work checks, we have been advised that if employees with time-limited permission to work are identified during their pre-employment checks and have successfully established their entitlement to work, then employers would **not** be in breach of race relations legislation to ask to re-check the relevant documents within a reasonable time-frame (within a 12 month period).

The websites below give a brief introduction to the right to work topic for potential employees and employers. This information is not exhaustive and you should rely on your own further enquiries.

Guidance for Employers: It is an offence to employ illegal migrant workers. All employers should check that potential recruits have a legal right to work in the UK. Potential recruits need to show proof of right to work. Guidance for employers on checking if a potential recruit has a legal right to work can be found at: <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide>.

Further questions should be addressed to the UK Visas and Immigration (<https://www.gov.uk/government/organisations/uk-visas-and-immigration>) or by contacting their employer enquiry helpline for information about employing workers.

Employer enquiry helpline on [0300 123 5434](tel:03001235434) .