



Issue date: 30.01.2024

Issue No: 1

Document Number: RRRLETW1

1 SCOPE

This policy and procedure applies to all jobseekers and workers within the business whether internal staff and management, or supplied to a Labour User, or supplied by a Recruitment Intermediary (or sub-agents) or sub-contracted Labour Provider.

2 RESPONSIBILITY

Staff in the following roles are responsible for implementing this policy and procedure.

2.1 Senior Management Team has overall responsibility for implementation.

2.2 All staff are responsible for upholding your business's commitment to ensuring workers' eligibility to work is established.

2.3 Recruitment Consultants are responsible for implementing day-to-day duties, including:

- Carrying out jobseekers' legal eligibility to work checks and recording evidence in workers' personnel files.
- Re-checking worker's original documents to ensure they have ongoing eligibility to work, where their legal eligibility to work has an expiry date.
- Reporting to a responsible senior manager immediately where jobseekers or workers legal eligibility to work cannot be established or it is identified a worker may be working without legal eligibility to work.

2.4 Senior Management Team is responsible for managing cases where jobseekers' legal eligibility to work cannot be established or it is identified that workers may be working without legal eligibility to work.

2.5 Senior Management Team is responsible for monitoring, reviewing effective implementation and co-ordinating improvements.

2.6 Senior Management Team is responsible for carrying out appropriate due diligence, where recruitment intermediaries or subcontracted Labour Providers are used, to ensure jobseekers' eligibility to work is established.

2.7 Senior Management Team are responsible for working collaboratively with clients to ensure all jobseekers' legal eligibility to work is established.

3 POLICY

3.1 Policy Statement

Red Rhino Resourcing will ensure that all workers have the legal eligibility to work in the job roles, countries and regions in which they are deployed.

3.2 Policy commitments

Our business commits to comply with the legal and other requirements listed below:

- Ensure that all eligibility-to-work procedures are applied consistently to all jobseekers and workers irrespective of their eligibility-to-work status (for example time limited), or their origin, nationality or place of birth.
- Ensure all workers and jobseekers can use grievance mechanisms to report issues related to this policy and procedure and access remedy without detriment.



- Treat breaches of the policy and procedure as retraining or misconduct matters as appropriate and deal with such cases according to our disciplinary/conduct and capability policy and procedure.
- Monitor, review and improve the policy and procedure regularly and whenever any issues related to its implementation are identified.

4 PROCEDURE

The following activities and decisions are required to implement the policy commitments:

4.1 Training

- All relevant staff are trained and/or have the knowledge and skills needed to carry out the 'Legal Eligibility to Work' policy and procedure competently. The required knowledge and skills include those required to:
 - o Understand the requirements set out in current and applicable national immigration laws and guidance as well as relevant social compliance standards and client requirements.
 - o Understand the legal and allowable documents that establish jobseekers' eligibility to work.
 - o Spot reasonably apparent signs that a document is pseudo, counterfeited, forged or does not belong to the jobseeker.
 - o Understand when and how to escalate potential issues.
- Additional knowledge and skills required for a Senior Management Team include those required to:
 - o Understand the procedure for remediating cases where jobseekers' legal eligibility to work cannot be established, or it is identified or suspected that an existing worker is working without legal eligibility to work.
 - o Investigate, and identify remedy for, such cases in a timely, unbiased and professional manner.
 - o Continuously improve the method of ensuring all workers are legally eligible to work.
- Additional knowledge and skills required for relevant Senior Management Team include those required to:
 - o Understand how to carry out appropriate due diligence with recruitment intermediaries or subcontracted Labour Providers to ensure legal eligibility to work is established.
 - o Understand how to work collaboratively with clients to ensure jobseekers' legal eligibility to work is established.

4.2 Communication

This policy and related laws and social compliance standards are communicated to all workers, jobseekers, staff and managers at application and subsequently annually or whenever there is a key change. Key points in our communications include our policy statement and commitments.

4.3 Document Checks

All jobseekers have their legal eligibility to work checked before they start work, or in the case of migrant workers, before they travel, as follows:

- Jobseekers are asked to present an original, legal and allowable Identity Document (ID) e.g. passport or ID card, and if necessary, visa document(s) which establish their legal eligibility to work. The document is checked to ensure the worker is above the legal minimum age.
- Requirements and guidance set out in national immigration law is followed to firstly check that each presented document establishes that the worker is eligible to work in the countries, regions, employers and jobs they will be deployed to, and secondly that the document is checked as genuine by establishing:
 - o There are no reasonably obvious signs that the document is pseudo or counterfeited:
- Compare documents against a genuine version of the document (i.e. by using an example document or using online resources or applications)

- Check the quality of the document including the cover, its pages and printing
- Check whether the document has holographic devices which are highly detailed and display different colours when rotated and tilted
 - o There are no reasonably apparent signs it is forged:
 - Check that text has not been edited or erased
 - Check that jobseekers' information documents are consistent e.g. the date of birth and name are consistent across different documents
 - For ID documents, check that there are no signs that the image/photograph has been tampered with
 - For passports, checking that all pages are aligned
 - Where possible, for passports, using online guidance or applications to check machine readable zones (MRZ)
 - There are no reasonably apparent signs that it does not belong to the document holder.
 - Personal documents are only requested for the purposes of copying and checking for eligibility to work and must be returned immediately afterwards, or at any time when requested by the jobseeker. Under no circumstances should personal documents be retained longer than required to make copies.
 - Workers are not charged fees of any kind for any processing of their visa.

4.4 The following evidence is recorded in the workers personnel record:

- A clear copy (photocopy or picture) of the original ID document(s) and visa document(s) that establish the worker's eligibility to work. The copy includes:
 - o A record of the type of document that establishes the worker's eligibility to work.
 - o The document personal detail information page (with image).
 - o The status and expiration date of any visas which establish the worker's eligibility to work.

The copies are signed and dated to show who made the check and when.

- A record of the checks carried out to establish that the document appears genuine, the jobseeker appears to be the person in the document, and the document establishes legal eligibility to work.

4.5 Where workers have a time limited legal eligibility to work, the expiry date is recorded at application stage, and the individual is alerted before expiry so that documents can be renewed in a timely manner. Support and guidance is provided, without charge, to assist workers to renew documents where needed.

If legal eligibility to work does not continue beyond the expiry date, the following steps are undertaken:

- No further work is undertaken past expiry of eligibility to work.
- The situation is explained to the worker clearly and in a language the worker can understand.
- The worker is provided with a fair opportunity to further demonstrate their continued eligibility to work, and whilst they are doing so, their job is kept open for as long as is reasonably practical.
- The worker is only asked relevant questions about their immigration status required to establish their continued legal eligibility to work.
- Where a worker cannot continue to work, all termination rights are provided in a timely manner.

For existing workers, options for legalising the worker are explored where possible.

4.6 Where recruitment intermediaries or subcontracted Labour Providers are used, and it is not possible to undertake eligibility to work checks before the jobseeker starts work or migrant jobseeker travels, appropriate due diligence is carried out with the Recruitment Intermediary as follows:

- Responsibilities are agreed and assigned between both parties for establishing workers' legal eligibility to work and recorded in the operational service level agreement (SLA).
- Before authorising the acceptance of their services, the relevant business is checked to ensure they have a system to effectively establish that all jobseekers have a legal eligibility to work. Where they do not have this in place, training and support is provided to assist them to comply.
- Before jobseekers start work, or migrant jobseekers travel, the relevant business sends a copy of evidence which establishes the workers' legal eligibility to work in the jobs and places they will be deployed. This is recorded in the worker's personnel file.
- [For recruitment providers], once migrant workers arrive in the destination country, the workers' eligibility to work is established directly.
- Regular checks are carried out on the relevant business's practices to identify any issues or where improvements are required.

4.7 Where workers are supplied to clients, we work collaboratively with them to ensure jobseekers' legal eligibility to work is established before they start work, or before migrant workers travel, as follows:

- Responsibilities are agreed and assigned between the two parties for establishing jobseekers' legal eligibility to work and recorded in the operational service level agreement (SLA).
- Before the worker travels or starts work, if appropriate, the client is sent a copy of the evidence which establishes workers' legal eligibility to work (for Labour Providers, where large numbers of workers are supplied, it may be more appropriate for the client to regularly audit a sample of evidence).
- Where the client is employing the worker directly, the client is alerted where a worker has a time-limited legal eligibility to work, i.e. if a visa establishing legal eligibility to work has an expiry date.

4.8 Where jobseekers' legal eligibility to work is not established, or it is identified a worker is already working without legal eligibility to work, the following steps are undertaken:

- The situation is explained to the individual in a language they understand.
- To ensure the individual is protected from harm or abuse, checks for any indicators the individual may be a victim of human trafficking, modern slavery or other criminal activity are carried out. If any are found, the relevant authorities are contacted (if they are trusted – See Stronger Together Tackling Modern Slavery Global Supply Chains Toolkit Remedy Tool for more guidance).
- Advice is sought from relevant authorities where trusted, or expert labour protection agencies/NGOs if not.
- A detailed investigation is initiated without unreasonable delay to identify the root cause and circumstances of the individual applying for a job/working without legal eligibility to work and how best to remediate, considering the individuals':
 - o Circumstances of their entry to the destination country, for example, are they leaving a war zone or escaping persecution.
 - o The duration of their stay.
 - o Other relevant considerations, in particular relating to their family situation (Article 69, UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990).

When identifying the remediation, where possible, appropriate, and in accordance with national law, immediate prosecution and deportation should be avoided. Instead, we work with the relevant authorities/expert labour protection agencies/NGOs to consider the possibility of supporting the individual to apply to become legally eligible to work (Article 69, UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990). Where this is not an option for existing workers, and their employment should be terminated, we ensure that they receive their termination rights.

- As part of the investigation we check for any other further cases in our business (and follow this guidance if we do identify or suspect further cases).



- Identified remediation is carried out. The progress of remediation is regularly monitored and reviewed with adjustments or improvements made as required.
- Learnings are taken from the investigation and remediation to continuously improve practices and ensure similar cases are prevented in future.

4.9 Access to Remedy

- All jobseekers, workers and staff can use grievance mechanisms and access remedy related to legal eligibility to work.
- All reported issues and complaints in respect of this policy and procedure are recorded, investigated and documented, including the outcome of investigations.

5 MONITOR, REVIEW AND IMPROVE

Senior Management Team is responsible for the continuous improvement of the way eligibility to work is established, including:

5.1 Monitoring practices against the plan by:

- Establishing key performance indicators to review whether objectives and targets have been met.
- Regular auditing to check relevant staff are following the correct procedure.
- Ensuring the required data is recorded as part of routine practices.
- Recording the number and detail of grievances, complaints or concerns raised by workers, jobseekers and staff related to legal eligibility to work and if/how they have been remediated.
- Recording any suggestions or ideas raised and whether they have been actioned.

5.2 Reviewing whether/what improvements are needed based upon monitoring. For example:

- Whether the most up to date legal and other requirements have been identified.
- That the risk assessment reflects the current level of risk.
- Objectives and targets are sufficiently achievable as well as ambitious.
- Policy and procedure reflect practice.
- Assigned roles are appropriate and relevant staff have sufficient time and resources to carry out their roles effectively.
- Investigate any issues to find the root cause.
- Review the root cause of grievances, issues or concerns to identify whether they are isolated cases, or reflect a need for improvement.
- Review any suggestions or ideas raised by workers, jobseekers and staff and consider whether they can be incorporated into the plan or practice.

- Consider the efficiency of the procedure and/or practice and whether or not waste can be eliminated.

5.3 Improving the plan and practice based upon the review. For example by:

- Updating the plan to ensure it is fit for purpose.
- Developing or updating policies, procedures and other documents.
- Training or re-training to ensure relevant individuals have the required understanding and skills.
- Communicating or re-communicating messages to ensure relevant individuals have the required understanding.
- For staff, treating wilful breaches of the procedure in accordance with the Code of Conduct/Disciplinary Procedure.



- For Recruitment Intermediaries (and sub-agents), sub-contracted Labour Providers or clients, treat breaches in accordance with the Labour Supply Chain Due Diligence policy and procedure.

6 ACCOUNTABILITY, DOCUMENT AND VERSION CONTROL

This document is effective from: 30.01.2024

This document is approved by: David Edwards Managing Director

For questions or queries about this document, contact: David Edwards 01174037903

The following table details any updates, changes, or developments made to this document:

Version Number	Detail	Date	Approved by
1	Version 1 original policy issued	25.01.2024	David Edwards Managing Director