



# Recruitment Sector

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Whether you operate a recruitment agency, an employment business or an umbrella company, Brexit is already having an impact on all aspects of the recruitment market.

Employment businesses across a diverse range of sectors have traditionally had significant numbers of EU nationals on their books. In large part this was due to the fact that free movement made it easy and inexpensive to recruit and supply EU nationals. It also meant there were no restrictions on the types of work that EU nationals could carry out or how they did this – whether being employed, self-employed, temporary or permanent.

However, this changed when free movement of EU nationals ended on 31 December 2020. **EU nationals (aside from nationals of the Republic of Ireland) are now subject to the UK's full visa regime (in the same way as non-EU nationals have been historically).**

This means that recruitment businesses will need to take immediate steps to understand how the new immigration requirements for EU nationals impact on their business models.

They will also need to consider this in relation to globally mobile contractors.

Recruitment businesses will need to have a clear understanding of when a visa is required and the associated eligibility requirements for each sort of visa – when they will be granted, and what holding a specific visa permits the individual to do.

Existing EU national employees and contractors will need to take immediate steps to protect their continued rights to remain living and working in the UK.

Recruitment businesses will also need to make sure they are compliant with their legal obligations to prevent illegal working, by having in place robust right to work checking processes and a strategic plan to address illegal working if it arises.

To help you navigate these changes, we have prepared a checklist of the key questions you need to address right now. Please get in touch with us to discuss these questions and the impact the changes will have on your business.

# Brexit Checklist for the Recruitment sector

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- Have you carried out an audit of your existing staff and contractors so you know who are EU nationals?
- Do you know which employees and contractors have secured Settled Status? NB businesses are not currently permitted to require employees or contractors to provide proof of status.
- Do you know which employees and contractors have secured Pre-Settled Status? NB businesses are not currently permitted to require employees or contractors to provide proof of status.
- Have you diarised Pre-Settled Status expiry dates?
- Have you reviewed your right to work checks?
- How will you ensure all staff and contractors have the right to work? Have you updated your policies/procedures?
- Do your recruitment consultants understand how to balance preventing illegal working with avoiding unlawful discrimination?
- Have you updated your employment contracts, contracts for services, offer letters etc?
- Do you have a plan for dealing with illegal working if it arises?
- Does your business need a sponsor licence? If you do not hold a sponsor licence you cannot access the work permit system. If you are likely to need a licence, you should apply as soon as possible. NB Employment businesses are unlikely to be able to obtain a sponsor licence if they will be supplying contractors to work for a client (as opposed to employing individuals within their own business) but specific advice should be taken in relation to each individual business model to determine the position.
- Do you need to apply for any work permits?
- Do you fill vacancies/skills gaps in the UK with talent located overseas, particularly within Europe? Have you assessed how the end of free movement impacts your ability to do this?
- Have you considered how the new visa requirements impact on your supply of labour/ securing candidates? NB This is particularly important for lower skilled/lower paid roles – the strict immigration requirements may mean these positions cannot be filled via the work permit route.
- Have you taken into account the likely increased recruitment costs for you/your end user clients as a result of the new visa process?
- Have you considered the visa requirements for globally mobile staff?
- Do non-UK nationals travel to the UK to work in your business or for your clients? Have you assessed their visa requirements?
- Do you have any contractors who are based abroad but who regularly travel to the UK to carry out their roles? They may be eligible for a Frontier Worker Permit; this will become mandatory from 1 July 2021.
- Do you need to find alternative visa routes for filling vacancies from within the UK labour force?
- Have you assessed the visa requirements of any experts working in your business or on your books who are non-UK nationals? For example, expert consultants working in the technology sector might be eligible for Global Talent visas.



# The Team

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