

Business in the

Community

## Voluntary Code of Practice on Employing Migrant Workers/Overseas Staff in Northern Ireland

ENVIRONMENT  
WORKPLACE  
SOCIAL IMPACT  
ECONOMIC IMPACT



## Introduction

Migrant workers are a growing category of employees in Northern Ireland and they are a necessary resource for many employment sectors due to a shortage of available local labour. Anecdotal evidence also suggests that migrant workers can have a positive impact on local communities and are an important factor in sustaining local business diversity.

### WHO ARE THEY?

There are a number of different and distinct categories of migrant workers or non-nationals who have varying rights to work in Northern Ireland. The main categories are as follows:

- Nationals of the European Economic Area (EEA) who have a right to travel, live and work in the UK.
- Nationals of all other countries - these people require a work permit, which is obtained by an employer who cannot find a suitable national to fill the post.
- Commonwealth working holidaymakers - individuals between the ages of 17 and 30 who can work in the UK for up to two years.
- Students from outside the EEA who can undertake part-time work whilst enrolled on courses here.

Diversity in the workplace is integral to the corporate social responsibility agenda, is central to business excellence and, if managed properly, will have a positive impact on society. In recognition that there is a need for employers to be better informed about migrant workers arriving in Northern Ireland, and to encourage employers to take responsibility to support the integration and safety of migrant workers into the local community, Business in the Community has devised this Code of Practice to clearly identify a range of workers' rights and employer's responsibilities. This Code does not impose any legal obligation nor is it an authoritative statement of the law. We believe that the Code will help guide and reinforce best practice in relation to the employment of migrant workers.

## Elements of Code

### DEFINITION OF MIGRANT WORKER

An individual who arrives in the host country either with a job to go to or with the intention of finding one

### Recruitment

Employers should aim to be ethical in their recruitment practices, both in relation to potential employees and any impact on their country of origin. In particular, employers should:

- Take care that in recruiting from a country they do not create a shortage of local skills, for example, in nursing. Recruitment in developing countries should be undertaken as part of an inter-governmental co-operation agreement.
- Where practicable, apply their usual recruitment and selection policy and procedures when undertaking a proactive recruitment campaign in another country.
- Establish and agree clear and ethical recruitment guidelines to which recruitment agencies, operating on their behalf, must

adhere. These should include a requirement that the agency does not charge fees to candidates considered for recruitment.

### Travel and accommodation

The employer should be proactive in overseeing and assisting with suitable travel and accommodation arrangements for migrant workers. In particular, employers should:

- Where necessary and appropriate, meet travel costs incurred by migrant workers during the recruitment stage. Where this cost is to be paid back to the company, it should be paid back at an agreed affordable rate over a specified period of time.
- Where possible, source appropriate accommodation, and if necessary, take out a lease on behalf of the tenants. However, workers should not be required



- to stay in accommodation provided by the employer but should be free to choose their own if they wish to do so.
- Help to ensure that, where workers obtain their own accommodation, they are not being exploited, and to offer advice and help if requested.
  - Not require workers who live in accommodation provided by the employer and then leave that accommodation immediately but allow a reasonable and agreed period of time to find a suitable alternative. Migrant workers, like anyone else, are entitled to at least four weeks' written notice to quit.
  - Ensure that accommodation which they provide for migrant workers is not overcrowded and does not pose a risk to the health and safety of those living there.

### **Integration into the host community**

Relocating to a new country can be difficult and intimidating. Employers should play an active role in helping migrant workers settle and integrate into their new host community. In particular, employers should:

- Provide relevant information to workers prior to their arrival regarding, for example, the employer, the geographical location, climate, cost of living etc. It is important that overseas staff have as much information as possible in order to be prepared and develop realistic expectations.
- Support workers in familiarising themselves with the local neighbourhood and facilities, by for example:
  - Helping to register with a Dentist and GP or insisting on registration with the company doctor (where appropriate).
  - Helping with the issue of a National Insurance Number.
  - Working with a local bank to help with setting up a bank account.
  - Where necessary, working with local utilities/heating/fuel providers – possibly having the company channel payment in the first instance. (Utilities tend to be suspicious of people with no track record of payment).
  - Providing access to information on schooling where there are children involved.

- Signposting to the other local resources such as the local library, Citizens Advice Bureau and FE Colleges.
- Establish local liaison arrangements with the education board, health service representatives, community representatives and PSNI and notify them in advance about significant movements of people into or out of their area in order to support the integration of migrant workers and their safety in the community.
- Work with the PSNI's ethnic minority liaison officers to ensure awareness of safety issues and encourage reporting of racial incidents in the community
- Liaise with local community organisations, to provide 'welcome packs' for workers.
- Seek to build a sense of belonging and welcome, through arranging social or sporting events.
- Support workers in accessing the Internet and personal e-mail addresses (perhaps within their local library) in order to allow them to undertake their own research, and reduce feelings of isolation.


### **Providing for the needs of those who speak little or no English**

For workers with little or no understanding of English, or who cannot read English, special arrangements should be made. These could include providing translation, using interpreters, or replacing written notices with clearly understood symbols or diagrams. In particular, employers should:

- Disseminate information about local services in workers' own language and/or signpost workers to relevant service providers.
- Support migrant workers to learn English as a second language. Where possible, provide free ESOL classes in conjunction with the local FE College.
- Provide all information and training in a format that takes account of any language difficulties.

### **Ensuring that the basic cultural needs of minority ethnic people are met**

Coming to live and work in a new country can be a 'culture shock' for migrant workers and it is important for employers to be supportive of the diversity of personal cultures



which employing migrant workers brings. In particular, employers should:

- Increase the awareness, knowledge and skills of staff in dealing with the needs of minority ethnic workers.
- Provide Cultural Diversity Awareness training to all staff.
- Provide an induction programme to support migrant workers in adjusting to both Northern Ireland culture and the employing organisation's culture. This could include information on food, supermarkets, transport, laundrettes, emergency telephone numbers, church services, maps of local area etc.

### **Preventing and addressing racial discrimination and harassment in the workplace**

Unfortunately, workplace discrimination and harassment still take place, often directed at migrant workers. Employers have a responsibility to address this issue and in particular, they should:

- Promote a workplace culture that recognises, values and respects diversity.
- Encourage the reporting of racial harassment and provide

appropriate support to victims, working in conjunction with PSNI Ethnic Minority Liaison Officers.

- Provide training to staff in dealing with racial harassment.
- Communicate with the existing workforce to ensure they understand the reasons for overseas recruitment, are aware of the skills and experience of the individuals and also have an understanding of the different cultures involved.
- Identify a liaison person within the organisation to provide advice and support.
- Provide opportunities for dialogue and support on an on-going basis.

### **Treatment of workers**

Treating the people who work for you well is a key indicator of a socially responsible attitude and employers must ensure that they treat migrant workers fairly and equitably in relation to other employees. In particular, employers should:

- Ensure that workers are provided with a copy of and have understood their employment contract and/or terms and conditions. Provide these in the

worker's first language where required.

- Provide workers with details of trade unions operating within the workplace.
- Ensure that the same pay, terms and conditions of employment are applied to migrant workers as apply to other employees in the same staff grouping.
- Recognise that migrant workers/overseas staff are entitled to the same statutory employment rights and are protected by UK employment legislation in the same way as other staff.
- Afford migrant workers/overseas staff the same opportunities for learning and development as other staff.
- Ensure that all workers, including those whose first language is not English, understand all work related procedures and processes and can confirm that understanding.

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**If your organisation wishes to sign up to this Code of Practice and receive a personalised framed statement, then please contact Denise Cranston on (028) 9046 0606**



Business in the  
Community

Business in the Community is a unique movement in the UK and Ireland of over 750 member companies (230 of these in Northern Ireland), with a further 2,000 plus engaged through our programmes and campaigns. We operate through a local network of more than 100 business-led partnerships and 60 global partners.

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