

## A Voluntary Code of Practice on Employing Migrant and European Workers

### 1. Introduction

- 1.1 UNISON is Scotland's largest public service trade union and is committed to promoting the positive benefits of diversity in the workplace. Whilst many migrant workers have a positive experience in our country we recognise that many others do not. Migrant workers are too often the victims of exploitation including poor accommodation and bad employment practices like the illegal deduction of wages, not paying the minimum wage and inadequate health and safety. We also recognise the need for employers to be better informed about migrant workers arriving in Scotland, and to encourage employers to take responsibility to support the integration and safety of migrant workers into the local community.
- 1.2 UNISON Scotland has therefore produced this Charter, based on a model established by Northern Ireland's Business in the Community and Migrant Workers North West, to clearly identify a range of workers' rights and employer's responsibilities. The document is intended as a Statement of Intent, as well as being an endorsement of "best practice" in the employment of migrant workers, but it also recognises that employers have differing levels of involvement in this issue.

### 2 Definition of Migrant Workers

- 2.1 For the purposes of this Charter, a migrant worker is defined as any individual who arrives in the UK either with a job to go to or with the intention of finding one.
- 2.2 These might typically include:
- 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; and
  - students from outside the EEA who can undertake part-time work whilst enrolled on courses here.

### 3. General Principles

- 3.1 Employers who are signatories to the Charter will support the principal aim of being ethical in their recruitment practices, both in relation to potential employees and any impact on their country of origin. In particular, employers will:
- take care that, if recruiting from another country, they do not create a shortage of skills in that country, for example, in nursing or other essential services;
  - ensure that, wherever possible, recruitment in other countries should be undertaken as part of an intergovernmental co-operation agreement.;
  - where practicable, apply their usual recruitment and selection policy and procedures if undertaking a proactive recruitment campaign in another country;
  - establish and agree clear and ethical recruitment guidelines to which recruitment agencies, gangmasters and sub contractors, operating on their behalf, must adhere - including a basic requirement that the agency does not charge fees to candidates considered for recruitment or excessive charges for loans, housing etc; and
  - give full consideration, also, to the availability of labour within local markets.

#### 4. Treatment of Workers

- 4.1 Employers who are signatories to the Charter accept that the way in which employees are treated is a key indicator of a socially responsible attitude.
- 4.2 Signatories therefore agree that migrant workers should be treated fairly and equitably in relation to other employees and, in particular, will:
- ensure that workers are provided with a copy of their employment contract and/or terms and conditions at the earliest opportunity and have understood the contents - providing these in the worker's first language where required and appropriate;
  - ensure that employer documentation is completed timeously and that relevant payments e.g. Workers Registration Scheme are paid;
  - 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 undertaking the same work;
  - 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; and
  - ensure, specifically, that health and safety information, briefings and regular updates are provided in a format which can be readily understood by all staff.

#### 5. Travel and accommodation

- 5.1 The Charter recognises that, **where employers are specifically responsible for bringing workers to the UK**, those employers should be proactive in overseeing and assisting with suitable travel and accommodation arrangements for migrant workers. In particular, those employers will....
- where necessary and appropriate, meet travel costs incurred by migrant workers during the recruitment stage – and, 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 – although 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;
  - not require workers who live in accommodation provided by the employer, and then leave that employment, to quit their accommodation immediately - but will, instead, allow a reasonable and agreed period of time to find a suitable alternative (and recognising that migrant workers, like anyone else, are entitled to at least four weeks' written notice to quit); and
  - 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.
- 5.2 In addition, **all employers who are signatories to the Charter** will....
- recognise the particular vulnerability of women seeking accommodation and provide necessary support where possible;
  - help to ensure that, where workers obtain their own accommodation, they are not being exploited, and will offer advice and help if requested; and
  - help, wherever possible, to provide information to migrant workers about Registered Social Landlords and other reputable sources of accommodation.

## **6. Integration into the Community**

6.1 The Charter recognises that relocation 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.

6.2 In particular, **employers responsible for bringing workers to the UK** will....

- provide relevant information to workers prior to their arrival regarding, for example, the employer, the geographical location, climate, cost of living etc – and 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 or credit union 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, and/or
- signposting to the other local resources such as the local library, Citizens Advice Bureau and FE Colleges;
- establish local liaison arrangements with the Local Authority to 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 local Police or third-party support 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; and
- 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.

## **7. Support for those who speak little or no English**

7.1 The Charter recognises that, for workers with little or no understanding of English, or who cannot read English, special arrangements should be made. These include providing translation, using interpreters, or replacing written notices with clear symbols or diagrams.

7.2 In particular, employers will....

- 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 – and, where possible, provide free ESOL classes in conjunction with accredited ESOL providers, including ESOL courses which are specifically designed to meet the needs of the business; and
- provide all information and training in a format that takes account of any language difficulties.

## **8. Meeting the cultural needs of minority ethnic workers**

8.1 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.

8.2 In particular, employers will:

- help to 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; and

- provide an induction programme to support migrant workers in adjusting to both regional culture and the employing organisation's culture – and this should include information on food, supermarkets, transport, laundrettes, emergency telephone numbers, religious services, maps of local area etc.

**9. Dealing with discrimination and harassment in the workplace**

9.1 Unfortunately, workplace discrimination and harassment still take place, often directed at migrant workers. Employers have a responsibility to address this issue and in particular, signatories to the Charter will....

- 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 trade unions and others,
- 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; and
- provide opportunities for dialogue and support on an ongoing basis.

**10. Public Services and Procurement**

10.1 The Charter recognises the important role to be played by the Public Sector in ensuring the fair and equal treatment of migrant workers.

10.2 In particular, therefore, Public Sector employers who are signatories to the Charter will ensure that its principles are observed by all contractors, agencies, suppliers and service deliverers with which they have formal procurement arrangements, and that compliance with its conditions will be a key measure of performance.

Name of Company/Organisation

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Signed on Behalf of Company/Organisation

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Position

Date

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