



DON'T LAND YOURSELF IN HOT WATER

Get your immigration and recruitment processes right to save embarrassment, cost and potential criminal liability



The bars and restaurants sector sees a high turnover of employees across multiple sites, and recruitment from a wide range of nationalities. Byron Burger found itself at the centre of an unfavourable news story about illegal workers employed in its restaurants. Whilst the Home Office did not accuse Byron Burger of knowingly employing workers illegally, the resultant issues for them highlighted the need to get immigration and recruitment processes right every time.

- ▶ Restaurants and bars should check that an employee has the right to work in the UK **before they start work**, in accordance with the Home Office's guidance. This should be done for every recruit, and should be done each time a person is taken on, for example if they are employed in seasonal work.
 - ▶ Employers who do not follow the required process and who are found to be employing a person illegally can be fined up to **£20,000 per illegal worker**.
 - ▶ Employers, and their senior officers, who knowingly or have reasonable cause to believe that they are **employing a person illegally** will be subject to criminal liability of a fine and/or potential imprisonment.
 - ▶ Byron Burger found themselves in the news for the wrong reasons when they were found to have a number of illegal workers on their books. Although reports said that there was no issue with their checks on their employees' right to work, **they still ended up with**
- adverse publicity**. If they had not been doing things properly it could have been even worse in terms of publicity, together with the fines that they would have incurred.
 - ▶ Restaurants and bars are particularly at risk because of the **high turnover of staff, multi-site operations and recruitment from a wide range of nationalities**. Having robust processes in place that apply across all sites, and that have centralised checking processes are, therefore, essential.
 - ▶ All immigration checks should happen before a person starts work, **as part of the core recruitment process**, and should be referred to in contracts of employment and offer letters.
 - ▶ Right to work checks should therefore form an **integral part of the recruitment process**, along with ensuring that each employee has a contract of employment that complies with minimum statutory requirements.

"This firm has some of the most revered [employment] lawyers in the marketplace and a client list that includes big names [...] With the Addleshaw team you get good, practical advice in a language that is not legal speak".

How we can help

COMPLIANCE	IMMIGRATION SUPPORT
Immigration audit	Right to work checks
Recruitment processes	Applying for licence to sponsor worker visas
Employment contracts	Visa applications
National minimum wage compliance	Advice on EEA nationals
EMPLOYMENT LAW ADVICE	SUPPORT WHEN THINGS GO WRONG
Disciplinary and grievances	Disputing immigration civil penalties
Dismissals	Employment tribunals
Working time regulations	Managing employee disputes
Family friendly rights	Reputation management

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