

HR Impact Of A Changeful Immigration Landscape

Brexit: UK Employers, Have You Assessed the Impact of Brexit on Your Employees?

For UK employers, Brexit has a wide-ranging impact, e.g., immigration status and employee benefits. As of August 2017, negotiations have been underway for only a few short months, and there is a lack of clarity on what the full impact will be on employment and immigration laws. For example, what will happen to the 3.2 million EU nationals who are currently living in the UK? Likewise, what will be the rights of the more than 1 million UK nationals living and working across the EU?

According to the UK government's draft proposal, the UK would offer EU citizens living in the UK, the following rights and protections, provided that UK citizens living in other EU countries are offered the same rights and protections:

- EU nationals who have been UK residents continuously for 5 years or longer as of a specified date (some date between 29 March 2017 and the actual date when the UK has exited the EU) will be granted "settled status." Settled status means that these residents will be free to reside in the UK and undertake any lawful activity. They will also have access to public funds and services and may apply for British citizenship
- Those EU citizens who arrived and became resident before the specified date, but who have not accrued five years' continuous residence at the time of the UK's exit, will be able to apply for temporary status in order to remain as residents in the UK. After they have accumulated five years, they will be eligible to apply for settled status
- EU citizens with settled status will continue to have access to UK benefits on the same basis as a comparable UK national would under domestic law
- The UK will continue to export and uprate the UK State Pension within the EU
- The UK will seek to protect the healthcare arrangements currently set out in EU Social Security Coordination Regulations and domestic UK law for EU citizens who arrive in the UK before the specified date and for UK nationals living in the EU before the specified date

- There are several provisions for those EU citizens who arrived after the specified date and/or have been UK residents for less than 5 years.

It's important to reiterate that the points above represent a proposal from the UK government. However, at this juncture, it should reflect your working assumptions in planning for the impact of Brexit on your company.

What Should Business Be Doing Now In Planning For Brexit?

Business should assess their current workforce in the UK and the rest of the EU. The primary goal is to identify employees who are working or based outside of their country of origin. These employees may be impacted by post-Brexit immigration laws and regulations.

Although no immediate changes have been announced, immigration policy will be hotly debated during the exit negotiations. Businesses will need to be prepared to respond swiftly to any developments; up-to-date and accurate intelligence regarding your workforce is essential.

Assuming the EU agrees with the UK's proposal related to "settled status", it's probably a good idea to conduct a detailed review of your workforce. For your UK citizens working for you in EU member states, determine how long they have been working there continuously. Likewise, do this for EU citizens working for you in the UK. Ensure that you have proper documentation to support employment dates. As an employer, you'll want to assist your employees in establishing settled status where appropriate.

You'll also want to remain informed about the status of Brexit negotiations going forward. As new proposals are put forth regarding employment, immigration and freedom of movement, you'll want to familiarise yourself with those proposals and assess the impact on your business.

Beyond Brexit

Outside of the UK and EU, similar trends can be observed, particularly in the form of heightened scrutiny and a general tightening on foreign labour practices and laws, particularly work visa/residency/citizenship grants and processes (Singapore and the US are just two examples).

What's more, various countries have been introducing more rigorous labour regulations, which are intended to ensure fair employment practices, equal opportunities and diversity of the workforce, among other things. While this helps to achieve good outcomes in the long run, it also means that labour regulations may be changing at a more frequent pace than before. The impact of this trend is that companies need to be cognizant of the changes to ensure that their practices are current and compliant.

Our team at Blueback Global is ready to help you with your impact assessment and with developing a strategy for ensuring a smooth transition as the UK exits the EU in the coming months, as well as more broadly with local labour and immigration laws and related considerations and processes.



BLUEBACK GLOBAL

Blueback Global was founded in 2013 in Silicon Valley, CA. Founder, Arden Ng, spent the past 15 years working with clients on managing international operations, initially advising Fortune 500 companies on best practices for managing existing international Finance and Accounting processes. In the last 6 years, he has focused on working with companies to plan, expand into and manage their respective new international locations.

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