

### New rules for employing foreign workers

The Government is in the process of implementing new immigration rules which introduce a points-based system for migrant workers from outside the EEA who wish to work in the UK. This will replace the current work permit scheme. Employers are required to obtain a licence to sponsor migrants under the new “sponsorship scheme”. Employers can then offer certificates of sponsorship to migrant workers who will only obtain permission to enter or leave to remain in the UK if they pass a points-based assessment. The new system is being introduced in stages with Tiers 2 and 5 (being the most relevant to the sports business sector), opening at the end of November 2008.

#### What is the sponsorship scheme?

Employers who want to be able to bring in migrant workers are required to obtain a sponsor licence from the UK Border Agency (UKBA). Employers that intend to employ migrant workers from the date that Tiers 2 and 5 open should have applied for a licence to sponsor by 1 October 2008. Employers that are intending to recruit migrant workers in the future should apply for a licence as soon as possible.

#### Tier 2 – Skilled Workers with a Job Offer

Tier 2 relates to skilled workers with a job offer. Tier 2 is divided into a number of sub-categories, two of which are relevant to the sports industry: the General Skilled Worker Category and the Sports People Category.

##### Tier 2 – General Skilled Worker Category

This is for skilled workers with a job offer who have come to fill gaps in the UK labour force that cannot be filled by the resident workforce. Each of the following conditions have to be met before a certificate of sponsorship can be issued:

- the job must be skilled at N/SVQ level 3 or above
- the job must be paid at the appropriate rate or above, and
- the prospective employer must normally have carried out a resident labour market test for the job before sponsoring a migrant.

##### Resident Labour Market Test

The UKBA has published codes of practice which list jobs that are at the appropriate skill level and give the minimum rate of pay you must offer for these jobs. The codes also list the acceptable places to advertise the job in order to meet the resident labour market test.

If the resident labour market test needs to be satisfied (i.e., where the job is not on a list of shortage occupations), you must advertise the job according to the relevant code of practice to settled workers. If the salary is £40,000 or under you must advertise the job for a minimum of two weeks. If the vacancy is over £40,000, you must advertise it for a minimum of one week. There are rules as to the information that must be given in the advertisement. The appropriate code of practice lists mediums where the role may be advertised. You can use your own website if your organisation is a multinational or global company, or a large organisation with over 250 permanent employees in the United Kingdom.

## Sports Business Group

### Codes of Practice Relevant to Sports People

#### Employing a Leisure and Sports Manager (code 1225)

Examples of job tasks:

- recruits, supervises and trains box office staff, cashiers, gardeners, coaches, groundsman/women
- ensures that facilities are kept clean and in good condition
- advises on the facilities available and promotes publicity in relation to games, races, etc.
- checks and keeps custody of all cash receipts and makes regular spot checks.

Minimum rate of pay	Where to advertise to satisfy the resident labour market test	Internet advertisements	Unacceptable forms of advertisements
£25,000	<ul style="list-style-type: none"> <li>• Jobcentre Plus</li> <li>• national newspapers</li> <li>• on the Internet (see next column)</li> </ul>	<p>www.leisureopportunities.co.uk            www.leisurejobs.com            www.reed.co.uk            www.totaljobs.com            www.monster.co.uk            www.jobserve.com            www.jobsite.co.uk            www.fish4.co.uk/iad/jobs            http://jobs.guardian.co.uk            http://jobs.independent.co.uk            http://jobs.telegraph.co.uk            http://jobs.timesonline.co.uk            (there are more sites that can be used if recruiting a riding school manager)</p>	<ul style="list-style-type: none"> <li>• university milk rounds</li> <li>• head-hunters</li> <li>• professional journals other than those specified in the code (currently only Horse and Hound)</li> </ul>

#### Employing Sports Coaches, Instructors and Officials (code 3442)

This category includes sports coaches, referees, sports development officers and umpires.

Examples of job tasks:

- coaches teams or individuals by demonstrating techniques and directing training and exercise sessions
- controls team selection and discipline and recruits ancillary staff such as coaches or physiotherapists
- monitors and analyses technique and performance, and determines how future improvements can be made
- deals with administrative aspects such as arranging matches, contests or appearances for athlete or team and organising required transport and accommodation
- provides information and develops facilities to encourage greater participation in sport, and to enhance the standards of participants
- starts race, competition or match and controls its progress according to established rules.

Minimum rate of pay	Where to advertise	Internet advertisements	Unacceptable forms of advertisements
£8.65 per hour	<ul style="list-style-type: none"> <li>• Jobcentre Plus</li> <li>• national newspapers</li> <li>• on the Internet (see the next column)</li> </ul>	<a href="http://www.reed.co.uk">www.reed.co.uk</a> <a href="http://www.totaljobs.com">www.totaljobs.com</a> <a href="http://www.monster.co.uk">www.monster.co.uk</a> <a href="http://www.jobserve.com">www.jobserve.com</a> <a href="http://www.jobsite.co.uk">www.jobsite.co.uk</a> <a href="http://www.fish4.co.uk/iad/jobs">www.fish4.co.uk/iad/jobs</a> <a href="http://jobs.guardian.co.uk">http://jobs.guardian.co.uk</a> <a href="http://jobs.independent.co.uk">http://jobs.independent.co.uk</a> <a href="http://jobs.telegraph.co.uk">http://jobs.telegraph.co.uk</a> <a href="http://jobs.timesonline.co.uk">http://jobs.timesonline.co.uk</a>	<ul style="list-style-type: none"> <li>• university milk rounds</li> <li>• head-hunters</li> <li>• professional journals</li> </ul>

### How many points must the job applicant have?

Even if the job meets the above conditions the migrant will still need to score enough points to qualify under Tier 2. The job applicant will need to score a pass mark of 70 points from three sets of criteria comprising: (i) attributes, (ii) English language skills, and (iii) maintenance. In addition, he or she must score at least 50 points under three criteria comprising: (i) sponsorship, (ii) qualifications, and (iii) prospective earnings. The job applicant must also have a job offer from the employer.

### Can I use an employment agency to recruit?

Recruitment agencies which are registered with the Recruitment and Employment Confederation (REC) may be used and the agency may carry out a resident labour market test on your behalf.

### What kind of workers cannot be employed?

You will not be able to sponsor “lower skilled” jobs. Examples of such positions include, but are not limited to, croupiers, recreation assistants and turf assistants. Beware of criminal sanctions in connection with hiring illegal workers – it could affect your sponsorship status.

## Tier 2 – Sportspeople Category

There is a separate sub-category for elite sportspeople and coaches. Migrants in this category must have the approval of the appropriate governing body for their sport and must intend to base themselves in the UK. This endorsement confirms that the sportsperson meets the relevant code of practice agreed between the Government and the sport’s governing body and verifies that:

- they are internationally established at the highest level, and
- their employment will make a significant contribution to the development of their sport at the highest level in the UK, and
- it is appropriate to fill the post with a migrant who is not settled in the UK.

Migrants under this category must be sponsored by a club (or equivalent) that is licensed to issue certificates of sponsorship.

Under the sponsorship scheme an employer with a sponsorship licence will need to comply with certain record-keeping and reporting requirements. Having well-managed immigration procedures which ensure that accurate records are kept and checks are carried out will help to ensure that the migrant will comply with the conditions of their permission to stay and leave the UK when their leave expires, which is one of the obligations placed on the employer.

### How many points must the job applicant have?

The job applicant will need to score a pass mark of 70 points. The majority of the points will be gained by showing that the migrant worker meets the criteria listed above. Additional points are awarded for sufficient maintenance and English language skills.

### For how long can you employ Tier 2 workers?

Migrant workers under Tier 2 will be given permission to stay for up to three years, depending on the length of their expected employment in the UK. Extensions of the permission to stay will be allowed subject to certain conditions being met.

### Tier 5 – Temporary Workers

Sportspeople from outside the EEA who intend to come to the UK for a maximum of 12 months to undertake short-term temporary work will fall under Tier 5, which also comes into effect at the end of November 2008. People falling into this category will need to demonstrate that they have the support of an approved sponsor and sufficient funds to maintain themselves.

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