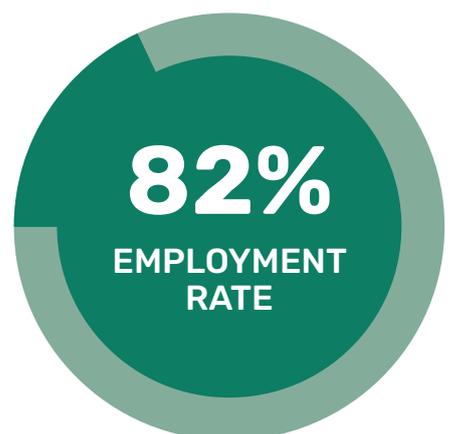
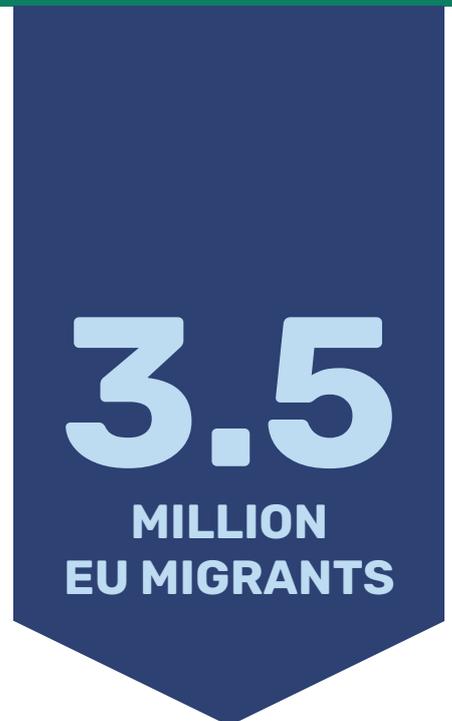
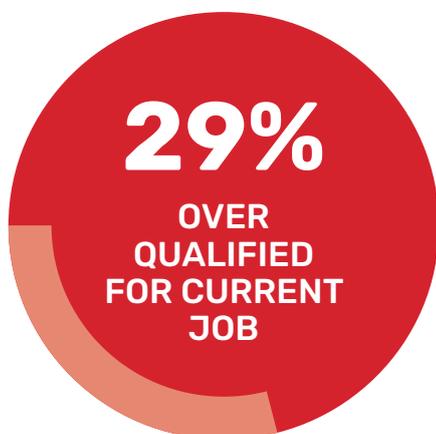


EU migrants: A toolkit for employers

DECEMBER 2022

EU MIGRANT WORKERS IN THE UK¹



How does this affect me?

EU migrants are not always aware of their rights and requirements, and may face language, cultural and other barriers that may not affect non-migrant workers. Their understanding and prior experience of employment rights, in-work benefits or communication may be different. Creating supportive workplace for them matters: it translates to greater satisfaction levels among all employees and greater productivity.

What should I keep in mind?

1) Health & Wellbeing

Newly arrived EU nationals may be unaware of how to access healthcare in the UK. Their understanding of the healthcare system may be shaped by prior experiences in their country of origin, and they may be unaware of their rights (e.g. the right to register with a General Practitioner/GP = medical doctor, the right to interpreter). They may need information about the role of the GP, and how to access GP services, urgent help (e.g. via NHS 111) or services delivered in the community (e.g. family planning, pregnancy, child health support or mental health support).

Migrants may face more challenges to their mental health than people who live in their country of origin. This is linked to communication difficulties, loneliness and isolation due to being away from family and friends, and exposure to racism and discrimination. Migrant women and people with caring responsibilities may be additionally affected due to pressures linked to providing care and lack of knowledge of support available.

Migrants also face more barriers to accessing (mental) health support, e.g. language barrier, limited awareness of how the healthcare system works in the UK or stigma associated with mental health problems in their countries of origin. Though mental health support is sometimes offered by employers in the public sector (e.g. to NHS staff), migrant workers sometimes fear that using it will be perceived as a weakness and negatively impact on their future job opportunities.

How can I help?

- Provide assurance that dealing with mental health problems is OK and will not affect employment.
- Make use of existing resources: you can display them in a common area or include into your welcome package, e.g. **NHS guidance** on registering with a GP: www.nhs.uk/nhs-services/gps/how-to-register-with-a-gp-surgery
- Raise awareness of the right to register with a GP. People do not need identification, immigration status or proof of address to register, and it is important that GP surgeries do not turn people away due to lack of these documents. Migrants can use these ready-made materials prepared by the **Doctors of the World** to encourage registration: www.doctorsoftheworld.org.uk/gp-access-cards
Note: surgeries can refuse to register new patients if they are not accepting any at a given time or the applicant lives outside of the area they operate in.

- Open up conversations about mental health in the workplace by:
 - creating a role of a mental health champion
 - sharing information about the **Feeling Good app** which will soon be available in EU languages: www.feelinggood.app
 - providing information about mental health support available in the area
 - acknowledging mental health awareness week
 - providing safe space for people to share experiences
 - organising training sessions that can be delivered by one of the key mental health charities, e.g. **Mental Health UK: www.mentalhealth-uk.org**

2) Communication

EU migrant workers may face language barriers and their proficiency levels can vary across spoken and written English, or conversational and professional English. In addition, they may be exposed to a different communication style and may find aspects of it difficult to navigate (e.g. small talk, cultural norms around humour). In communicating the way they are used to, they may be misunderstood and even come across as rude. This can lead to a sense of insecurity, lack of confidence in the workplace and lesser productivity.

EU migrant workers may also be used to a different workplace culture. Some EU countries tend to have highly hierarchical work structures with communication between employees on different levels being very formal. Other may have a much flatter structure with communication being less formal. In some countries, negotiating workload or whistleblowing may be less common and perceived negatively. It is important to understand and address these differences in a sensitive way.

What does it mean for me?

- Communicate with empathy. Take into consideration communication and cultural differences and make sure that your messages are truly understood.
- Arrange for key information to be issued in workers' preferred languages.
- Prioritise mutual understanding over language.
- Avoid requesting communication in English only.
- Organise for staff to have space for interaction.
- Organise communication awareness sessions for staff and management.
- Consider arranging English and migrant languages classes in the workplace so colleagues can better understand each other.
- Encourage employee representation to management and voice in decision-making.

3) Anti-racism

EU nationals may experience discrimination (i.e. unfair or unjust treatment) that is distinctive to their migrant status. This can be additionally linked to their ethnicity, nationality and characteristics such as gender, as well as their accent or foreign qualifications. Immigration processes can also be viewed and experienced as discriminatory.

Many migrant, Black and minority ethnic populations in the UK are exposed to racism. Some forms of racism are more difficult to notice than others. For example, prejudiced racial and/or ethnic meanings can be applied to white Central and Eastern European migrants. But, because of their relative privilege in contrast to non-white migrants, this form of discrimination tends to remain hidden.

Racism may manifest itself in different ways:

- overtly e.g. hate crime, bullying, ethnic slurs or jokes; or
- covertly e.g. glass ceiling, expectations to do things others are not or exclusion from social networks.

The workplace is one of the key spaces where migrants may be exposed to racism. Experience of racism in the workplace can trigger stress, anxiety, depression and translate to social withdrawal and lower productivity levels.

How can I help?

- Recognise that migrant workers may experience distinct forms of discrimination and racism and need your support in tackling them.
- Inform yourself and your staff. There are useful materials on equality, diversity and anti-racism in the workplace that you can download and share, e.g. the **Business in the Community** resources: www.bitc.org.uk
- Show that diversity is valued in the workplace by:
 - investing in anti-racism training for staff and management that is sensitive to the distinctive groups among EU migrants, e.g. Central and East European migrants
 - creating a role of a diversity champion
 - supporting EU migrant workers in their career progression via mentorship
 - organising cultural awareness days when workers explore their diverse backgrounds including in terms of language and nationality, among others
 - calling out racism when it happens and sending out a clear message that it will not be tolerated
 - setting up clear structures for reporting and tackling racism that protect migrant workers (e.g. anonymous or third-party reporting).

4) Legal Status

Since 1 January 2021, EU/EEA nationals and their family members no longer have free movement rights that would allow them to come to the UK and work without first getting a visa*. However, EU/EEA nationals and their family members who were already in the UK on 31 December 2020, have their existing rights preserved if they applied to the EUSS and were granted either **pre-settled** or **settled** status.

Either of these statuses permits the person to work in the UK with no restrictions for as long as they have that status. Pre-settled status is granted for 5 years, at the end of which the person should apply for settled status.

EU/EEA nationals and their family members who did not have existing rights in the UK on 31 December 2020, who do not have status under the EUSS or who are new to the UK, are not usually allowed to work in the UK unless they have permission to do so. That will usually mean applying for a **work visa** in the same way that anyone coming from outside the EU or EEA would need to.

Note: Those with status under the EUSS are not usually issued with any physical documents but should be able to access confirmation of their status online. Those with other forms of leave may have documentation from the Home Office, an endorsement on a passport or a biometric residence permit that confirms their right to work.

How can I help?

- Offer training and career progression to all.
- Signpost EU migrants to specialist immigration advice here: www.lawcentres.org.uk
- Make use of existing resources: you can display them in a common area or include into your welcome package, e.g. **JustRight Scotland** factsheets about the rights of EU/EEA nationals: www.justrightscotland.org.uk/learn-more/legal-factsheets

* Special rules apply to Irish nationals: they can move freely & work in the UK.

Key acronyms:

EU - European Union

EEA - European Economic Area

EUSS - EU Settlement Scheme

5) Employment Rights

EU/EEA nationals and their family members who are allowed to work in the UK, have **all the same rights** as other workers. For example, they are entitled to:

- be paid at least the national minimum wage, equivalent to a citizen doing the same job
- at least the statutory minimum annual leave
- statutory leave under the same rules as others, e.g. paid sick leave from as soon as they are an employee or paid maternity leave after 26 weeks.

EU/EEA nationals who are allowed to work in the UK may not have a national insurance number (NINO) at the time of employment. This should not prevent them from starting work, but they may need to be assigned a temporary NINO while an application for a permanent one is processed.

What does it mean for me?

- If a worker is on sick leave or maternity leave, they are still a worker, and so remain entitled to statutory payments such as statutory sick pay or statutory maternity pay.
- If your employee needs a NINO, advise them to apply for one either online: www.apply-national-insurance-number.service.gov.uk/apply/welcome or via phone: 0800 141 2079
- If they have any problems, refer them to the **Citizens Advice Bureau**: www.citizensadvice.org.uk

6) Benefit Entitlements

EU/EEA nationals who are working in the UK and have either pre-settled or settled status under EUSS, are entitled to claim any UK benefits but will need to meet all the other qualifying conditions. This is not always very well understood by the authorities administering benefits who might turn down applications in error. If so, **those decisions can be challenged**.

If an EU/EEA national with status under the EUSS has been working in the UK but then stops, depending on why they stopped working, they may still be eligible for any benefits they might now need to claim. For example:

- If someone with pre-settled status is made redundant or has to stop working because they are too ill, they should usually still be treated as if they were a worker and should be able to claim benefits.
- Those who were working, but who no longer are, with children in school may also be eligible to claim benefits even though they would not still be treated as a worker.

Family members of EU/EEA national workers with status under the EUSS, who have status under the EUSS themselves, should also be able to claim benefits. So for example, a dependent adult child or parent of an EU worker, both who have status under the EUSS, should meet the criteria for most benefits.

EU/EEA nationals who have come to the UK more recently to work and do not have any status under the EUSS, are likely to have been admitted on a work visa which has a condition saying **no recourse to public funds** (NRPF). If someone has NRPF on their visa, it is very important that they do not claim any benefits that are classed as public funds as otherwise they are violating their conditions for being in the UK. While some benefits such as statutory sick pay, statutory maternity pay or contributory jobseeker's allowance are not classed as public funds, the majority are so. It is always best that someone who has a NRPF condition gets advice before making any claims.

How can I help?

- The rules about benefit entitlement can be very complicated. If you think that someone might be entitled to benefits or needs financial help or advice because their income is low, it is best to refer them to an organisation that can provide specialist advice such as the **Citizens Advice Bureau**: www.citizensadvice.org.uk
- You can also raise awareness of existing information resources, e.g. multilingual factsheets on social security rights, applying for benefits or Universal Credit prepared by the **Citizens Rights Project**: www.citizensrightsproject.org

The 6 topics - health and wellbeing, communication, anti-racism, legal status, employment rights and benefit entitlements - were identified by migrants and support agencies as key for employers. This toolkit was prepared as part of research on *Health, social, economic & cultural impacts of Covid-19 on migrant essential workers in the UK* funded by UKRI/ESRC Grant ES/V015877/1 in collaboration with Henri Krishna (Child Poverty Action Group) and Alicja Kaczmarek (Centrala).

www.migrantessentialworkers.com