

Illegal Working Group - second meeting, 18 December 2002

Date: 18 December 2002; Time: 1600

Location

Home Office, Queen Anne's Gate, London SW1

Chair

Beverley Hughes MP, Minister of State for Citizenship, Immigration and Community Cohesion.

Present

Ian Barr (CRE), Kay Carberry (TUC), Martin Couchman (BHA), David Frost (BCC), Shaun Leavey (NFU), Justin McCracken (HSE), Margaret Murray (CBI), Tony Merricks CBE (CSCS), Paul Williams (SBS).

In attendance

Colin Allars, Russell Bain, Graham James, Chris Mace, Neil Roberts and Sarah Wain.

Apologies

John Adshead OBE (J Sainsbury), Denise Keating (Marks and Spencer).

1. The Chair welcomed and thanked everyone present and introduced new attendees.

2. Minutes

Minutes of the 1st meeting of the Illegal Working Steering Group and steering group members to Tackle Illegal Working 21 November 2002 were agreed. The minutes will be published on the Home Office web-site January 2003.

3. Matters Arising

Home Office officials are liaising with Department of Health officials to invite an employer representative from a major public sector to attend future meetings. No other matters arising.

4. CSCS Case Study presented by Tony Merricks, Construction Skills Certification Scheme

[Tony Merricks' presentation on construction skills certification scheme \(PDF 617K opens in a new window\)](#)

- 1) CSCS aims and purpose
 - 2) CSCS organisational structure
 - 3) Growth and unification of the Scheme
 - 4) Possible additional uses of CSCS: health, safety, quality control and skills matching
 - 5) Resources and administration: Funding the scheme
 - 6) Future direction: European use, Internet database, Operative accountability
5. Questions and Discussion

Chair invited questions and discussion of the presentations.

The following issues were raised and discussed:

- What are the lessons that we can learn from the construction industry?
- How universal are those lessons?
- Capacity to deliver and scope for fraud.
- Implications of EU accession.
- Data Protection and internet-based registration, linking and searching.

5.1 Action

Outside the group forum, CSCS developments will be discussed with the aim of establishing whether current developments can be strengthened, whether the CSCS can be used more directly to help employers tackle illegal working and to look at how the group can be helped to explore these issues.

6. Immigration Service Profile presented by Graham James, Immigration Service

[Graham James' presentation on the immigration service \(PDF 97K opens in a new window\)](#)

- 1) Tackling the causes of illegal working.
- 2) Working in partnership
- 3) Sources and Development of intelligence
- 4) Employment sectors and nationalities of illegal workers
- 5) Operations to combat illegal working: statistics

6) Operations to combat illegal working: examples

7. Questions and Discussion

Chair invited questions and discussion of the presentations.

The following issues were raised and discussed:

How do we assist easy identification of those with permission to work?

Are the Employers helpline and web site helpful?

Facilitating a culture of compliance; highlighting consequences of non-compliance

Scale and regions of illegal working.

Prosecutions and powers of enforcement.

Legal responsibility in the employment chain.

What happens to those found working illegally - the employee rather than the employer?

7.1 Action

Home Office will liaise with partners in the Criminal Justice System, the Lord Chancellor's Department and the Crown Prosecution Service with the aim of raising awareness among magistrates, clerks and other stakeholders. A similar approach has previously helped the HSE and environment agency.

Home Office will invite views, ideas and comments on existing illegal workers from all representatives and compile a paper to be presented or circulated at a later date.

8. Other Issues and Points Raised

- Registration in the workplace.
- Similar European experiences.
- Taking a balanced approach; light enforcement for the inadvertent small employer and heavier enforcement for the bigger, intentional employer of illegal workers.
The illegally self-employed.
- Helping employers at the point of recruitment to identify who is entitled to work.
- Entitlement cards: the consultation period ends January 2003.
- Publicising the work of the group and the government.

9. Work Programme

The Work Programme has been drafted to link the contents of presentations with points raised in discussions at the first meeting.

The work of the group can be organised by a number of methods and could include sector-focused meetings.

The Work Programme allows for initial work on Guidance to be carried out soon. The Guidance provides a vital tool for promotion of good practice. As ambassadors for the prevention of illegal working, the group can raise awareness.

9.1 Action

It was proposed and agreed that:

- The secretariat will work on Guidance for Employers on the Prevention of Illegal Working outside the group meetings and bring drafts to meetings for approval. It was noted that more time should be set aside for consultation and development of this work in partnership with stakeholders.
- Work on Codes of Practice will be carried out at a later date.
- The secretariat will bring forward the discussion on employment standards and see whether we can focus on this area earlier in the programme.
- The secretariat will send out a new Work Programme for agreement by the next meeting.
- Information and ideas on the helpline and web site will be gathered and discussed at a later date.

10. Guidance for employers on the Prevention of Illegal Working and Codes of Practice

Officials are beginning the process of gathering initial ideas for the redrafting of Guidance.

11. Dates and Agendas for the next Illegal Working Steering Group and steering group members meetings.

The next 2 meetings have been arranged for:

Monday 10th February 1400 - 1600

Tuesday 6th May 1400 - 1600

Officials will invite ideas and comments on Guidance for Employers on the Prevention of Illegal Working from individuals between Steering Group meetings.