

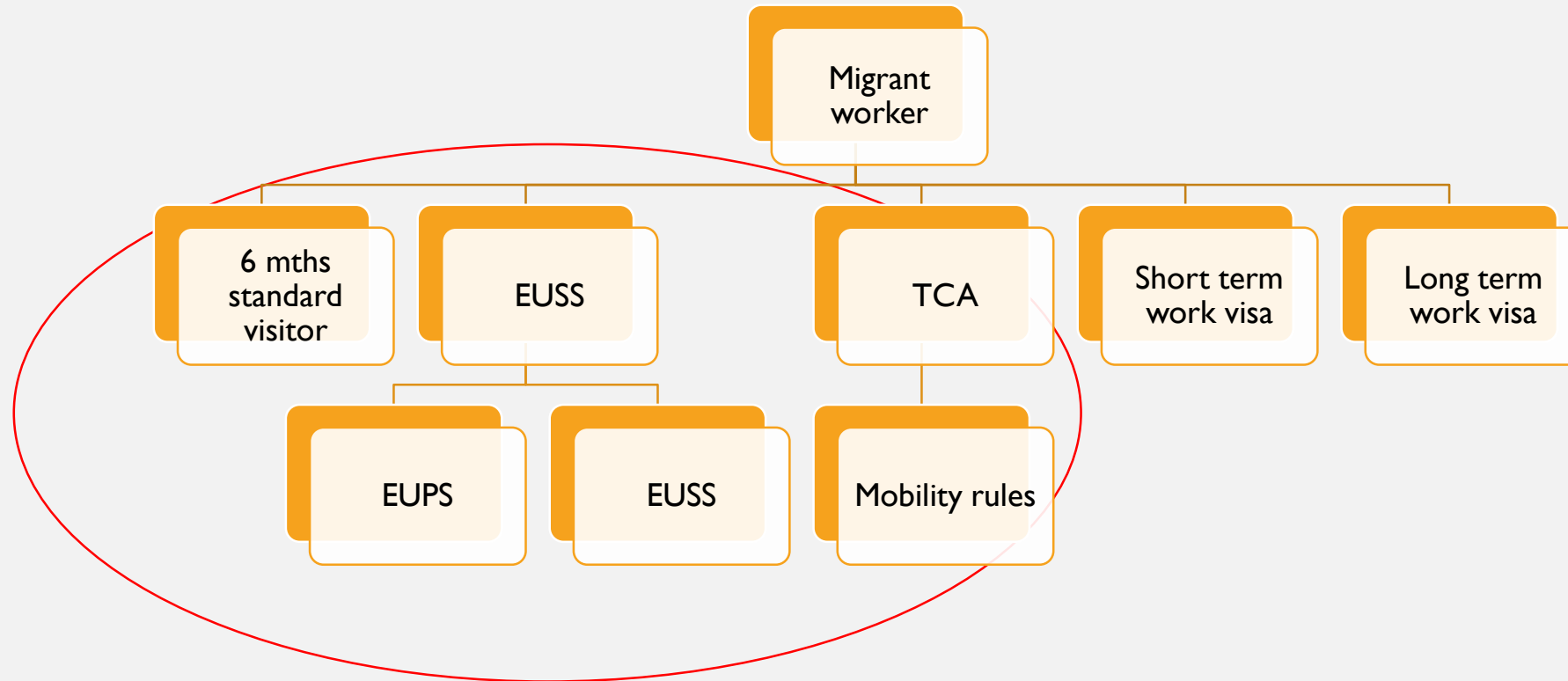
POSTING WORKERS TO THE UK AFTER BREXIT

Catherine Barnard, Trinity College Cambridge

(1) immigration rules

(2) employment rules

DO YOU NEED A VISA?



EU, EEA AND SWISS CITIZENS
EU SETTLEMENT SCHEME
FIND OUT MORE



Visit gov.uk/eu-settled-status to:

- Read the application guidance
- Start your application at gov.uk/apply-eu-settled-status
- Find out about next steps and citizenship

APPLY NOW

Although you have until at least 31 December 2020 to apply, there is no need to wait.



For further Brexit guidance, visit gov.uk/brexit
Local information can also be found at dover.gov.uk/brexit



EU SETTLEMENT SCHEME EU, EEA AND SWISS CITIZENS

INFORMATION TO HELP YOU CONTINUE LIVING, WORKING AND STUDYING IN THE UK



We value the contribution you make to our community and want you to stay in the Dover District after the UK leaves the EU.

Apply online now - it is **FREE** and you have until at least **31 December 2020** to apply.

gov.uk/eu-settled-status



UK LEAVES
THE EU

Appendix EU

Deadline 30
June 2021

Possible to
apply late if
[reasonable
grounds](#)

EUSS: FOR EU NATIONALS (+) AND FAMILY MEMBERS (ART. 13 WA)

Issued in accordance with Art. 18 WA: *constitutive* v declaratory scheme

NB issued on basis of residence simpliciter in UK [IMA 14]

EUPS

- less than five years (*limited* leave to remain: EU 3 and EU 14)
- 39% - 2.7m were granted pre-settled status

EUSS

- more than five years (ILR: EU 2 and EU 11) (Art. 15 WA)
- 50% - 3.4m were granted settled status

Other

- 11% had other outcomes (442,770 refused; 152,990 withdrawn or void; 135,840 invalid)

The TCA mobility provisions



Business visitors for establishment purposes (BVEP) (Art. 141)	Intra-corporate transferees (ICT) (Art. 141)	Short term business visitors (STBV) (Art. 142)	Contractual service suppliers (CSS) (Art. 143)	Independent professionals (IP) (Art. 143)
Permitted activities				
No sectoral limitations	No sectoral limitations	Annex 21 (para 8)	Annex 22 (para 10)	Annex 22 (para 11)
Conditions				
<ul style="list-style-type: none"> - Senior position in home state firm - Responsible for setting up an enterprise for that firm in the host state - No provision of other services or engagement in other economic activity - No remuneration within the host state 	<ul style="list-style-type: none"> - Manager, specialist or trainee employee - Managers and specialists employed/partners for a year previously by company in home state (6 months in the case of trainees) - Reside outside host state at time of application - Temporarily transferred to an enterprise of the company in the host state which is a member of the same group of companies 	<ul style="list-style-type: none"> - No remuneration from within host state - Not engaged in selling goods or services to the general public 	<ul style="list-style-type: none"> - Employed by a legal person in home state which: <ul style="list-style-type: none"> - is not established in host state - has concluded a bona fide contract (≥ 12 months), to supply services to a final consumer in the host state - 3 years professional experience + degree or equivalent + professional qualifications - Does not receive remuneration within the host state 	<ul style="list-style-type: none"> - Engaged in supply of services - Established as self-employed in home state - Not established in host state - Concluded a bona fide contract (≥ 12 months), to supply services to a final consumer in the host state - 6 years professional experience + degree or equivalent + professional qualifications
Period of stay				
- Up to 90 days in any six-month period	<ul style="list-style-type: none"> - Up to 3 years for management and specialists - Up to a year for trainees 	- Up to 90 days in any six-month period	- cumulative period of 12-month period or duration of the contract, whichever is less	
Rights				
<ul style="list-style-type: none"> - Entry and temporary stay - No quotas - No economic needs test - Equal treatment with nationals 	<ul style="list-style-type: none"> - Right to employment in host state - No quotas - No economic needs tests - Equal treatment with nationals 	<ul style="list-style-type: none"> - No work permit - No economic needs test or other prior approval - Equal treatment with nationals 	<ul style="list-style-type: none"> - Entry and temporary stay - No quotas or economic needs test (but no more staff than necessary to fulfil contract) - Equal treatment with nationals - No entitlement to use professional title 	

Business travel to the UK

If you're an EU, EEA or Swiss Citizen travelling to the UK for a short business trip, you may not need to apply for a visa.

Under the [UK's new points-based immigration system](#), you can continue to visit the UK without applying for a visa. In most cases you can stay for up to 6 months. You may participate in a wide range of activities including business-related activities such as meetings, events and conferences. You may enter the UK multiple times during that period but you may not live in the UK by means of frequent or successive visits.

As a business visitor, you cannot:

- do paid or unpaid work for a UK company or as a self-employed person
- do a work placement or internship
- sell directly to the public or provide goods and services

Read more about [visiting the UK on a business trip](#) and check whether you need to apply for a visa to carry out your intended activities.

Check the [Visitor Rules](#) and see the full list of business and academic [activities you can do](#) as a visitor to the UK.

Read more about what you can do when [visiting from Ireland or one of the Crown Dependencies](#) and check whether you need to apply for a visa.

Working in the UK or sending employees to work in the UK

If you require EU, EEA or Swiss citizens to work in the UK for longer than 6 months, they need to apply for a visa. Find out more about [working in the UK](#).

If you employ or intend to employ an EU, EEA or Swiss citizen who commutes to the UK, see the [guidance for frontier workers](#).



Six months

Visit on business

You can visit the UK for up to 6 months to do the following business activities:

- attend interviews, meetings, conferences and seminars
- negotiate and sign deals and contracts
- attend trade fairs to promote your business (you cannot sell things)
- get work-related training if you're employed overseas and the training is not available in your home country
- give a one-off or short series of talks as long as they're not for profit or a commercial event - you can only be paid for speaking at [certain engagements or events \(a 'permitted paid engagement'\)](#)
- carry out site visits and inspections
- oversee the delivery of goods and services provided by a UK company to your overseas company or organisation
- deliver training or share knowledge on internal projects with UK employees of the company you work for overseas
- install, dismantle, repair, service or advise on equipment, computer software and hardware, if your overseas company has a contract with a UK company or organisation

You should:

- check you meet the [basic eligibility requirements for a Standard Visitor](#)
- [check if you need a visa to visit the UK](#)
- [apply for a Standard Visitor visa](#) online - if you need one

As a visitor, you cannot work for a UK company or as a self-employed person unless you're coming to the UK for [a permitted paid engagement](#). You'll need to [apply for a work visa](#) if you want to do any other paid or unpaid work that's not included in the business activities on this page.

Part of

[Visit the UK on a business trip](#)

⌵ Show all steps

1 Check if you're eligible

⌵ Hide

Find out what activities you can do and how to prove your eligibility if you're:

- [being paid by a UK company to visit as an expert in your profession](#)
- [visiting for business and not being paid by a UK company](#)

You must meet the eligibility requirements even if you do not need a visa.

2 Check if you need a visa

⌵ Show

3 Apply for a visa

⌵ Show

or Apply for a family permit

⌵ Show

or Apply for an electronic travel authorisation

⌵ Show



[Contents](#)

Immigration Rules Appendix Visitor: Permitted Activities

Permitted Activities for Visitors

PA 1. Visitors are permitted to undertake the following activities:

Visitor type	Visitors of this type can
(a) Standard Visitor	do all permitted activities in Appendix Visitor: Permitted Activities, except Visitors under the Approved Destination Status Agreement may only do the activities in PA 2(a).
(b) Marriage/Civil Partnership Visitor	marry or form a civil partnership, or give notice of marriage or civil partnership, and do all permitted activities in Appendix Visitor: Permitted Activities, other than study as described in PA 17 and the permitted paid engagements in PA 19.
(c) Transit Visitor	transit the UK as described in PA 18.

[Show all sections](#)

Tourism and Leisure

[Show](#)

Volunteering

[Show](#)

Intra-corporate Activities

[Show](#)

Manufacture and supply of goods to the UK

[Hide](#)

PA 7. An employee of an overseas company may install, dismantle, repair, service or advise on machinery, equipment, computer software or hardware (or train UK based workers to provide these services) where there is a contract of purchase, supply or lease with a UK company or organisation and either:

- (a) the overseas company is the manufacturer or supplier; or
- (b) the overseas company is part of a contractual arrangement for after sales services agreed at the time of the sale or lease, including in a warranty or other service contract incidental to the sale or lease.

Clients of UK export companies

[Show](#)

Overseas roles requiring specific activities in the UK

[Show](#)

Work-related training

Doing activities as part of an overseas job role

You can do certain additional activities in the UK as a Standard Visitor, if you're employed overseas as:

- an archaeologist
- an artist, entertainer or musician
- a bodyguard
- a camera operator
- a driver
- an internal auditor
- a journalist or correspondent
- a lawyer or expert witness
- a market researcher or analyst
- a personal assistant
- a pilot or cabin crew member coming to work in the UK under a 'Wet Lease Agreement' approved by the Civil Aviation Authority
- a professor from an overseas academic institution
- a religious worker
- a scientist or researcher
- a seafarer (someone whose normal place of work is on board a ship)
- a sports person or sports official
- a tour group courier
- a translator or interpreter
- a member of a film crew, including actors, producers, directors or technicians
- a member of the production team supporting an artist, entertainer or musician
- a member of technical staff supporting an artist, entertainer, musician or sports person

[Check the Visitor Rules](#) for details of what you can do as a Standard Visitor in

4 Check what you can bring with you

 Show

5 Check what you need to show at the UK border

 Show

Also part of

[Visit the UK for medical treatment](#)

[Visit the UK to do research](#)

[Visit the UK for a holiday or to see family or friends](#)



SOCIAL SECURITY

- Social Security Under the TCA, individuals working temporarily in either the UK or the EU can continue to pay social security in their 'home' country under the '**detached worker**' rules and all EU member states have indicated that they will apply these rules.
- the employer can continue to apply online on behalf of the employee they are sending abroad, for an A1 social security certificate.



LABOUR LAW

- UK adopts (and has always adopted) a territorial approach to labour law
 - All UK rules apply to those working in the UK irrespective of nationality
 - But a number of rights apply after a certain period of time (eg unfair dismissal after two years)
- Can be enforced in UK courts (Employment Tribunals)
- Low levels of external enforcement

MINIMUM WAGE

	21 and over	18 to 20	Under 18	Apprentice
April 2024	£11.44	£8.60	£6.40	£6.40

- enforced by HMRC

COLLECTIVE
AGREEMENTS

There are very
few in the private
sector

But certain trades
have trade based
collective
agreements

Electrical contractors: [ECA \(Electrical Contractors' Association\)](#)

JIB Pay Rate

ECA has completed a two year agreement for JIB wages and conditions for 2022/23.

Details of the changes under the JIB agreement effective from Monday 3rd January 2022 are available to [view here](#).

The main changes introduced in the two year settlement are;

From Monday 3rd January 2022

- ▶ 2.5% increase in wages

From Monday 2nd January 2023

- ▶ 2.5% increase in wages
- ▶ Distances for Mileage Allowance and Mileage Rate to be measured via the fastest rather than shortest route
- ▶ £15,000 increase to Accidental Death Benefit while at work *from £55,000 to £70,000*
- ▶ £15,000 increase to Accidental Death Benefit while at work for JIB apprentices - *from £10,000 to £25,000*
- ▶ £10 increase to weekly sick pay for all grades during weeks 3 to 24 with a corresponding £5 per week increase for weeks 25 to 52

Engineering construction industry [National Agreement artwork](#) [\(ecia.co.uk\)](#)



**INSTITUTIONAL FRAMEWORK
EU-UK TRADE AND COOPERATION AGREEMENT**

