

NEW PENALTIES PLANNED FOR EMPLOYERS THAT EMPLOY ILLEGAL WORKERS

At the moment the maximum fine for employing an illegal worker is £5,000. The current penalties for employing illegal workers do not distinguish between those employers who deliberately employ illegal workers and those who do so unwittingly.

Under proposals for tougher checks and more efficient enforcement the government has proposed a new two tier penalty system:

- **Civil penalties** for employers that negligently (i.e. failed to carry out the required document checks) employ illegal workers. Penalties are likely to range from a warning to a fine of £10,000 per employee in the most serious cases. The level of the penalty will vary according to whether or not the employer carried out any checks and whether or not it is a first offence.

Employers that see, copy and retain copies of specified documents relating to the worker will be excused from liability. However, this excuse does not cover employers that know a worker cannot carry out work of a particular type. In addition employers will need to regularly check the documentation of those employees that have a time limit attached to their permission to work in the UK.

- A new **criminal offence** for those employers who knowingly employ illegal workers. In such cases the maximum penalties are likely to be two years imprisonment and/or an unlimited fine. It is currently unclear as to which officers or employees will be liable for potential imprisonment

The new system is not expected to apply retrospectively. Employer should consistently check the documents of all new employees rather than just those they suspect may not be British to avoid discrimination claims. Consultation on the above proposals has just closed and we will keep you informed of further developments.

If you have any queries on this, please call Jackie Holden 020 7614 3577 or email jackie.holden@parkerandcosolicitors.com

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