

Worker Registration Scheme Effectively Voluntary

5 June, 2006

The Association of Labour Providers (ALP) had advised its members that the government's Accession States Worker Registration Scheme (WRS) can in effect be regarded as voluntary. Under the scheme workers from the Accession States are supposed to register and pay a £70 fee within a month of starting work in the UK.

Mark Boleat, Chairman of the ALP, said:

“There is no benefit to the vast majority of workers by registering under the WRS, and workers commit no offence if they do not register. Employers run little risk if their workers do not register. An employer can protect himself by having photocopies of completed application forms, regardless of whether they are actually submitted to the Home Office”.

In justifying its advice the ALP said:

“A considerable number of workers and employers are making no attempt to comply with the requirements of the WRS, either in ignorance or because they can see no benefit in so doing. There has been no enforcement activity against such individuals or businesses. Not one business has been prosecuted for failing to comply with the Regulations, and workers who do not seek registration are not committing an offence. This is one of a number of areas where those businesses that seek to comply are put at a competitive disadvantage against those that do not.

Labour providers are entitled to consider doing no more than complying with the letter of the law, in respect of some or all of their workers. The scheme is particularly onerous for workers who may stay with an employer for only a few months. This category of worker can safely avoid registering with no significant adverse consequences. By not registering the worker is not committing any offence. There is no prospect of any enforcement action being taken against the worker. The only downside is that after a period of one year being registered a worker then becomes entitled to certain means tested benefits. Only a tiny fraction of migrant workers have any need for, or expectation of obtaining, such benefits, but this is a point that should be borne in mind by workers.

Employers can comply with their legal obligations by having a photocopy of the application form. If the worker does not subsequently post the form neither he nor the labour provider is committing an offence.”

Notes:

1. The ALP was founded by 18 labour providers at a meeting in Cambridge in January 2004. The Association now has 120 members. Compliance with the Temporary Labour Group Code of Practice for Labour Providers is a condition of membership. ALP members are now applying for licences under the Gangmasters (Licensing) Act 2004.
2. The Association is recognised as the trade association for labour providers that serve the food industry. It has nominated two representatives to the Gangmasters Licensing Authority, its Chairman sits on the Home Office Illegal Working Stakeholder Group, and it is a co-sponsor of the Code of Practice for Labour Providers.
3. The Association has an independent Executive Chairman – Mark Boleat, the former Director General of the Building Societies Association, the Council of Mortgage Lenders and the Association of British Insurers.
4. The Association operates as a virtual organisation with no fixed premises. Information is provided to members and others through a website www.labourproviders.org.uk.

5. The Association has issued a number of policy papers and responses to consultation documents all of which are on its website. These include a paper calling for the abolition of the Worker Registration Scheme.