

Right to work: updated guidance 18 June 2021

Reminder for employers that 'An employer's guide to right to work checks' has been updated for the end of the grace period on 30 June 2021.

29 June 2021

A reminder for employers - The Home Office has updated its 'An employer's guide to right to work checks' for the end of the grace period on 30 June 2021, this can be found [here](#). This includes details of how to conduct right to work checks for European nationals now and from 1 July 2021.

The Home Office have provided updated communication confirming the checks from 1 July 2021, linked [here](#). It confirms Irish Citizens will be able to continue to use their passport to prove their right to work & for all other EU, EEA and Swiss prospective employees, employers will no longer be able to rely solely on a passport or national identity card to complete a right to work check. The guidance gives additional details about undertaking right to work checks for European candidates and employees and now provides two lists of acceptable documents, one for checks being undertaken up to and including 30 June 2021 and one for checks being undertaken after the end of the grace period, on and after 1 July 2021. Further information on checking a job applicants right to work can be found [here](#).

Employers do not need to retrospectively check the status of any EU, EEA, or Swiss citizens employed before 1 July 2021, they will maintain a continuous statutory excuse against a civil penalty in the event of illegal working if the initial right to work check was undertaken in line with the right to work legislation. If an employer does choose to carry out retrospective checks, they must ensure you do so in a non-discriminatory manner. The [code of practice](#) provides practical guidance on how to avoid unlawful discrimination when employing individuals and conducting right to work checks.

Furthermore, Covid [adjusted right to work checks](#) are due to end on 31 August 2021 (previously 20 June 2021).

If you are unsure about how the changes will impact you, feel free to get in touch.

Contact



Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

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