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3HR Legal Weekly

Employment

Business Continuity Planning

Q: Friday night's events in Paris shocked us and made us fearful for the safety of our European operations and staff. How can we prepare our business for an unexpected event?

A: We recommend that all businesses put in place a business continuity plan (BCP) in order to deal with any crisis.

The aim of the plan should be to manage crises effectively and safely. Staff and others' safety should be the first priority, followed by limiting the damage to the business and as soon as possible and, if necessary, restarting a skeleton service to customers.

Based on the area you are operating in you should consider the kinds of risks your business might face. Consider your customers, employees, suppliers and how they might be affected. Where is your business vulnerable? How likely are the different risks? If certain events take place, what is the likely impact and how can these risks be mitigated? This risk analysis will help you to formulate a plan.

BCPs will vary from business to business but generally should include information about:

The initial response

Who will take charge of co-ordinating the initial response and from where? How will first-aid be provided and internal and external communications be organised? Who will be responsible for marshalling staff towards pre-determined points and ensuring support for people with disabilities or other needs?

Longer-term planning

When and how will alternative facilities be utilised? How will key records and IT systems be accessed? What are the contingency arrangements for critical operations – financial transactions, client orders, receipt of deliveries etc.?

If you do not have a BCP in place yet consideration should be given to the following while it is being developed:

Cross-training of skills amongst the workforce.

Documenting procedures so that delegated staff can perform unfamiliar tasks.

Agreeing relocation options both within and outside the premises (e.g. meeting rooms that could be quickly converted to work areas).

Nominating contingency staff and training them in response planning.

Ensuring remote access to IT systems in nominated back-up locations.

Securing storage of data back-ups and valuable documentation.

Agreeing methods for out-of-hours contact for staff, suppliers, clients etc.

Agreeing a communications plan for keeping both internal and external audiences informed in the midst of an incident.

Once created, the BCP should be regularly reviewed. 3HR can assist by helping you develop and review your BCP.

For more information on business continuity planning please contact your regular 3HR consultant.

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Immigration

Biometric Residence Permit Cards

Q: I've been in the UK for some time now, do I need to have a Biometric Residence Permit ("BRP") card or just a sticker in my passport?

A: As you may be aware, recently the Home Office have started to issue BRP cards to migrant workers applying for entry clearance to the UK. At the moment, if you are not directly affected by that (i.e. you have been in the UK since before that scheme started) then you do not necessarily need to apply for a BRP card and can continue to use the sticker ("vignette") in your passport as evidence of your permission to be in the UK.

However, the Home Office do point out the following benefits of BRP cards over and above the passport visa vignette:

A BRP card makes it more straightforward for employers to identify an individual's right to work in the UK and therefore easier for the employer to comply with its duty to prevent illegal working (i.e. the "right to work" checks that all employers should carry out – on **all** their employees, not just migrants).

Visa vignettes in expired passports are **not sufficient** for an employer to use as part of their "right to work" checks.

BRP cards can make it easier for migrant workers to show that they are in the UK legally and allowed to take employment in the UK.

BRP cards are easier for a migrant to carry around than their passport, should they wish to produce evidence of their right to live and work in the UK (although note that for travel purposes the passport will still be required).

If you would like to obtain (or would like your migrant workers to obtain) a BRP card in place of your visa vignette then there is an application that needs to be made to the Home Office.

3HR are well placed to assist with this application should you wish, and can advise on all other immigration law requirements.

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