

Statutory Document No. 2016/0032

*Control of Employment Act 2014*

CONTROL OF EMPLOYMENT (AMENDMENT) ORDER 2016

Approved by Tynwald: 17 February 2016
Coming into Operation: 1 March 2016

The Department of Economic Development makes the following Order under section 7(6) of the Control of Employment Act 2014.

1 Title

This Order is the Control of Employment (Amendment) Order 2016.

2 Commencement

If approved by Tynwald¹ this Order comes into operation on 1 March 2016.

3 Amendment of Schedule 1 to the Control of Employment Act 2014

- (1) Schedule 1 (exemptions) to the Control of Employment Act 2014 is amended as follows.
- (2) After paragraph 7 (professions) insert —

7A Employment in Information and Communication Technologies (ICT), and e-business

- (1) Subject to sub-paragraphs (2), (5) and (6) employment in an ICT role.
- (2) The exemption in sub-paragraph (1) may only be claimed —
 - (a) where the employment is of at least 12 months' duration; and
 - (b) in respect of a person who is paid a salary, excluding bonuses, of not less than £25,000 per annum and —
 - (i) has a minimum of 3 years' experience in an ICT role;

¹ As required by section 24(4) of the Control of Employment Act 2014.

- (ii) holds a computer science degree;
 - (iii) holds a technical or vocational ICT-related qualification at Level 5 of the Regulated Qualifications Framework or the European Qualifications Framework or equivalent; or
 - (iv) can demonstrate competency at Level 5 or above of the Skills Framework for the Information Age,
- (3) Subject to sub-paragraphs (4), (5) and (6) employment in an e-business role.
- (4) The exemption in sub-paragraph (3), may only be claimed —
- (a) where the employment is of at least 12 months' duration; and
 - (b) in respect of a person who is paid a salary, excluding bonuses, of not less than £25,000 per annum and —
 - (i) has a minimum of 2 years' experience in an e-business role;
 - (ii) has advanced mathematical, statistical or data analysis skills; or
 - (iii) has extensive knowledge of e-business systems, tools or established processes.
- (5) Whether a person in respect of whom an exemption is claimed meets any or all of the conditions at sub-paragraphs (2) or (4) is subject to the satisfaction of the Department.
- (6) It is a condition of the exemptions referred to in sub-paragraphs (1) and (3) that, not later than 31 January in each year, the employer provides the Department with a return in writing giving, in respect of each person employed as mentioned in those sub-paragraphs in the previous year, the following information —
- (a) the person's name;
 - (b) the person's national insurance number;
 - (c) the person's job title;
 - (d) the person's salary, excluding bonuses; and
 - (e) whether the person is still employed. **22**.
- (3) In paragraph 10(1) —
- (a) after the definition of "doctor" insert —
 - 23** "e-business" means the supply or delivery of goods and services primarily by electronic means using the internet or similar electronic networks and to avoid doubt, includes online gambling

within the meaning of section 1(1) of the *Online Gambling Regulation Act 2001*.

“the European Qualifications Framework” is an overarching framework for the national qualifications frameworks of member states of the European Union (EU), as updated from time to time, as formally adopted in 2008 as part of the EU’s strategy for promoting lifelong learning and mutual recognition of qualifications; **22**;

(b) after the definition of “group” insert –

23 **“Information and Communications Technologies (ICT)”** comprises the use of digital technology as a central part of the development, manufacture or delivery of a product or service; **22**;

(c) after the definition of “registered dentist” insert –

23 **“the Regulated Qualifications Framework”** is a system for cataloguing all qualifications, as updated from time to time, regulated by the Office of Qualifications and Examinations Regulation, a non-ministerial government department with jurisdiction in England and Northern Ireland; **22**; and

(d) after the definition of “shop work” insert –

23 **“the Skills Framework for the Information Age (SFIA)”** is the Skills Framework for the Information Age, as updated from time to time, produced by the Skills Framework for the Information Age Foundation; **22**.

MADE 20 JANUARY 2016

LAURENCE SKELLY
Minister for Economic Development

EXPLANATORY NOTE***(This note is not part of the Order)***

This Order amends Schedule 1 to the Control of Employment Act 2014 to exempt certain non-Isle of Man workers who are employed in the Information and Communications Technologies (ICT) and e-business (including e-gaming) sectors, from the requirement for a work permit.