Isle of Man Government

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A Guide to Work Permits

ISSUED BY THE DEPARTMENT OF ECONOMIC DEVELOPMENT

August 2016

Important note about making an application for a work permit

In the overwhelming majority of cases the Department will make its decision as to whether or not to grant an application for a work permit on the basis of documentation supplied to the Department. **The Department strongly recommends that applicants provide all relevant information at the time the application is made.**

The function of the Work Permit Appeal Tribunal is limited to determining whether the decision of the Department was lawfully reached. The Tribunal does not redetermine the application. Further, an applicant who has been unsuccessful in obtaining a permit and who appeals to the Tribunal should not assume that he or she will be allowed to rely upon additional evidence if such evidence could have been reasonably obtained and presented to the Department when the application was first made.

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Introduction

The Control of Employment Act 2014 (CEA), together with subordinate legislation, provides the statutory framework under which the Department of Economic Development (DED) operates and enforces the work permit system.

The purpose of the legislation is to protect the employment opportunities of Isle of Man workers as far as it is reasonable while enabling employers to obtain the workers they need, subject to taking into account the wider social and fiscal interests of the Island where appropriate.

Anyone who is not an Isle of Man worker requires a work permit to take up employment (including self-employment), except in the case of a small number of occupations and certain employments of a temporary nature which are exempt.

An application for a permit may be made by:

- an employer to employ an individual to carry out a particular role;
- a self-employed person; or
- the spouse or civil partner of a permit holder or exempt person for a permit which is not limited to any specific employment.

In each case, where successful, the permit will be granted for a set period. Where necessary, an application for renewal of a permit can subsequently be made.

In general, the legislation applies to persons who are nationals of the European Economic Area (EEA) though persons from outside the EEA working in the Island may also require a CEA permit in some circumstances.

This Guide is structured as follows:

- Section 1 sets out the relevant legislation;
- Section 2 sets out those employments which are exempt from the legislation;
- Section 3 sets out the law in relation to persons who are nationals from outside the EEA;
- Section 4 sets out some of the Department's general policies and the administrative process for obtaining a work permit;
- Section 5 is a list of frequently asked questions; and
- Section 6 is a list of contact details of relevant organisations.

Terms used in this booklet are explained immediately after this introduction.

The booklet is written in general terms and is not intended to be a complete or authoritative statement of the law. Only the official wording of Acts, Regulations and Orders, and the interpretation given by the Courts, are authoritative.

No responsibility is accepted for errors or omissions, or their consequences.

Terms and abbreviations used in this booklet

2014 Act	the Control of Employment Act 2014
2015 Regulations	the Control of Employment Regulations 2015
applicant	the person by whom an application is made
CEA permit	a work permit under the Control of Employment Act 2014
Committee	the Work Permit Committee (see 4.6)
construction operations	see the Appendix to this Guide
COS	certificate of sponsorship (see 2.2)
DED / the Department	the Department of Economic Development
EEA national	a national of a European Economic Area (EEA) state[1] or Switzerland
employee	the person employed or intended to be employed (including a self-employed person)
employer	the person by whom the employee is or is intended to be employed (in the case of a self-employed person, references to the employer are to that person)
holder	the person in respect of whose employment a work permit is issued
IED	immigration employment document (see 2.2
immigration law	Isle of Man immigration law including the Immigration Act 1971 of Parliament (as it has effect in the Isle of Man) and

[1] The EEA states are the 28 member states of the European Union (Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Republic of Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom) and Norway, Liechtenstein and Iceland. Although Switzerland is not an EEA state, its nationals have the same rights to live and work in the Isle of Man as EEA nationals.

	the immigration rules made under that Act;
Isle of Man worker	see 1.3
OSS	Overseas Students Scheme 2006 (see 3.8)
PBS	the Points Based System (see 3.3)person concerned the person in respect of whom an application is made
primary employment	the employment in which the spouse or civil partner of the holder of a work permit was engaged and by virtue of which the work permit was granted
relevant person	any person living with, or likely to live with, the person concerned as a member of his or her family or household
spouse/civil partner permit	a work permit automatically granted to the spouse or civil partner of a person in primary employment who holds a work permit (see 1.13)
Tribunal	the Work Permit Appeal Tribunal (see 1.17)
work permit	a work permit granted by the Department under the 2014 Act

How we will seek to deal with applications

The Department will, as far as is reasonably practicable, consider all applications in line with the following principles: We will:

- deal with cases fairly and consistently;
- ensure that cases are dealt with expeditiously;
- have regard to saving expense;
- deal with cases proportionately to their importance and the complexity of the issues;
- be courteous and approachable;
- be open and transparent;
- be as flexible as the legislation allows;
- make available simple and user friendly information; and
- give users of the service the opportunity to provide feedback and respond to any criticism.

1. The law regarding work permits

1.1 The relevant legislation

- Schedule 4 to the Control of Employment Regulations 1993 (which sets out the procedure for making an appeal pending the making of rule under the Tribunals Act 2006);
- The Tribunals Act 2006;
- The Control of Employment Act 2014;
- The Control of Employment (Appointed Day) Order 2015;
- The Control of Employment Regulations 2015;
- The Work Permits (Fees) Order 2015 (made under the Fees and Duties Act 1989); and
- The Control of Employment (Amendment) Order 2015.

Copies of Acts are available from legislation.gov.im

Copies of secondary legislation (Regulations and Orders) are available from:

www.gov.im/categories/working-in-the-isle-of-man/employment-rights/employment-legislation/

1.2 Requirement for work permits

Anyone who is not an "Isle of Man worker" (see 1.3) requires a work permit to take up employment (including self-employment) except in the case of a small number of occupations and certain employments of a temporary nature (see2). An employer must not employ a person unless he or she is an Isle of Man worker except in accordance with the Act.

The legislation applies to all EEA nationals, (such persons are not subject to control under immigration law). The legislation applies to United Kingdom nationals (i.e. British citizens) in the same way as other EEA nationals.

Non-EEA nationals who are permitted to work in the Isle of Man under immigration law do not normally require a work permit in addition. However, a non-EEA national may require a work permit in some circumstances (see further at section 3 below).

1.3 Who is an "Isle of Man worker"?

There are eight separate ways that a person can be an "Isle of Man worker". An "Isle of Man worker" is an individual:

- who was born in the Isle of Man;

- who has at any time been ordinarily resident in the Isle of Man for an unbroken period of at least 5 years (but see 1.4 below);
- who is the spouse or civil partner of an Isle of Man worker and is entitled to remain in the Island under immigration law;
- who was the spouse or civil partner of an Isle of Man worker, was living in the Isle of Man immediately before the death of the Isle of Man worker, and has lived in the Island ever since;
- who was the spouse or civil partner of an Isle of Man worker, had lived in the Isle of Man for an unbroken period of at least 3 years immediately before being divorced and has lived in the Island ever since;
- whose parent is (or was immediately before death) an Isle of Man worker, if at the time of the child's birth the parent, or the parent's spouse or civil partner, was serving in the armed forces;
- whose parent was born in the Isle of Man and lived in the Isle of Man for his or her first 5 years;
- who:

  (a) was for an unbroken period of at least a year:
  (i) under 23 years old,
  (ii) ordinarily resident in the Island, and
  (iii) in full-time education, and
  (b) has lived in the Isle of Man since the end of that period, and
  (c) is the child of a person who during that period was:
  (i) an Isle of Man worker, or
  (ii) an exempt person[2] in regular full-time employment, or
  (iii) the holder of a work permit.

References to relationships in this section of the guide include adoptive and step relationships.

1.4 How are periods of residence before 1st October 2015 treated?

Under the Control of Employment Act 1975, which has been repealed by the 2014 Act, whether a person was an Isle of Man worker was determined according to different residence rules. The following transitional rules apply:

[2] The exempt person criterion is, in the case of a period before 1st October 2015 to be taken as an exempt person under the Control of Employment Act 1975 which was repealed on that date.

- Living in the Island for an unbroken period of 5 years does not confer the status of Isle of Man worker, if the 5 year period ended before 1st October 2015.
- Living in the Island for an unbroken period of 10 years before 1st October 2015 does confer Isle of Man worker status.
- A person is an Isle of Man worker if he or she lived in the Isle of Man for an unbroken period of between 5 and 10 years between 1st June 1963 and 1st October 2015, left the Island, returned after a period of less than 15 years and before 1st October 2015, and lived in the Island without a break up to 1st October 2015 (and did not leave again within 5 years after returning).
- A person is an Isle of Man worker if he or she lived in the Isle of Man for an unbroken period of between 5 and 10 years which ended between 1st October 2000 and 1st October 2015, but did not live in the Island again before 1st October 2015. However, such a person will cease to be an Isle of Man worker on 1st October 2020, or 15 years after the above period ended, if sooner, unless by then he or she has lived in the Island again.

1.4.1 Time spent in prison

Any period of imprisonment exceeding 6 months will break a period of continuous residence required to be an Isle of Man worker.

1.4.2 Service in the armed forces

Where a person has lived in the Island for an unbroken period of at least 3 years immediately before serving in the armed forces, he or she is treated as living in the Island during that period of service.[3]

1.5 Employments where permits are not required

There are certain employments which are exempted from the requirement for a work permit. These are set out at section 2 of this Guide.

Persons with certain unspent criminal convictions are prohibited from using any exemption (see 1.6).

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[3] Service in a number of other service-related units is treated in the same way as service in the armed forces. Those units no longer exist, but past service in them will continue to be treated in the same way.

1.6 Criminal records

Under section 10 of the 2014 Act special rules apply where a person has been convicted of an offence and sentenced (anywhere in the world) to a term of custody where —

- the sentence is excluded from rehabilitation by section 2 of the Rehabilitation of Offenders Act 2001 (e.g. custody for a term exceeding 30 months);
- the conviction is not a "spent" conviction for the purposes of that Act; or
- the employment in question is excluded from the operation of that Act (e.g. doctors, accountants).

Any such conviction will be taken into consideration by the Department when determining an application for a permit (see 1.10).

In addition a person with any such conviction:

- may not rely upon any exemption (see 2); and
- is not eligible to apply for a spouse/civil partner permit.

However, an application for an ordinary work permit can still be made (see 1.7.1 and 1.7.2 below).

Further information on the Rehabilitation of Offenders Act 2001 can be obtained from the Department of Home Affairs (see "Contact details and further information" in section 6).

1.7 Application for a work permit

An application can be submitted for three different types of work permit:

1.7.1 Application by employer to employ a worker

An application for a work permit may be made to the Department by an employer to employ a specific individual. If granted, the permit will be limited to employment by the employer in a specified capacity; it may also specify a place of work and may be issued subject to conditions. Once issued the permit cannot be varied other than by a new application (except in those circumstances set out at 1.15) so an employee cannot change employment unless the employer first obtains a new work permit.

Note that it is unlawful for an employer to receive from a worker, or deduct from his or her wages, a fee for a work permit. A worker may recover such fee by making an unlawful deduction claim at the Employment Tribunal (see "Contact details and further information" at 6).

1.7.2 Application by a self-employed person

An application for a work permit may be made to the Department by a self-employed person and may be issued subject to specified conditions. Once issued the permit cannot be varied other than by a new application (except in those circumstances set out at 1.15).

1.7.3 Application by spouse or civil partner

The spouse or civil partner of a permit holder or an exempt person (see 2) may apply for a permit which is not limited to any specific employment (see further at 1.13).

In each of the 3 cases above:

- the information to be provided is set out in the appropriate application form; and
- an application for a work permit must be accompanied by the prescribed fee (see further at 1.8).

Applicants should submit all evidence material to the application and ensure their application is complete, accurate and contains all relevant information. It is to be noted that, although there is a right of appeal to the Work Permit Appeal Tribunal, its role is limited (see further at 1.17 below). In particular, the Tribunal cannot re-determine the application, and additional evidence may not be submitted at the appeal stage (see 4.6 below).

1.8 Application fee

An initial application for the grant or renewal of a work permit must be accompanied by a fee of £60. This fee is not refundable if the application is refused.

If the application is for a work permit for a period more than 1 year, an additional fee is payable, as follows.

Period for which work permit is applied for	**Additional fee**
more than 1 year and up to 2 years	£60
more than 2 years and up to 3 years	£120
more than 3 years and up to 4 years	£180

more than 4 years and up to 5 years £240

If the application is refused, the additional fee will be refunded. If a work permit is granted or renewed for a period less than that applied for, the additional fee or a proportion of it, as appropriate, will be refunded.

For further information see 4.4

1.9 Consolidation and staying of applications

The Department may consolidate applications, or put applications on hold, in the following circumstances:

1.9.1 Multiple applications for the same post

Where 2 or more applications for a work permit relate to the same employment, the Department may consider and determine the applications together.

1.9.2 Application for a permit and a spouse/civil partner permit

Where applications are made for a permit relating to regular full-time employment and a spouse/civil partner permit (see 1.13) the Department may consider and determine the applications together.

A spouse/civil partner permit will not, however, be granted before the 'primary employment' commences (see 1.13).

1.9.3 Application where there is an ongoing appeal in respect of the same employment

Where an appeal to the Tribunal has been made (see 1.17), the Department may postpone the consideration of any other application for a permit in respect of the same employment until the appeal is determined or withdrawn.

1.9.4 Application following an appeal in respect of the same employment

Where an appeal (i) has been made in relation to an application for a permit or (ii) made but withdrawn less than 15 days before the date which had been fixed for the appeal hearing, the Department may postpone for up to 3 months after the determination or withdrawal of the appeal, consideration of another application for the grant of a permit in respect of the same person and the same employment.

In each of the above cases, the Department will notify the applicant and the person concerned (if different) of any decision to deal with an application in accordance with any of the above procedures.

1.10 Matters which must be taken into account

The Department must take the following matters into account in deciding whether or not to grant a permit.

Note: in this section and section 1.11 **"the person concerned"** means the person in respect of whom an application is made.

Economic circumstances

1.10.1 Whether there are any suitable Isle of Man workers available in the trade, occupation or profession in respect of which the application is made, having regard to –

(a) any skills, qualifications, knowledge, or experience required for the position; and

(b) the importance of the position to the applicant's undertaking.

1.10.2 The level of unemployment in the Island in the trade, occupation or profession in respect of which the application is made.

1.10.3 Any likely economic or social consequences of granting or declining the application (other than for the person concerned or any relevant person).

The process

1.10.4 Whether and how the availability of the employment has been publicised in the Island.

1.10.5 The process by which the applicant has selected the person concerned.

1.10.6 The grounds on which the person concerned was selected.

Personal circumstances of the person concerned

1.10.7 Any conviction of the person concerned falling within section 10 of the Act.

Relevant convictions are set out at 1.6 above.

1.10.8 Where the person concerned has, within a reasonable time before the making of the application, worked in the Island for a continuous period of 2 years or more by virtue of a permit or an exemption (see 2), his or her family circumstances (including whether his or her family are living in the Island).

1.10.9 Whether a refusal to grant or renew a permit would cause substantial hardship to the person concerned.

Additional considerations regarding the person concerned

1.10.10 The status of the person concerned under immigration law including whether he or she has leave to enter and remain in the Island and is permitted to work in the Island under immigration law.

A person seeking to obtain a work permit must not be precluded from living or working in the Isle of Man under immigration law. See further at 3.

1.11 Matters which may be taken into account

The Department may, but does not have to, take the following additional matters into account in deciding whether or not to grant a permit:

Economic circumstances

1.11.1 In the case of a self-employed person, the number of individuals already engaged in the employment in question in the Island.

Personal circumstances of the person concerned

1.11.2 The employment history of the person concerned.

Additional considerations regarding the employer

1.11.3 The number of Isle of Man workers employed by the applicant as a percentage of his or her workforce.

1.11.4 Whether the wages and conditions offered are less favourable than those normally applying in the particular trade or occupation in the Isle of Man.

1.11.5 Any career development policy or rotation policy of the applicant.

Additional considerations regarding the person concerned

1.11.6 If the person concerned engages or intends to engage in a construction trade, whether he or she is suitably qualified to do so and holds a relevant skills card, as may be specified by the Department.

A "**skills card**" is a document issued by a recognised organisation to demonstrate the qualifications and skills of a person who is employed in a construction trade. The person concerned must hold a skills card before the application for a work permit is made.

For contact details of Training Services, which administers skills cards, see section 6.

1.11.7 The failure of the person concerned to pay his or her income tax or contributions due under any statutory provision relating to social security.

1.11.8 Whether the person concerned is likely to a significant degree to require health services or social services at the public expense while residing in the Island.

1.11.9 The criminal record (if any) of the person concerned (except as provided by 1.10.7 above).

The Department *may* take into consideration convictions in addition to those covered by 1.10.7 above.

1.11.10 The ability of the person concerned to speak English.

Considerations regarding relevant persons

A **"relevant person"**, is any person living with, or likely to live with the person in respect of whom a permit is sought, as a member of his or her family or household.

1.11.11 The employment history of a relevant person, being the spouse or civil partner of the person concerned.

1.11.12 Whether a relevant person, being the spouse or civil partner of the person concerned, has an immigration employment document.

For the meaning of "immigration employment document" see further at 2.2.

1.11.13 The status of any relevant person under immigration law and whether he or she has leave to enter and remain in the Island under immigration law.

A relevant person must not be precluded from living in the Isle of Man under immigration law. See further at 3

1.11.14 Whether a relevant person is likely to a significant degree to require education at the public expense while residing in the Island.

1.11.15 Whether a relevant person is likely to a significant degree to require health services or social services at the public expense while residing in the Island.

1.11.16 Whether a relevant person is likely to a significant degree to receive non-contributory social security benefits while residing in the Island.

1.11.17 The criminal record (if any) of any relevant person.

1.11.18 The ability of any relevant person to speak English.

1.12 Decision of the Department

The Department will issue a written decision on each work permit application. If the Department decides:

(a) to refuse to grant or renew a permit; or

(b) to grant or renew a permit for a shorter period than that applied for; or

(c) to include a condition in a permit,

the Department will include a statement of the reasons for the decision and information about an appeal to the Work Permit Appeal Tribunal (see further at 1.17).

1.13 Permits which are granted automatically to spouses and civil partners

Where a work permit holder or exempt person is engaged in permanent, regular full-time employment, **"the primary employment"**, his or her spouse or civil partner is, upon application, entitled to a work permit (referred to as "a spouse/civil partner permit"). A spouse/civil partner permit is granted for a year at a time, beginning with the date on which it is granted or renewed. The permit will expire 6 months after the primary employment ceases or 12 months after it is granted or renewed, whichever is sooner.

An application for a spouse/civil partner permit should be made directly to the Department by the spouse or civil partner of the permit holder, rather than by any prospective employer.

The spouse/civil partner permit authorises the employment of the person named in it generally, in any capacity, subject to any conditions specified in it.

Note that:

- persons with certain unspent criminal convictions have no entitlement to a spouse/civil partner permit (see 1.6);

- the Department may consider and determine an application for a work permit in respect of primary employment and an application for a spouse/civil partner permit jointly (see further at 1.9.2).
- if the relationship between the person in primary employment and the spouse or civil partner should break down due to divorce, dissolution or annulment following the grant of the spouse/civil partner permit then the spouse/civil partner permit would continue in accordance with the general rule set out above (but see 1.13.3 below). So, if the person in primary employment continued in that employment, the spouse/civil partner permit which had already been issued would be unaffected although there would be no entitlement to a renewal of the spouse/civil partner permit.
- If the person in primary employment dies after the grant of the spouse/civil partner permit, then the spouse/civil partner permit would continue in accordance with the general rule set out above. This means the spouse/civil partner permit would last for a year beginning with the date on which it was granted or renewed, or 6 months from the date of death, whichever is the sooner. (The Department would look sympathetically at an application for an ordinary work permit from the surviving spouse / civil partner in such a case).

1.13.1 Obligation of spouses and civil partners upon commencing employment

Within 14 days of commencing work for an employer, the holder of a spouse/civil partner permit must notify the Department of the following information –

(a) his or her full name;

(b) the work permit number;

(c) the name, business address, telephone number and email address (if any) of the employer;

(d) the nature of the employment;

(e) rate of pay, any bonuses, any accommodation offered, and hours of work; and

(f) the date the holder commenced the employment

unless all of the information (other than the number of the work permit) has already been provided on the work permit application form and remains up to date.

1.13.2 Obligation of spouses and civil partners upon commencing self-employment

If the holder of a spouse/civil partner permit commences self-employment, he or she must notify the Department of the following information –

(a) his or her full name;

(b) the work permit number;

(c) details of the self-employment, including the business name and address and the work to be carried out and an indication of the projected income; and

(d) the date the holder commenced self-employment

unless all of the information (other than the number of the work permit) has already been provided on the work permit application form and remains up to date.

1.13.3 Obligation to notify the Department in the case of divorce etc.

If the marriage or civil partnership of the holder of a spouse/civil partner permit is terminated by divorce, dissolution or annulment, the holder must, within 14 days, notify the Department of the date of the relevant event.

Further important information is set out at 1.16.3 and 1.16.4 below.

1.14 Renewals

An application for the renewal of a permit should be made by the employer or a self-employed person or the spouse or civil partner in the case of a spouse/civil partner permit), as appropriate.

Renewal applications should be made not less than 28 days before the expiry of the permit and must be accompanied by the prescribed fee (see 1.8 above).

A renewal is usually made by completing a renewal request section on the original permit rather than by completing a new application form. Where a permit was granted in respect of an application received before 1st October 2015, the application for the first renewal may still be made by way of submitting the renewal request section on the existing permit, or using the current online process. This transitional measure will remain in place until the end of 2016.

1.15 Variation of permit

The employment undertaken by a worker must be in compliance with the permit except in the following circumstances:

1.15.1 Request by holder to vary permit

The Department may vary a work permit if it considers that a variation is reasonably required for the purpose of the employer's business. A variation may be requested by:

- the permit holder; or
- his or her employer with the consent of the holder.

Permitted variations may:

- remove a limitation on employment in a specified capacity by removing the limitation or specifying a different capacity, or
- remove a limitation to employment at a specified place by removing the limitation or specifying a different place.

A work permit may also be varied to change the specified capacity in the work permit to employment in a different but related capacity if the Department is satisfied —

- that the employment of the holder in the specified capacity is no longer required, but the employment of the holder in the other capacity is reasonably required, for the purpose of the employer's business; or
- that the holder was employed in the specified capacity for the purpose of training for a qualification which he or she has now obtained, and is to be employed in a capacity for which that qualification is required.

1.15.2 Suspension from work on maternity grounds

Where a woman is suspended from work on maternity grounds because of a statutory requirement or a relevant recommendation in a code of practice issued or approved under section 16 of the Health and Safety at Work etc. Act 1974 (as that Act has effect in the Island) she may be employed by the same employer in suitable alternative work without the need to apply for a new permit.

1.15.3 Transfer of undertaking

If an employer (the "original employer") transfers their undertaking to a successor or associated employer (the "new employer") then, if before the transfer of undertaking occurs and the work permit holder agrees, the new employer may continue to employ the holder in the same capacity without the need to apply for a new permit. If the employment of the work permit holder is terminated before the transfer of

undertaking occurs then the permission set out above will not apply.

The original employer must, notify the Department with the following information, within 14 days of the date of the transfer of undertaking:—

(a) the full name of the employee;

(b) the work permit number;

(c) the date of the termination; and

(d) the name and address of the new employer.

1.16 Cessation of work – employers and permit holders' etc. obligations

Where a permit holder ceases work there is an obligation to notify the Department. Responsibility for notifying the Department depends upon the type of permit.

1.16.1 The employer's obligation

When a permit holder ceases to work for an employer the employer is required to notify the Department of the following within 14 days:

(a) the full name of the employee;

(b) the work permit number;

(c) the date the employee left the employment; and

(d) to the best of the employer's knowledge, whether the employee is still working in the Island and the name and address of the new employer.

However, the employer is not required to provide this information if the holder of a spouse/civil partner permit ceases employment.

For the employer's obligation where there has been a transfer of undertaking see 1.15.3

1.16.2 Cessation of self-employment

If the holder of a self-employed permit ceases self-employment, the holder must, notify the Department of the following within 14 days:

(a) his or her full name;

(b) the work permit number;

(c) the date of cessation;

(d) whether he or she is still working in the Island and, if so, the name and address of the employer or details of the new self-employment.

1.16.3 Spouse and civil partner permit – cessation of primary employment

Where a person ceases "primary employment" (see 1.13) and his or her spouse or civil partner has a spouse/civil partner permit the person in primary employment must notify this fact to the Department, within 14 days of the date of cessation.

1.16.4 Spouse/civil partner permit – cessation of employment

Within 14 days of ceasing work for an employer, the holder of a spouse/civil partner permit must notify the Department of the following information –

(a) his or her full name;

(b) the permit number;

(c) the name of the employer; and

(d) the date of cessation.

1.17 The Work Permit Appeal Tribunal

A directly interested person (see 1.17.4) who is aggrieved by certain decisions of the Department (see1.17.3) (e.g. an employer who is refused a permit or an Isle of Man worker who considers that the permit should not have been granted) may appeal to the Tribunal.

The right of appeal is explained in the letter which notifies an applicant of the refusal or revocation of a permit. Written notice of an appeal should be given to the Tribunal Clerk within 7 days of notification of the relevant decision.

A permit which has been granted may be rescinded by the Tribunal upon appeal.

For contact details of the Tribunal see section 6 below.

1.17.1 Scope of the Tribunal

The role of the Tribunal is to determine whether the decision of the Department was lawfully reached (see 1.17.5 below). It is not to re-determine the application.

An applicant who has been unsuccessful in obtaining a permit in the first instance should not assume that he or she will be allowed to rely upon additional evidence if such evidence could have been reasonably obtained and presented prior to the Department determining the application.

1.17.2 Constitution

The Tribunal is independent of the Department and is administered by the Tribunals Service. It consists of a legally qualified Chairman (whose place can be taken by a Deputy Chairman) and two other members, one selected from a panel representing employers and self-employed persons, and the other from a panel representing employees.

1.17.3 Grounds for an appeal

The decisions against which an appeal may be brought are as follows:

- a decision to grant a permit;
- a decision to refuse or revoke a work permit; or
- a decision to include a condition in a work permit.

1.17.4 Who can appeal?

The following persons have a right of appeal:

- where a permit is granted, any other person who applied for that employment;

  Note: where the Tribunal considers that a person who did not apply for employment, because it was insufficiently advertised, would have had a reasonable expectation of obtaining the employment, it may treat that person as having applied for the employment.

- where a permit is refused or revoked, or is granted subject to a condition, the applicant or holder, and his or her employer or prospective employer.

1.17.5 Criteria for allowing an appeal

The Tribunal must either allow or dismiss an appeal. It must allow the appeal where it considers that the Department in reaching the decision:

- made a mistake in law; or
- based its decision on any incorrect material fact; or
- exercised its discretion in an unreasonable manner.

1.17.6 What happens when an appeal is granted?

Where the Tribunal allows an appeal, it remits the application back to the Department, together with its reasons for the decision, and the Department must reconsider the application.

The decision of the Tribunal on an appeal is final. However, an appeal from the Tribunal's decision can be made to the High Court solely on a point of law (see 1.18 below).

1.17.7 How an appeal may affect other applications

Lodging an appeal may affect the way the Department deals with any other application for grant of a permit in respect of the same employment. For further information see 1.9.3 and 1.9.4.

1.18 The High Court

A decision of the Tribunal may be appealed on a point of law only, to the **Civil Division of the High Court**. The usual period allowed for bringing such an appeal is 6 weeks. Anyone considering an appeal from a decision of the Tribunal should take legal advice.

Where an appeal is made, there is always the possibility of a permit that has previously been granted being rescinded.

1.19 Revocation of a permit

The Department may revoke a work permit if it considers that the circumstances that justified the grant or renewal of the permit have changed. The relevant circumstances are where:

(a) in relation to criminality:

  (i) either the holder has been convicted of a criminal offence and received a sentence falling within 1.6 above since the work permit was granted or was last renewed, or before it was granted or renewed if the Department was then unaware of the sentence; or

  (ii) since the work permit was granted the holder or a relevant person has been convicted of a criminal offence;

(b) it is discovered that the application for the permit includes a false statement or an omission such that a true and complete statement would have caused the Department to refuse to grant or to renew the permit;

(c) the holder or his or her employer has failed to comply with any condition subject to which the permit was granted;

(d) the holder has failed to pay his or her income tax or contributions under any statutory provision relating to social security;

(e) two or more complaints against the holder have been referred to the Department by the Office of Fair Trading, tending to show that the holder is not a fit and proper person to undertake or be engaged in the employment in question; or

(f) the continued employment of the holder would be unlawful under immigration law.

1.20 Offences

It is an offence, punishable with a fine up to £5,000 or custody for up to 3 months or both:

- for a person who is not an Isle of Man worker to undertake, or become or be engaged in, any employment in the Isle of Man; or
- for a person to employ any person who is not an Isle of Man worker in any employment in the Island,

except under and in accordance with the terms and conditions of a work permit.

An employer has a defence if he or she genuinely believed that the person he or she employed was an Isle of Man worker and took all reasonable steps to verify that belief.

It is an offence, punishable with custody for up to 6 months or a fine up to £7,500, or both, if any person —

- knowingly or recklessly makes a false statement for the purpose of obtaining a permit; or
- impersonates a person who has been granted a permit; or
- misrepresents to an employer that he or she is the holder of a permit or does not require a permit.

For this purpose 'employment' includes self-employment.

It is an offence to fail to comply with a condition attached to an exemption or to a work permit. The offence carries a maximum fine of £1,000.

Where an offence has been committed by a body corporate, a director, manager, secretary or other officer who is responsible for it shall be treated as having committed that offence.

Criminal proceedings may be brought within 3 months of the date on which the Attorney General had sufficient evidence to warrant

proceedings, but subject to an overall limit of 12 months after the offence was committed.

1.21 Fixed penalties (from 1st October 2016)

As an alternative to prosecution an inspector of the Department may issue a fixed penalty in the following circumstances:

- for an offence of working, or employing a person, without a work permit (maximum penalty £1,000);
- failing to comply with a condition of a work permit (maximum penalty £200);
- failing to comply with a condition of an exemption (maximum penalty £200);
- employer failing to notify Department that a permit holder has ceased work (see 1.16) (maximum penalty £100);
- spouse / civil partner failing to notify Department of prescribed information (see 1.13.1) (maximum penalty £100).

If the fixed penalty is paid within 14 days of the notice being issued then a person cannot be prosecuted for the offence.

Fixed penalties are paid to the Chief Registrar and can be paid by post.

1.22 The work permit inspectors

Authorised officers of the Department, referred to as 'inspectors', enforce the legislation. These officers have statutory powers to enter any premises, question persons and require relevant documents to be produced.

It is an offence punishable with a fine up to £7,500 to obstruct an inspector or refuse to answer questions or fail to provide the required information.

Inspectors are required to carry identification, and individuals are advised to request to see their identification prior to allowing access.

1.23 Information sharing

The Department and other bodies may share information relating to applicants and workers for specified purposes.

The relevant bodies are:

- the Governor (in so far as he has functions under immigration law);
- the Chief Constable;

- the Treasury; and
- the Assessor of Income Tax.

In addition, the Isle of Man Office of Fair Trading may supply relevant information to the Department concerning complaints it receives about commercial activities in the Island which relate to the supply of goods and services to consumers (see also 1.19 (e)).

2. Employments where permits are not required

2.1 Exempted employments: general

There are certain employments which do not require a permit.

Persons with certain unspent criminal convictions etc. are prohibited from using any exemption (see 1.6).

Some exemptions are subject to conditions. An exemption only applies if the condition is complied with.

The spouse or civil partner of an exempt person may be entitled to a work permit. See further at 1.13 above.

2.2 Holders of an immigration employment document

In order to prevent a double permit requirement a non EEA national who is the holder of an 'immigration employment document' (IED) which permits him or her to undertake employment in the Isle of Man is exempt from the requirement for a work permit.

A person with an IED will:

- have a certificate of sponsorship (COS) from a sponsor that has been granted a sponsor's licence by the Department. (This comprises a unique reference number); and
- have either an offer of a specific employment with that employer or be working in a specific employment with that employer.

A non-EEA national who does not have an IED will, in most cases, require a work permit to work in the Isle of Man. (See further at 3 below).

2.3 Exemptions in the national interest

The Department may, grant a written exemption to a person working in a specified capacity if it considers the employment of that person to be in the national interest. This exemption may be made subject to conditions.

2.4 Permanent employments which are exempt

2.4.1 Crown employment

Employment in the service of the Crown is the right of the Government of the United Kingdom. This includes any office holder appointed by Her Majesty and paid out of money provided by Tynwald (e.g. the Lieutenant Governor).

2.4.2 Diplomatic employment

Employment in a diplomatic or consular capacity.

2.4.3 Police and related employments

- Employment as the Chief Constable.
- Employment as a member of the Isle of Man Constabulary[4].

(For temporary police and related employments which are exempt see 2.6.3 below)

2.4.4 Employment with the Isle of Man Fire and Rescue Service

Employment as the Chief Fire Officer.

2.4.5 Judicial, court and tribunal employments

- Employment as a Deemster, High Bailiff, or Judicial Officer or as a judge of the consistory court of the Diocese of Sodor and Man.
- Employment as a chairman or member of any commission, tribunal or inquiry established under any statutory provision or resolution of Tynwald.

(For temporary judicial, court and tribunal employments which are exempt see 2.6.4 below).

2.4.6 Senior public service appointments

Employment as the Chief Secretary or the chief officer of a Department or a Statutory Board.

2.4.7 Professions etc.

- Employment as a minister of religion or as a lay worker with a religious body.
- Employment as a registered medical practitioner.
- Employment as a registered dentist.
- Employment as a teacher in a secondary school.
- Employment as a registered nurse or midwife.
- Employment as a registered social worker.

2.4.8 Information and Communication Technologies

Employment in Information and Communications Technologies (ICT).

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[4] This exemption will expire on 1st August 2017 but the expiry will not affect any persons employed before that date.

ICT means the use of digital technology as a central part of the development, manufacture or delivery of a product or service.

The exemptions only apply to employment of at least 12 months' duration and the salary, excluding bonuses, must be at least £25,000 a year.

In addition a person claiming an exemption in ICT must:

- have a minimum of 3 years' experience in an ICT role; or
- hold a computer science degree; or
- hold a technical or vocational ICT-related qualification at Level 5 of the Regulated Qualifications Framework[5] or the European Qualifications Framework[6] or equivalent; or
- be able to demonstrate competency at Level 5 or above of the Skills Framework for the Information Age[7].

The exemption is also conditional on the employer (or in the case of a self employed person, that person) providing the Department with a return in writing not later than 31 January each year, giving, in respect of each exempt person, the following information:

- the person's name;
- the person's national insurance number;
- the person's job title;
- the person's salary, excluding bonuses; and
- whether the person is still employed.

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[5] 'The Regulated Qualifications Framework' is a system for cataloguing all qualifications regulated by the Office of Qualifications and Examinations Regulation, a non-ministerial government department with jurisdiction in England and Northern Ireland.

[6] 'The European Qualifications Framework' is an overarching framework for the national qualifications frameworks of member states of the European Union (EU), as formally adopted in 2008 as part of the EU's strategy for promoting lifelong learning and mutual recognition of qualifications.

[7] 'The Skills Framework for the Information Age (SFIA)' is the Skills Framework for the Information Age, produced by the Skills Framework for the Information Age Foundation (see www.sfia-online.org/en).

2.4.9 e-business (including e-gaming)

Employment in e-business (including e-gaming)

'e-business' means the supply or delivery of goods and services primarily by electronic means using the internet or similar electronic networks and includes e-gaming.

The exemptions only apply to employment of at least 12 months' duration and the salary, excluding bonuses, must be at least £25,000 a year.

In addition a person claiming an exemption in e-business must have:

- a minimum of 2 years' experience in an e-business role; or
- advanced mathematical, statistical or data analysis skills; or
- extensive knowledge of e-business systems, tools or established processes.

The exemption is subject to the same notification requirement as applies to ICT workers (see 2.4.8) above.

2.4.10 Ships and aircraft

Employment in a vessel or aircraft.

2.4.11 Chief Officers etc. of an international group

An officer of an international group in charge of the group's activities in the Island.

(A "group" means a holding company and its subsidiaries (within the meaning of the Companies Act 1974); and an "international group" means a group comprising at least one company incorporated, and *bona fide* carrying on business, in a country or territory outside the Island.)

2.4.12 Voluntary workers

Employment as a voluntary worker, as defined in the Minimum Wage Act 2001. This covers certain unpaid workers for a charity, a voluntary organisation, an associated fund-raising body or a statutory body.

2.4.13 Cultural self-employment etc.

Self-employment of a purely cultural nature.

2.4.14 Commercial travellers

Employment of a person who is not resident in the Island as a commercial traveller or sales representative by or for any person not resident in the Island for the purpose of selling to or seeking orders for goods from —

- persons who are dealers in such goods and buy to sell again; or
- persons who purchase such goods for use (except for resale) in their own business.

2.4.15 Establishment of businesses from outside the Island etc.

Employment in a business being established in the Island as a branch or subsidiary of a business carried on elsewhere, or in a business being relocated in the Island from elsewhere. The exemption is subject to the following conditions:

- it only applies to a business being established or relocated from outside the Island (and so does not apply to new businesses being established from within the Island);
- it only applies to a business being established or relocated after 1st January 2010;
- it does not apply to any of the following excluded employments:
  - in the supply, in the course of a business, of food and drink;
  - in the sale by retail of goods, otherwise than from a permanent place of business in the Island, whether at a fixed location or from door to door;
  - in construction operations[8];
  - in shop work;
  - in tourist premises;
  - in licensed premises;
  - in the provision of personal care;
  - in clerical work;
  - in horticulture; or

[8] The term is defined at the Appendix of the Guide.

- in cleaning work.

- it may be claimed for up to 3 persons, or 10 per cent. of the persons employed in the business in the Island, whichever is the greater, subject to a maximum of 10 persons;
- the actual turnover of the business in the Island in the previous year (or, in the case of a business in its first year, the projected turnover) must not be less than £100,000 for each person employed in the business in the Island;
- not later than 31st January in each year the person claiming the exemption must provide the Department with a written return in respect of the previous year stating:
  - the name of each person in respect of whom the exemption was claimed;
  - the number of staff employed in the business in the Island; and
  - accounts or other information verifying that the turnover requirement has been fulfilled.

2.5 Temporary employments: general rules

2.5.1 Employment for up to 10 days a year

A person may be in employment of a temporary nature in the Isle of Man for up to 10 days without requiring a work permit. This is for a person who comes to the Island, carries out a specific job and goes away not to return. Separate periods of connected employment of less than 10 days in any year are added together, and where the total exceeds 10 days a permit will be required.

Note that:

- any days where a worker is employed in the Island but not actually working (e.g. weekends) will count against the 10 days; and
- the exemption may not be used to cover the first ten days of employment of a non temporary nature.

The exemption does not apply in the following cases:

- construction operations;[9]
- mobile catering; or
- retail where the retailer does not have a permanent place of business in the Island.

2.5.2 Administrative exemption

Upon request, the Department may grant an exemption for employment of a temporary or intermittent nature for more than 10 days where it considers there is good reason. Such an exemption will be authorised in writing.

The exemption is intended to reduce bureaucracy in cases which do not materially affect the prospects of Isle of Man workers. It is not intended to apply to any limited-term contract provision.

The Department sometimes authorises temporary exemptions in the following cases:

- persons providing services to specific projects in the film industry which have been approved by the Department; and
- employment during the TT festival.

2.6 Specific temporary employments

2.6.1 Temporary exemptions for international companies

Employment by a company incorporated in the Island which is a member of an international group (see 2.4.11) or by a Class 1, Class 2 or Class 3 licence holder within the meaning of the Regulated Activities Order 2011[10] of a person who is mainly employed outside the Island by a member of the group or the licence holder for up to 48 days a year.

The exemption does not apply to any of the excluded employments set out at 2.4.15.

The exemption is subject to a condition that not later than 31st January in each year the employer must provide the Department with a written return (which could be a simple

[9] The term is defined at the Appendix of the Guide.

[10] The Order (Statutory Document No. 884/11) regulates all classes of financial services. Class 1 covers deposit-taking; class 2 covers investment business; and class 3 covers services to collective investment schemes.

spreadsheet) giving, in respect of each person who has been subject to the exemption in the previous year, the following information:

- the person's name;
- the number of days he or she spent in paid employment in the Island during that year;
- the nature of his or her work in the Island;
- whether the person is still employed; and
- to the best of the employer's knowledge, whether the person is still residing in the Island.

2.6.2 Non-resident non-executive directors

Employment as a non-resident, non-executive director who visits the Island for up to 3 days in any calendar month. (This is intended to cover the situation where, for example, such a person comes to the Island to attend board meetings).

2.6.3 Police and related employments

- Employment as an inspector under any enactment to investigate and report on the affairs of any person.
- Employment in any capacity to assist, or to provide services for, the Attorney General or the Isle of Man Constabulary in relation to the investigation of fraud or any other crime.

(For permanent police and related employments which are exempt see 2.4.3 above).

2.6.4 Judicial, court and tribunal employments

- Employment as a Deemster, High Bailiff, or Judicial Officer or as a judge of the consistory court of the Diocese of Sodor and Man.
- Employment as a chairman or member of any commission, tribunal or inquiry established under any statutory provision or resolution of Tynwald.
- Employment as an arbitrator in any specific arbitration proceedings which have been or may be commenced in the Island.
- Employment of any person who is not ordinarily resident in the Island, as counsel or as a solicitor by or for any person who is a party to or may be directly affected by any specific proceedings which have been or may be

commenced before a court, tribunal or arbitrator in the Island.

- Employment of any person in any capacity in relation to proceedings which have been or may be commenced before a court, tribunal or arbitrator in the Island, in respect of which the person is paid out of money provided by Tynwald.
- Employment of a temporary nature of any person who is not ordinarily resident in the Island, in relation to any specific proceedings which have been or may be commenced before a court, tribunal or arbitrator in the Island.

2.6.5 Employees undertaking training

Employment for up to 48 days in a year where the work done consists only of undergoing training for the purposes of a business, public authority or voluntary organisation.

2.6.6 Clients or customers of Island businesses

Employment for up to 48 days a year in connection with the supply of goods or services by a business in the Island to the employer or, in the case of a self-employed person, to that person. This exemption covers, for example, technicians who are sent to the Island in connection with orders placed with local engineering companies; and persons who are in the Island for the purpose of registering aircraft with the Isle of Man Aircraft Registry or in connection with the Isle of Man Ship Registry.

2.6.7 Supply etc. of machinery

Employment for up to 30 days a year in connection with the supply, installation, maintenance, and repair of specialist plant, machinery or equipment, or training in its use. But the exemption does not apply where the necessary expertise or service is available in the Island.

2.6.8 Disaster recovery

Employment for up to 48 days a year for the purpose of disaster recovery.

Certain Island companies host disaster recovery facilities, such as data back up, for off Island businesses; the exemption allows staff from those businesses to come to the Island to access their data and implement recovery plans in the event of a disaster.

2.6.9 Media representatives

Employment for up to 30 days a year as a media representative reporting on events of public interest.

2.6.10 Delivery workers

Employment for up to 48 days a year in the delivery of goods from a place outside the Island to a place of business in the Island. This covers, for example, a UK company that makes a weekly delivery of goods to businesses in the Isle of Man that have placed orders with that company.

2.6.11 Coach drivers

Employment for up to 48 days a year as a coach driver, provided that the vehicle is:

- registered outside the Island;
- can carry more than 8 passengers (in addition to the driver); and
- is being used commercially for the carriage of passengers visiting the Island (otherwise than as a taxi).

2.6.12 Regulatory aircraft surveyors

Employment for up to 48 days a year as an aircraft regulatory surveyor employed by the Department in connection with the Isle of Man Aircraft Registry.

2.6.13 Employment in connection with conferences

Employment for up to 30 days in a year in connection with any conference to be held in the Island. The exemption covers both the conference organisers and participants.

2.6.14 International organisations

Employment for a period of up to 30 days a year as a representative or an official of an international organisation, that is, an organisation of which 2 or more governments are members (e.g. the World Trade Organisation).

2.6.15 Theatrical and musical productions

Employment for a period of up to 48 days a year in connection with any theatrical or musical performance (but not any film production) in the Island. The exemption covers employment as director, producer, actor, singer, dancer, musician or production crew.

2.6.16 Inspections and investigations by certain bodies

Employment of a temporary nature of any person who is not ordinarily resident in the Island for the purpose of conducting or assisting in an inspection or investigation by —

- the Isle of Man Financial Services Authority; or
- any United Kingdom or Channel Islands body prescribed by the Department, the function of which is to regulate or supervise a trade or profession.

3. Work permits for workers from outside the EEA etc.

3.1 Introduction

This information in this section is only relevant for employing nationals from outside the European Economic Area[11] . It is not relevant for workers from the European Economic Area or Switzerland.

3.2 Non EEA nationals

Non EEA nationals who wish to apply to live and work or study in the Isle of Man must apply for entry clearance, leave to enter or leave to remain under the Isle of Man Immigration Rules (the "Immigration Rules"). The Immigration Rules are made under the United Kingdom Immigration Act 1971 as it applies in the Isle of Man. The Isle of Man Immigration Rules are very similar to the United Kingdom's rules but there are certain differences.

The type of visa held by a non EEA national determines the length of time he or she can stay in the Island, any conditions or restrictions on his or her stay and also whether or not he or she also requires a CEA permit.

Employers need to check that their workers are employed in accordance with the terms of their visa and the laws on immigration control as the employer may be liable for the offence of illegal working (see 3.11).

3.3 The Points Based System

The points based 5 tier visa system known as the Points Based System (PBS) is the main immigration route for migrants from outside the EEA to come to the Isle of Man to work, study, invest or train. The PBS is entirely separate to the system of work permit controls under the Control of Employment Act 2014.

The basic framework can be summarised as follows:

Tier 1 Investors and Entrepreneurs

Tier 2 Skilled workers

Tier 3 Closed

Tier 4 Students

Tier 5 Temporary workers

[11] See "Terms and abbreviations used in this booklet" at the beginning of the Guide.

Applicants for visas in each of the PBS tiers must achieve a minimum level of points in order to qualify for entry clearance or leave to enter the Isle of Man. An applicant must also meet the specific requirements of each sub-category which covers criteria such as age, professional and academic qualifications, and experience. Additionally, they must satisfy the general requirements relating to good character, ability to speak English and have resources to maintain and accommodate themselves without any recourse to public funds, (including social security, Job Seekers' Allowance and access to public sector housing). The specific requirements for each Tier of the PBS can be accessed from the Immigration Office's website (see contact details at Appendix 6). Applicants can also check whether they would have sufficient points using the UK points calculator.

An overview of each tier of the PBS is given below.

3.3.1 PBS Tier 1: Entrepreneurs and Investors.

Tier 1 comprises a number of sub-categories which are explained below.

A Tier 1 applicant does not require a prior job offer but a CEA permit will be required before he or she can take up employment in the Island.

3.3.2 Tier 1 (Entrepreneur) migrants.

This sub-category is for migrants who wish to establish, join or take over one or more businesses in the Isle of Man that they will be actively involved in running. Applicants seeking entry under this sub-category have to have £200,000 at their disposal on application, which is to be used for setting up a business. Their ability to remain in the Island in this capacity is dependent upon their having used this money to set up a business in the Island within the period specified.

3.3.3 Tier 1 (Investor) migrants.

This sub-category is for high net worth individuals making a substantial financial investment in the Island. Applicants require a million pounds sterling or personal assets amounting to a value exceeding two million and are required to invest £750,000 of their capital in the Island within the period specified.

3.3.4 Tier 1 (Graduate Entrepreneur) migrants.

This sub-category is for MBA and other Isle of Man graduates who have been identified by Higher Education Institutions as having developed genuine and credible business ideas and

entrepreneurial skills to extend their stay in the Island after graduation to establish a business.

3.3.5 PBS Tier 2 Skilled workers with a job offer etc

Tier 2 of the PBS is the primary entry route for non EEA nationals who wish to work in the Isle of Man. Migrants must have both a job offer and a certificate of sponsorship (see 3.4 below). A job offer cannot be made by an Isle of Man employer if it displaces a suitable settled worker. This means that employers cannot offer a job to a non-settled worker if it means that a suitable settled worker will be turned down for the job or made redundant. Qualifying points are awarded for criteria such as age, salary and qualifications, English language skills and maintenance funds. There are four sub-categories in Tier 2:

3.3.6 Tier 2 (General) migrants

This enables Isle of Man employers to recruit skilled workers from outside the EEA to fill a particular vacancy that cannot be filled by an EEA worker. A migrant must have a job offer and a certificate of sponsorship issued by the Isle of Man employer. The job vacancy must require a minimum skill level of NQF 6. Additional points may be awarded to applicants if the job was on the shortage occupation list at the time the certificate of sponsorship was issued or if the salary exceeds £155,300 (as at 1 January 2016).

3.3.7 Tier 2 (Minister of Religion) migrants

This sub-category covers clergy members such as Ministers of Religion undertaking preaching or pastoral work, Missionaries and Members of Religious Orders who are taking up a post or role within their faith community in the Isle of Man. The migrant requires a certificate of sponsorship issued by an Isle of Man institution.

3.3.8 Tier 2 (Sportsperson) migrants

Professional elite sports people and coaches whose employment will make a significant contribution to the development of their sport at the highest level may apply in this sub-category. The governing body of the relevant body must endorse the applicants and confirm that the post could not be filled by a suitable settled worker.

3.3.9 Tier 2 (Intra Company Transfer) migrants

This sub-category enables multi-national employers to transfer their existing overseas employees from outside the EEA to their Isle of Man branch for training purposes or to fill a specific skilled vacancy that cannot be filled by an Isle of Man or EEA worker. The job vacancy must require a skill level of NQF 6 or above unless it is a creative sector occupation skilled to NQF 4. There are four sub-categories in this route: Short Term Staff, Long Term Staff, Graduate Trainee and Skills Transfer. Conditions apply to each sub-category.

3.3.10 PBS Tier 4: Students with unconditional offer of places on relevant courses

Tier 4 migrants must be sponsored by a Licensed Education Provider in the Isle of Man. A student may undertake limited work whilst studying in the Isle of Man under the Overseas Students Scheme 2006 (OSS) (see 3.8).

3.3.11 PBS Tier 5 (Temporary workers

Tier 5 covers a wide range of categories including charity workers, creative and sporting, government authorised exchange, international agreement and religious workers. It is intended to allow temporary workers with job offers to work in the Isle of Man. The prospective employer requires a sponsor's licence from the Department and the prospective worker requires a valid certificate of sponsorship.

3.3.12 Youth Mobility Scheme

Tier 5 also includes the Youth Mobility Scheme which was previously known as the "working holiday visa". This scheme is for young people from Australia, Canada, Japan, New Zealand, Monaco, South Korea and Taiwan or those who are British Overseas Citizens, British Overseas Territories Citizens or British Nationals (Overseas) who wish to experience life in the United Kingdom and Isle of Man. Under the Scheme, young people over 18 and under 31 years of age, can live and work, subject to certain restrictions, in the UK and the Isle of Man for a maximum of 24 months. Applicants must be able to support themselves and do not have access to state benefits.

3.4 Sponsorship under the Point Based System

Most migrants will require a certificate of sponsorship in order to be successful in their applications under PBS. All those applying for a visa

under Tiers 2, 4 and 5 (apart from youth mobility scheme applicants in Tier 5) are required to have sponsorship from an Isle of Man licenced sponsor.

For those coming to work in the Island the sponsor will be the employer. The Department issues sponsor licences to employers and administers the issue of certificates of sponsorship by those sponsors. The certificate of sponsorship must confirm that the job is at the appropriate NQF level and that the migrant will be paid at or above the appropriate rate for the job. The Immigration Office will consider whether the applicant is being sponsored to undertake a genuine role and if they are appropriately qualified to undertake that role as part of the review of their visa application.

For those coming to study in the Island the sponsor will be an academic institution. The Immigration Office issues licences to academic institutions and administers the certificates of acceptance for study which Tier 4 students require.

3.5 How certificates of sponsorship relate to CEA permits.

An Isle of Man employer who wishes to employ a non EEA national must be licensed as a sponsor by the Department. When the employer offers a job to a non EEA national they must issue a certificate of sponsorship to that person. The non EEA national will then use that certificate of sponsorship as part of their visa application under the PBS.

The certificate of sponsorship will also qualify as an "immigration employment document" (see 1.5) under the Control of Employment Act 2014. This means that the holder of a certificate of sponsorship is exempt from the requirement to obtain a CEA permit).

The position regarding each tier is as follows:

Tier 1:

Entrepreneur and Investor migrants do not require sponsorship (but they do require a CEA permit).

Tier 2

All applicants under Tier 2 require a certificate of sponsorship from their prospective employer. This certifies that the migrant is filling a genuine vacancy in the Isle of Man that cannot be filled by a suitably qualified or skilled settled worker. A settled worker includes an Isle of Man worker (see 1.3) or someone from the EEA. The certificate of sponsorship is an "immigration employment document" and therefore

Tier 2 migrants do not require a CEA permit in addition to their certificate of employment.

Tier 4

All applicants under Tier 4 must have a Confirmation of Acceptance for Studies from an Isle of Man educational institution at which they intend to study. The educational institute is their sponsor. If the student wishes to work whilst in the Isle of Man they may apply under the Overseas Student Scheme (see further at 3.8).

Tier 5

All applicants under Tier 5 require a certificate of sponsorship except those who are visiting the Isle of Man under the Youth Mobility Scheme (often referred to as a "working holiday visa"). Tier 5 migrants with a certificate of sponsorship do not require a CEA permit. Tier 5 youth mobility migrants do not have a certificate of sponsorship and so do require a CEA permit.

3.6 Dependants

In most cases, spouses or civil partners and dependants are allowed to come to the Isle of Man with the main applicant. Spouses / civil partners are usually allowed to work under the terms of their visa but they will require a CEA permit. Certain spouses etc. do not have the right to work in the Isle of Man including Tier 4 (student) visa holders who are studying for a non-degree course and/or have been granted a visa for less than 12 months and Tier 5 (temporary workers) with leave to remain in the Isle of Man for under 12 months.

3.7 Non Points Based System employment for non EEA nationals.

As discussed above, most routes to work in the Isle of Man for Non EEA nationals are through the PBS, however, certain categories are outside the PBS. These categories exist where the employer may not have an established Isle of Man presence or may not be based permanently in the Isle of Man or may be a private individual. An overview of the non PBS employment categories is given below:

3.7.1 Domestic workers

Domestic workers who wish to accompany their employer to the Isle of Man need to apply for a Domestic Worker visa. This type of visa covers workers such as chauffeurs, gardeners, cooks and nannies in private households who have been living with and working for their employer for at least one full year. Entry into the Isle of Man by domestic workers is limited to a maximum of six months with no

extensions beyond this time and domestic workers will only be able to enter the Isle of Man when they are accompanying their employer (or the employer's spouse or child) who is also coming here at the same time as a visitor or who has come here in that capacity. If the employer leaves the Isle of Man either at the end of a visit or permanently then the domestic workers are required to leave the Isle of Man at the same time.

A domestic worker can only change to another job as a domestic worker in a private household and the work must be similar in skill to their original job. Domestic workers must write to the Immigration Office regarding any change of employment.

Holders of a Domestic Worker visa are subject to a number of restrictions. They cannot apply for settlement in the Isle of Man, cannot take any other employment whilst in the Island or have any recourse to public funds. They are not permitted to bring their dependants.

A domestic worker will require a CEA permit.

3.7.2 Representatives of an overseas business

This category permits sole representatives coming to the Isle of Man to establish a commercial presence of the company in the Isle of Man either as a registered branch or a wholly-owned subsidiary of the overseas business. Such persons must be existing employees of the parent overseas company and hold a senior role. Representatives may not seek other employment in addition to their representative duties and may not be majority shareholders in the private company.

An additional sub-category applies to journalists, presenters and cameramen working for overseas media businesses in the Isle of Man.

A CEA permit is required for all overseas representatives as they do not have a certificate of sponsorship which would qualify as an "immigration employment document" (see 2.2).

3.7.3 Sheep Shearers

There is a concession scheme which permits non EEA nationals to work temporarily in the Isle of Man as seasonal sheep shearers. Further details can be obtained from the Department of Economic Development (see useful contacts at Appendix 3).

A sheep shearer will not require a CEA permit.

3.8 Isle of Man Overseas Student Scheme for students wishing to work in the Isle of Man

Tier 4 students who are non EEA nationals aged over 16 are permitted to undertake limited work in the Island under the Overseas Students Scheme 2006 (OSS) if their conditions of entry to the Island allow them to work and they have leave to study in the Island for longer than six months. The type of work that such students can undertake while they are studying in the Island is strictly controlled.

An employer can employ a student:

- during term time, for up to 10 hours per week where the student is doing a course of below degree level or for up to 20 hours per week where the student is doing a degree level course (the only exception to this is where a student has been placed with the employer to meet the conditions of his or her sandwich course or internship); and
- outside term time, either full-time or part-time.

Students should apply for an OSS permit to the Department (see contact details at section Appendix 3). A £25 fee is payable.

Students holding an OSS permit do not require a CEA permit in addition.

3.9 Summary of CEA permit requirements for non EEA nationals

Tier 1	CEA permit required.
Tier 2	No CEA permit required as migrant holds an immigration employment document (i.e. a certificate of sponsorship).
Tier 4	Students eligible to apply for a permit under OSS. Holders of an OSS permit do not require a CEA permit.
Tier 5	No CEA permit required as migrants are holders of an immigration employment document (i.e. a certificate of sponsorship) except Tier 5 (Youth Migrant) who do require a CEA permit.
Domestic Worker	CEA permit required
Representative of Overseas Business	CEA permit required.

3.10 Spouses and civil partners of non EEA nationals

The spouse or civil partner of a non EEA national who is working in the Island under a certificate of sponsorship will need to apply for a CEA permit if they also wish to work in the Island. Some people may, however, be precluded from working by the conditions of their visa.

In these cases there is no automatic entitlement to a spouse or civil partner permit (see section 1.13). However, when deciding whether or not to grant a permit, the Department may take into consideration *whether a relevant person, being the spouse or civil partner of the person concerned, has an immigration employment document* (see 2.2).

3.11 Illegal working

(Section 8 of the Asylum and Immigration Act 1996 (of Parliament) as extended to the Isle of Man by the Immigration (Isle of Man) Order 2008; the Immigration (Restrictions on Employment) Order 2008)

Employers need to be aware that there are criminal penalties for employing a migrant who is either in the Island illegally and working or employing a migrant who is lawfully in the Island but who is working in breach of the conditions of his or her visa.

The criminal offence of illegal working can result in serious penalties including an unlimited fine. A fine can be imposed for each person the employer is found to have employed illegally.

An employer has a statutory defence from conviction if it can show that it complied with the requirements set out in the Immigration (Restrictions on Employment) Order 2008. The defence requires the employer to have undertaken certain checks and maintained proper records.

Further information can be found in the Department of Economic Development/Immigration Office booklet *"Guidance for Isle of Man Employers on the Law on Preventing Illegal Working".* This can be downloaded from the DED website (see "useful contacts" at Appendix 3).

3.12 Further information and useful links

The Isle of Man Immigration Office deals with the visa applications for non EEA nationals seeking to work in the Isle of Man and all immigration enquiries including enquiries regarding Tier 1 and Tier 4 applicants should be addressed to them.

For further information or guidance on immigration matters see "useful contacts" at Appendix 3.

The Department deals with the employment aspects of the visa applications. Enquiries relating to the issue of sponsor licences and certificates of sponsorships under Tier 2 or 5 of the PBS. The Department also assists with enquiries about the Overseas Student Scheme. A range of additional information which may be of assistance is available on the Department's website. (See "useful contacts" at Appendix 3).

4. Departmental practice and policy

4.1 How the work permit system is administered

The work permit system is administered by the Department.

The Department's work permit office is the contact point for permit applications. Each application is assessed and determined upon its merits on a case by case basis.

The Minister of the Department has delegated his powers to decide on individual applications to:

- the Department's officers for all routine cases; and
- a Work Permit Committee (see 4.6), for a minority of cases.

Economic data is issued to both officers and the Committee to inform the decision making process.

4.2 The work permit office

The office handles applications for work permits in a confidential and discreet manner recognising the sensitive and personal information contained in applications and enquiries.

Staff are available to provide assistance and to answer any questions. There is a work permit helpline (tel. 01624 682393). Additionally, personal callers are welcome but it is advisable to ring in advance to make an appointment. Persons with communication difficulties should contact the office (or ask a friend or helper to do so) so that alternative arrangements can be made. The office can provide forms and information in alternative formats (large print, audio and Braille).

Application forms and other documents can be downloaded from the website. For contact details of the office and the website address see Section 6.

4.3 Timescales

Application for a permit should be submitted at least 14 days before the date when the employment is proposed to begin. The employment must not begin until the application is approved and the permit has been issued.

An application for renewal of a permit must be made at least 28 days before the expiry of the permit.

Decisions on straightforward applications made on fully completed forms are usually made within 10 working days. More complicated circumstances may take longer to allow for additional investigation.

In certain circumstances the Department may verbally approve the grant of a work permit.

However, if a case is referred to the Work Permit Committee for consideration it may take longer than 10 days for a decision to be made. If an application is referred to the Committee, the applicant will be notified by email (if an email address has been supplied).

4.4 Application fee

The prescribed fee must be paid when the application is submitted. For the amount of the fee, and the rules as to refunds, see 1.8 above.

The Department accepts credit and debit card payments (please ask when the application is submitted).

By prior arrangement and at the Department's discretion, accounts can be arranged for employers who submit frequent applications for permits.

4.5 Online applications for renewals

The following online services are available to employers:

- applications for new permits;
- applications to renew existing permits;
- monitoring of current work permits;
- monitoring progress of any new applications;
- cancelling of work permit applications

Employers who wish to use this service should register with Government's Online Services in advance of the renewal being required. See further at www.gov.im/onlineservices/

4.6 The Work Permit Committee

The Work Permit Committee operates under delegated powers of the Minister. It consists of a chairperson and two other members and has a wide knowledge of employment matters. The Committee considers those cases set out in the following section.

4.7 Cases that are referred to the Work Permit Committee

The Committee deals with applications in any of the following circumstances:

- where there may be an actual or reasonably perceived conflict of interest if an officer of the Department were to determine the application;[12]
- where the person concerned falls within section 10 (criminal records) of the Act which deals with certain unspent criminal convictions etc. (see further at 1.6); (however, an officer may deal with other cases which are outside section 10);
- where the Department has received representations from a person who objects to a permit being granted and who, if it were granted, would be entitled to appeal to the Tribunal (see further at 4.8);
- where, exceptionally, the wider fiscal costs of the person concerned or any relevant persons might need to be considered (see further at 1.11.8, 1.11.14, 1.11.15 and 1.11.16);
- where an officer of the Department reasonably considers that the application should be dealt with by the Committee.

The Committee also deals with cases of revocation (see further at 1.19).

4.8 How the Committee deals with applications

Unless there are exceptional circumstances the Committee will not hear oral submissions from the applicant and the application will be determined solely on evidence contained in the application to the Department. For this reason **the Department strongly recommends that an applicant provides all relevant information at the time the application is made.** In a minority of cases, particularly where there is a dispute of fact, the Committee may defer making a decision and invite the applicant to a meeting to make oral submissions.

4.9 Objections to the granting of a work permit

Where a written objection in respect of a work permit application is received from a directly interested person, it will generally be referred to the Committee for consideration. The Committee will consider both the application and the written objection. In such cases, the Committee may defer making a decision and invite both the applicant and the objector (at separate times) to its next meeting.

[12] Such cases might include for example, posts within the Department and also senior civil servants posts.

4.10 Advertisements

The Department will, other than in exceptional or agreed cases, require information about any advertising for the vacancy or position and, where appropriate, a copy of the advertisement.

- **Executive and managerial positions** (for the purpose of this guidance deemed to include responsibility for the management of staff, resources, or processes): these must be either advertised in the local press or advertised with a recruitment agency and the Isle of Man JobCentre for a minimum of two weeks or where a job is re-advertised this must be for a minimum of one week.
- **Other positions:** as a minimum, vacancies must normally be advertised in the JobCentre for a minimum of two weeks or where a job is re-advertised this must be for a minimum of one week.

(Jobs advertised at the Jobcentre will be automatically displayed on the Jobcentre website and can also be e-mailed to individuals or organisations on request).

Advertising at the JobCentre is free of charge.

Advertisements must:

- be in English, though advertisements can be in other languages as well;
- be fair and must not be tailored to suit a certain person;
- be lawful under the Employment (Sex Discrimination) Act 2000; and
- usually have been placed within three months before the date the application for a permit is received by the Department.

4.11 Other documentary evidence that should be supplied

Where Isle of Man workers have applied for a post but are considered unsuitable, the employer should provide:

- evidence that the position was adequately advertised, including a copy of the advertisement;
- the job specification (which should be reflected in the advertisement);
- brief details as to the number of applications received from Isle of Man workers and the reasons why those workers are considered unsuitable.

If that information is considered insufficient, the employer may be asked to provide further details, in redacted form, such as:

- short-listing summary sheets;

- application forms or CVs of all Isle of Man workers who applied for the position, together with reasons why they were unsuitable;
- interview assessment sheets; or
- the report of the chairperson of the interview panel.

Note: where a particular position specifies that a long period of previous experience is required employers may be asked to justify this, and to consider the following questions:

- why the position requires someone with such a long period of experience and which elements of the position require this experience;
- why the position could not be carried out to the required standard by someone with less experience; and
- how a worker might be expected to gain this experience before being appointed to the post.

4.12 Additional requirements for particular occupations

Applicants for the following occupations should provide the following additional information with their applications:

- driving instructors - evidence of registration in the appropriate Isle of Man register;
- childminders or providers of day-care for children - evidence of registration in the appropriate Isle of Man register;
- taxi drivers - a copy of the public passenger vehicle driver licence;
- security staff for licensed premises - evidence of registration in the appropriate Isle of Man register;
- persons offering acupuncture, tattooing, body-piercing or electrolysis - evidence of registration in the appropriate Isle of Man register.

4.13 Criminal conviction checks

It is the responsibility of the employer to apply for a police check if there is any statutory requirement to do so. An employer must apply direct to the Isle of Man Constabulary (for contact details see section 6). The Department itself may obtain a police check in certain circumstances (and see also 1.23).

4.14 Status as an "Isle of Man worker"

When requested by an employer or worker, and on provision of all relevant information, the Department will give its opinion in a letter as to whether a person is an Isle of Man worker. A fee of £25 is payable to the Department at the time an application for such a letter is made.

However, the letter is issued on the clear understanding that such an opinion is not legally or factually conclusive; only a ruling by the Tribunal or the High Court is legally binding.

5. Frequently asked questions

Eligibility / requirement for a permit

I am an EEA national thinking of moving to the Island; do I need a work permit?

EEA nationals are normally free to move to the Isle of Man and take up residence without the need for permission. However, an EEA national wishing to take up employment (including self-employment) must obtain a work permit, unless he or she is an "Isle of Man worker" or the employment is exempt.

I am not an EEA national; do I need a work permit to work in the Island?

There are special rules for persons who are non EEA nationals. See section 3.

Starting work

Can I start work without a work permit?

No. If you are not an Isle of Man worker, or in an exempt employment, then you must not work as an employee or self-employed person in the Isle of Man except in accordance with a work permit.

Cost

How much does a permit cost, and who has to pay it?

See 1.8 and 4.4

Spouse/civil partner permits

What is a "spouse/civil partner permit"?

See 1.13

Is a partner entitled to a "spouse/civil partner permit”?

No. The permit is only available to married couples and civil partners. However, the Department will consider sympathetically applications for standard permits from partners of work permit holders and exempt workers.

I hold a "spouse/civil partner permit" and since it was granted, my spouse and I have divorced. Does this affect my work permit?

Yes. See 1.13

I hold a "spouse/civil partner permit" and since it was granted, my spouse or civil partner has died. Does this affect my spouse/civil partner permit?.

Yes. See 1.13

The application process

I am an employer and have been asked to supply copies of applicants' CVs, which are confidential documents; do I have to supply them?

If requested by the Department, CVs of all applicants for the post must be submitted in redacted form in order to establish whether any suitable Isle of Man workers applied for the position.

How long does a permit take to process?

The work permit office has a target to process 80% of work permit applications within 10 working days of receipt. An application referred to the Work Permit Committee will usually take longer.

Can I apply for a permit online?

See 4.5

Will my application go to the Work Permit Committee?

See 4.7

Can a permit be renewed?

Yes. If the employment is to continue past the date of expiry of the work permit, an application to renew a permit is required. Normally, it is not necessary to fill out a new application form; the original permit includes a renewal slip which can be sent to the work permit office. Note that certain transitional rules apply while the new legislation is being brought into force. See 1.14

For renewal fees see 1.8 and 4.4

Changing employment

I am hoping for a change of position or promotion with my current employer. Does my employer need to apply for a new permit and advertise the position?

Yes, a work permit is limited to a specified employment by a specified employer. This is not the case with a spouse/civil partner permit or in certain other limited circumstances (see 1.15). A worker may not take up a different job with the same employer, without a new work permit, and the same procedures must be followed (including advertising, where appropriate) as before.

I have to move a pregnant employee due to health and safety concerns – do I need a new work permit?

No, see 1.15.3.

Criminal records

I have a criminal conviction; do I have to declare it?

Any criminal conviction which is not "spent" under the provisions of the Rehabilitation of Offenders Act 2001 or which is in respect of an employment type to which the Act does not apply (e.g. doctors, accountants) must be declared on the application. The Department of Home Affairs can also advise on the legislation (for contact details see section 6).

I have been convicted of an offence since being granted a spouse/civil partner permit. How might this affect my permit?

If the conviction is of a kind falling within section 10 of the 2014 Act (see section 1.6) then you must notify the Department of your conviction and your spouse/civil partner permit will be revoked. In such circumstances you could apply for an ordinary work permit, although the conviction would be taken into consideration.

If the conviction does not fall within section 10 then your spouse/civil partner permit will not be affected.

My employment is exempt from the requirement for a permit but I have recently gained a conviction. Can I continue to work?

If the conviction is of a kind falling within section 10 of the 2014 Act (see 1.6) you will no longer be entitled to continue to use the exemption and your continued employment would be unlawful. In such circumstances you could apply for an ordinary work permit, although the conviction would be taken into consideration.

If the conviction does not fall within section 10 then you and your employer may continue to rely upon the exemption.

Miscellaneous

What is "full time education" for the purpose of obtaining Isle of Man worker status?

Your educational establishment should be able to provide written confirmation as to whether any course undertaken is "full time" or not.

What are the penalties for not complying with the legislation?

See 1.20

English is not my first language; will I be refused a work permit?

No. whether or not you speak English is a matter which the Department may take into account when considering your application. However, not speaking English as your first language is not as a sufficient reason for refusing to grant a permit.

My employment was lawful under the Control of Act 1975 but will not be under the 2014 Act. What is my position?

If you were employed immediately before 1st October 2015 and your employment was lawful at that time but would cease to be lawful under the 2014 Act then your employment will continue to be lawful provided you continue to be engaged in that employment. But any new employment commenced after that date would have to be in compliance with the 2014 Act.

I cannot find the information I am looking for / I do not understand the Guide. Who can help?

You can contact the work permit office in person on 01624 682393.

6. Contact details and further information

(1) For Control of Employment Act permit enquiries

The Work Permit Office
Nivison House
31 Prospect Hill
Douglas
Isle of Man
IM1 1ET

Tel.: (01624) 682393 (work permit helpline)

Fax: (01624) 682388

Email: workpermit@gov.im

Web: www.gov.im/categories/working-in-the-isle-of-man/work-permits/

Online services: www.gov.im/onlineservices/

Compliance

The Work Permit Inspectorate

Address as above

Tel.: (01624) 682385 / 682386 / 689344

Fax: (01624) 682388

Email: dedinspectors@gov.im

(2) Appeals to the Work Permit Appeal Tribunal

The Clerk to the Work Permit Appeal Tribunal

Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Tel.: (01624) 685941 (Mon.- Fri. 9 a.m. to 5 p.m)

Fax: (01624) 685573

Email: tribunals@gov.im

Web: www.gov.im/registries/Tribunals/wp_appeal.xml

(3) For enquiries about tiers 2 and 5 of the Points Based System and the Overseas Students' Scheme (for workers from outside the European Economic Area).

Address as (1) above

Tel.: (01624) 682392

Fax: (01624) 682388

Email: tiertwo@gov.im

(4) For enquiries about the Points Based System other than tiers 2 and 5 and other immigration matters (for workers from outside the European Economic Area).

Isle of Man Passport, Immigration and Nationality Office
Government Office
Bucks Road
Douglas
Isle of Man
IM1 3PU

Tel.: (01624) 685203

Fax: (01624) 685210

Email: immigration@cso.gov.im

Web: www.gov.im/categories/travel-traffic-and-motoring/immigration/

(5) Craftsmen's Skill Cards

Training Services

Nivison House

31 Prospect Hill
Douglas
Isle of Man
IM1 1ET

Tel.: (01624) 687156

Email: training@gov.im

Web: www.gov.im/about-the-government/departments/economic-development/employment-and-skills-group/training-services/http://www.gov.im/ded/training/craftsmencert.xml

(6) Advice on employment law matters.

The Manx Industrial Relations Service
5th Floor
Victory House
Prospect Hill
Douglas
IM1 1EQ

Tel.: (01624) 672942

Fax: (01624) 687050

Email: iro@ir.gov.im

Web:www.mirs.org.im

(7) Pre-employment vetting for organisations providing services to children or vulnerable adults.

Isle of Man Constabulary
Police Headquarters
Corporate Services Department
Dukes Avenue
Douglas
Isle of Man
IM2 4RG

Tel.: (01624) 631409

Email:PoliceVetting@gov.im

Web:www.gov.im/categories/working-in-the-isle-of-man/vetting-and-safer-recruitment/

(8) For advice on the Rehabilitation of Offenders Act 2001.

Department of Home Affairs
Legislation Section
88 Woodbourne Road
Douglas
Isle of Man
IM2 3AP

Tel.: (01624) 694305

Web: www.gov.im/dha/

(9) Complaints regarding breaches of employment law

The Clerk to the Employment Tribunal
Tribunals Office
Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
Isle of Man
IM1 3AR

Tel.: +44 1624 685941 (Mon - Fri 9am to 5pm)
Fax.: +44 1624 685573

Email: tribunals@gov.im

Web: https://cf1.gov.im/registries/Tribunals/employ.xml

Appendix: Meaning of 'construction operations'

(from section 2 of the Construction Contracts Act 2004)

(1) In this Act "**construction operations**" means, subject as follows, operations of any of the following descriptions —

(a) construction, alteration, repair, maintenance, extension, demolition or dismantling of buildings, or structures forming, or to form, part of the land (whether permanent or not);

(b) construction, alteration, repair, maintenance, extension, demolition or dismantling of any works forming, or to form, part of the land, including (without prejudice to the foregoing) walls, roadworks, power-lines, telecommunication apparatus, aircraft runways, docks and harbours, railways, inland waterways, pipe-lines, reservoirs, water-mains, wells, sewers, industrial plant and installations for purposes of land drainage, coast protection or defence;

(c) installation in any building or structure of fittings forming part of the land, including (without prejudice to the foregoing) systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection, or security or communications systems;

(d) external or internal cleaning of buildings and structures, so far as carried out in the course of their construction, alteration, repair, extension or restoration;

(e) operations which form an integral part of, or are preparatory to, or are for rendering complete, such operations as are previously described in this subsection, including site clearance, earth-moving, excavation, tunnelling and boring, laying of foundations, erection, maintenance or dismantling of scaffolding, site restoration, landscaping and the provision of roadways and other access works;

(f) painting or decorating the internal or external surfaces of any building or structure.

(2) The following operations are not construction operations within the meaning of this Act —

(a) drilling for, or extraction of, oil or natural gas;

(b) extraction (whether by underground or surface working) of minerals; tunnelling or boring, or construction of underground works, for this purpose;

(c) assembly, installation or demolition of plant or machinery, or erection or demolition of steelwork for the purposes of supporting

or providing access to plant or machinery, on a site where the primary activity is —

(i) nuclear processing, power generation, or water or effluent treatment, or

(ii) the production, transmission, processing or bulk storage (other than warehousing) of chemicals, pharmaceuticals, oil, gas, steel or food and drink;

(d) manufacture or delivery to site of —

(i) building or engineering components or equipment,

(ii) materials, plant or machinery, or

(iii) components for systems of heating, lighting, air-conditioning, ventilation, power supply, drainage, sanitation, water supply or fire protection, or for security or communications systems,

except under a contract which also provides for their installation;

(e) the making, installation and repair of artistic works, being sculptures, murals and other works which are wholly artistic in nature.

Keeping up to date with Employment Law Developments

Information as to developments in employment law can be found here:

http://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/whats-new/

Feedback

How helpful was this booklet to you? Did it answer your questions? Was it detailed enough? Was it clear? Does it contain any typographical errors? Do you have any comments or suggestions as to how to the Department might improve future editions? Please email your feedback to emplaw@gov.im .

The Department of Economic Development

Work Permit Office

Nivison House

31 Prospect Hill

Douglas

IM1 1ET

Tel. (01624) 682393

E mail workpermit@gov.im