

1990 - No. 11

The Right to Work (Employment Records) Regulations, 1990

Made 13 June ... 1990
Laid before the States 1990
Coming into force ... 1 December ... 1990

THE STATES HOUSING AUTHORITY, in exercise of the powers conferred on it by sections 5 and 17 of the Right to Work (Limitation and Proof) (Guernsey) Law, 1990(a), hereby makes the following Regulations -

Information in employees' records

1.(1) Every employer must keep a record containing the information specified in paragraph (2) of this regulation in respect of -

- (a) every person who is for the time being in that employer's employment in Guernsey, and
- (b) subject to regulation 2(2), every person who has at any time since 1st December 1990 been in that employer's employment in Guernsey.

(2) The information referred to in paragraph (1) of this regulation is -

- (a) in the case of each employee:
 - (i) his full name;
 - (ii) any other name by which he has been known during his present employment;
 - (iii) his date of birth;

- (iv) his States Insurance number;
 - (v) the title of the job which he is or was employed to do;
 - (vi) the address at which he principally works or worked;
 - (vii) an indication as to whether or not the employee's present employment commenced after 1st December 1989; and
- (b) in the case of an employee whose present employment commenced after 1st December 1989:
- (i) the date on which his present employment commenced;
 - (ii) the address at which he lives;
 - (iii) the description, reference number, and expiry date if any, of his right to work document.

Updating of employees' records

2.(1) Every employer must, as soon as reasonably practicable, note on the record in respect of any employee kept as required by regulation 1 -

- (a) the occurrence and date of each change in any of the information recorded on it; and
- (b) if his employment ceases, the date when it does so.

(2) A record in respect of a former employee may be destroyed at any time after the third anniversary of the date when his employment ceased.

Location of employees' records

3.(1) If:

- (a) an employer carries on business at more than one permanent establishment in Guernsey; and

(b) more than 5 people are for the time being principally employed at that establishment, then -

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(i) the records which that employer is required by regulation 1 to keep in respect of employees who principally work, or worked, at that establishment must be kept there; and

(ii) a copy of them must be kept at that employer's principal place of business in Guernsey.

(2) In any other case, the records which an employer is required by regulation 1 to keep must all be kept at his principal place of business in Guernsey.

Manner of keeping employees' records

4. The records, or copies of records, which an employer is required by these regulations to keep at a particular place must -

- (a) be kept together;
- (b) be kept in such a way as to facilitate the identification of every employee and former employee to which they are required to relate;
- (c) be accompanied by a true statement signed by the employer giving the employer's name and confirming that the employer has inspected every right to work document recorded in them;
- (d) be kept either -
 - (i) in legible form; or
 - (ii) in such a way that they are readily capable of being reproduced in a legible form and

that adequate precautions are taken for guarding against their falsification and facilitating their discovery;

(e) If the records or copies relate to more than 30 people (and without prejudice to paragraph (b) of this regulation) be either -

(i) arranged according to the surnames of the people to whom they relate, in alphabetical order; or

(ii) accompanied by an index in alphabetical order of those surnames, from which the record relating to each of those people can readily be discovered.

Records of self-employment

5.(1) Every self-employed person must keep a record containing the information specified in paragraph (2) of this regulation.

(2) The information referred to in paragraph (1) of this regulation is -

(a) in every case:

(i) his full name;

(ii) any other name by which he has been known during his self-employment;

(iii) his date of birth;

(iv) his States Insurance number;

(v) the nature of the self-employment in which he is engaged;

(vi) the date on which he first took up that self-employment; and

(b) if his self-employment commenced after 1st
December 1989:

(i) the address at which he lives;

(ii) the description, reference number, and
expiry date if any, of his right to work
document.

(3) A person who is required by this regulation to keep a
record must -

(a) note on that record as soon as reasonably
practicable -

(i) the occurrence and date of each change in
any of the information recorded on it; and

(ii) if he ceases to be self-employed, the date
on which he does so;

(b) retain that record for at least 3 years after he
ceases to be self-employed.

Interpretation and construction

6. In these regulations -

"permanent establishment" includes any office, shop,
factory, workshop, agricultural or horticultural
unit, quarry or building site;

"States Insurance Number" in relation to an employee
or a self-employed person means the number
allocated to him pursuant to the Social Insurance
(Guernsey) Law, 1978(b) or any legislation for the
time being in force made thereunder;

and other expressions have the same meanings as they have on
the Right to Work (Limitation and Proof) (Guernsey) Law,

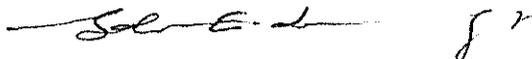
1990, with which these regulations are to be construed as one.

Citation

7. These regulations may be cited as the Right to Work (Employment Records) Regulations, 1990.

Commencement

8. These regulations shall come into force on 1st December 1990.



J E Langlois
President
States Housing Authority

13 June 1990