**How to carry out the resident labour market test: Tier 2 (General)**

28.18 Unless an exemption applies, all jobs must be advertised to settled workers for 28 calendar days. The ‘Exemptions from the resident labour market test’ section has more information on exemptions. You can advertise jobs in 2 ways:

 advertise the vacancy for a single continuous period, with a minimum closing date of 28 calendar days from the date the advertisement first appeared

 advertise the vacancy in 2 stages, with each stage being advertised for no fewer than 7 calendar days but where both stages total a minimum of 28 calendar days - below is an example of this

**Example**

You could at first advertise the vacancy for 14 calendar days and appoint any suitable settled worker who applies. If no suitable settled worker applies, you cannot appoint a migrant worker at this stage as you must advertise the vacancy for a further 14 calendar days, making 28 calendar days in total. If no suitable settled worker applies during either the first or second stage, then the resident labour market test has been passed and you can appoint a Tier 2 migrant.

The vacancy must have been advertised for at least 28 days within the 6 months before you assign the CoS to a migrant.

28.19 You must place 2 advertisements using the methods set out in this guidance. In many cases, one of those will be an online advertisement using the Jobcentre Plus Universal Jobmatch service or Jobcentre Online for jobs in Northern Ireland. This is mandatory for certain jobs. For more information on advertisement methods, please see the ‘Resident labour market test Tier 2

(General) advertising methods’ section.

28.20 When carrying out the resident labour market test, you can only use the advertising methods set out in this guidance. The job advertisement must be in English, unless based in Wales where it may be in English or Welsh, and it must include all the following:

 the main duties and responsibilities of the job (job description)

 the location of the job

 an indication of the salary package or salary range or terms on offer, the rates of pay section has more information

 skills, qualifications and experience needed

 the closing date for applications, unless it is part of a rolling recruitment programme - if it is a rolling recruitment programme, the advertisement should show the period of the recruitment programme

28.21 All jobs must be advertised online to settled workers through the Jobcentre Plus Universal Jobmatch service (or for jobs based in Northern Ireland, JobCentre Online). The only exceptions to this rule are for:

 creative sector jobs where the code of practice says that advertising is not needed because the migrant will be making an extra contribution to the UK labour market - the ‘Creative sector codes of practice’ can be found on the ‘Sponsorship; for employers and educators page on GOV.UK

 milkround recruitment exercises

 pupillage positions for trainee barristers

 jobs which fall within the PhD level SOC codes

 jobs where the annual salary package will be £72,500 or more

 jobs where there will be stock exchange disclosure requirements

 jobs where the resident labour market test is not needed – the ‘Exemptions from the resident labour market test’ section has more information on this

28.22 Where advertising online using the Jobcentre Plus Universal Jobmatch service, or for jobs based in Northern Ireland, Jobcentre Online, is not mandatory, you must still advertise the job using 2 of the methods and one can be online advertising through Jobcentres.

28.23 You cannot refuse to employ a settled worker if they lack qualifications, experience or skills, including language skills that were not asked for in the job advertisement.

28.24 The salary rate in your advertisement must be a true reflection of what you are prepared to pay and the rate you ultimately pay must be in line with the rate that was advertised. You cannot advertise at a low rate, for example, the new starter rate and then offer a higher rate to a migrant to allow them to make a successful application. Below is an example of this.

**Example**

If you advertised a salary rate of £22,000 - £25,000 you can only sponsor a migrant if the salary you state on their CoS is within that range. If you want to pay a higher salary, you must carry out the resident labour market test again, advertising at the higher rate, as there may be settled workers who would apply for the job at the higher rate.

28.25 When deciding the salary range to put in a job advertisement, you should consider if you are willing to offer a higher salary to a more experienced worker. This is important because the purpose of the resident labour market test is to make sure job opportunities are made available to the settled workforce. The ‘Transitional arrangements for recruitment exercises which took place before 6 April 2015’ section has more information on this.

28.26 For each recruitment method, where you have carried out the resident labour market test, you must keep the documents listed in Appendix D of the guidance for sponsors. If you fail to advertise a job vacancy in line with the requirements set out in this guidance, we will take action against you.

**Resident labour market test: Tier 2 (General) advertising methods**

28.27 The following sections describe the different methods of advertising we accept when carrying out a resident labour market test. Unless an exemption applies, all jobs must be advertised using 2 of the methods set out in this section. In many cases, this will be mandatory online advertising through Jobcentres, plus one other method. Where advertising through Jobcentres is not mandatory, you can choose any of the permitted media to advertise in so you could choose one national newspaper and one professional journal. We will also accept 2 advertisements using the same form of media, for example, advertisements on 2 different websites.

**Jobcentre plus (or in Northern Ireland, Jobcentre online)**

28.28 If the job is based in England, Wales or Scotland, it must be advertised using the Jobcentre Plus Universal Jobmatch service on GOV.UK. Jobs are advertised online directly by employers using Universal Jobmatch.

28.29 The standard period for an advertisement to run on Universal Jobmatch is 60 days, but you can set earlier closing dates. The closing date for applications will not be visible unless it is included in the job description so if you advertise a job with a closing date of less than 60 days, you must make sure that it is stated in the job description.

28.30 If the job is based in Northern Ireland it must be advertised through Jobcentre Online on the Dept for Employment and Learning website. Jobs can also be placed by email, fax, or speaking to an advisor on the telephone number given on the website. All jobs are advertised online at www.jobcentreonline. com/JCOLFront/Home.aspx and are also available in Jobs & Benefits Offices and JobCentres in Northern Ireland.

28.31 Jobs advertised using JobCentre Online in Northern Ireland can run for up to 6 weeks, employers are normally contacted after 2 weeks to assess the position,

unless you ask for a different closing date. The closing date will be shown on the advertisement.

28.32 Jobcentre Plus, and Jobs & Benefits Offices and JobCentres in Northern Ireland will only accept online vacancy advertisements when there is a current vacancy at the time the advertisement is placed. If you use rolling recruitment programmes, you will need to make sure that your vacancies are placed when there are actual posts to fill. You must adhere to the rules set out by Jobcentre Plus and Jobs & Benefits Offices and JobCentres in Northern Ireland. If your online vacancy advertisement is refused, you will not be able to meet the resident labour market test criteria and will not be able to assign a CoS.

**Note:** if you have a vacancy in Northern Ireland, you must advertise through Jobcentre Online. If you choose to advertise using Universal Jobmatch as well, you must still advertise using one other method allowed by this guidance.

**National newspaper**

28.33 A national newspaper is one published at least once a week and marketed throughout the UK or throughout the devolved nation in which the job is located. This could be The Scotsman and The Herald which are suitable national newspapers for jobs in Scotland, The Western Mail for jobs in Wales and the Belfast Telegraph for jobs in Northern Ireland.

**Professional journal**

28.34 A professional journal is one published for a particular field and is available nationally either through retail outlets or subscription. The journal must be published at least once a month and be relevant to the job, this could be:

 a relevant trade journal

 the official journal of a professional occupational body

 a relevant subject specific publication

**Milkround**

28.35 A ‘milkround’ is an annual recruitment programme where employers from a range of sectors visit universities to give presentations and/or interview students, usually as part of university careers fairs. If you use a milkround to recruit new graduates or interns, you must visit a minimum of 3 UK universities, or all UK universities which provide the relevant course, whichever is the lower number.

28.36 The milkround or graduate recruitment programme does not need to be advertised through Universal Jobmatch or Jobcentre Online in Northern Ireland, to meet the resident labour market test but must be advertised through 2 methods permitted by this guidance, one of which must be one of the following graduate recruitment websites:

 www.jobs.ac.uk

 www.milkround.com/

 www.prospects.ac.uk/

 www.targetjobs.co.uk/

You must keep evidence to prove that no suitable settled workers were available to fill the vacancy.

**Rolling recruitment campaigns**

28.37 Rolling recruitment programmes allow companies to pick out skilled individuals who might fill future, undefined vacancies rather than specific ones.

28.38 We understand why you may want to identify migrants through these programmes and we don’t want to stop this happening. However, to meet the requirements of the resident labour market test when a specific vacancy becomes available, it must be advertised as set out in this guidance to give settled workers a chance to apply.

**Recruitment agency and head-hunters**

28.39 You can use an agency or head-hunter to help with your recruitment. They may recruit for the post on your behalf, but the recruitment exercise must meet the requirements of the resident labour market test.

28.40 Where an agency or head-hunter carries out the recruitment exercise, you are fully responsible for the resident labour market test. If it is not done in line with the rules, we will take action against you.

**Internet**

28.41 You can advertise the job online. We do not restrict you to specific websites, but it must be one of the following:

 the relevant government website hosting jobs advertised through the Jobcentre Plus Universal Jobmatch service, or Jobcentre online in Northern Ireland - in some cases this will be mandatory, the ‘How to carry out a resident labour market test Tier 2 (General)’ section has more information on this

 an online version of a national newspaper that would meet the requirements - see national newspapers for more information on this

 an online version of a professional journal that would meet the requirements - see professional journal for more information on this

 website of a prominent or professional recruitment organisation

28.42 If you are a multi-national/global operation, or have over 250 employees in the UK, you can advertise the job on your own website.

28.43 If you advertise the job online, the website must not charge a subscription or any fee to look at job advertisements or to apply for jobs via these advertisements.