

Global HR News -

Spousal Work Permits Could Gain Favor In Competitive Global Economy

By Maureen Minehan

Governments seeking foreign investment have a new weapon in their arsenal – liberalizing their rules on spousal work permits. Increasingly aware that work opportunities for both halves of dual-career couples are vital to multinational companies, government leaders around the world are making or considering changes to spousal work permit laws.

Why now?

Growth in the number of dual career couples is the primary force behind the movement to modify spousal work permit laws. In the United States, for example, the most recent National Study of the Changing Workforce by the Families and Work Institute found that 78 percent of married wage and salaried employees were part of a dual-earning couple today, up from 66 percent in 1977.

This means more employees have spouses with jobs and careers they don't want to give up, making it difficult for companies to recruit individuals for international assignments. If the accompanying spouse can't work in the new location, many couples don't want to go.

Unfortunately, in most countries, accompanying spouses aren't automatically granted the right to work. According to [The Permits Foundation](#), a Netherlands-based group of more than 30 international companies and organizations seeking to improve accompanying spouses' access to employment, only the United Kingdom, United States, Canada, Australia and Sweden grant most accompanying spouses work permits.

Out-of-step laws

Kathleen van der Wilk-Carlton, secretary of the Permits Foundation, says restrictions on spousal work permits are a legacy from a very different past. "Most of these laws were developed at a time when spouses and partners were generally female and they didn't work," she says. "Today is very different and legislation hasn't caught up with the new reality."

"The countries didn't develop regulations to prevent spouses from working. This is just the consequence of laws developed a long time ago to regulate foreign workers," she says.

Governments open to change

Recent developments in the Netherlands, Germany, France, Ireland and other countries show governments are growing more aware of the problem and searching for ways to resolve it.

"Once you raise the issue, governments are open to it. It's an issue whose time has come," van der Wilk-Carlton says.

Education efforts by multinational corporations and international organizations are one reason governments are starting to pay attention. The Permit Foundation's roster of sponsors reads like a "who's who" of multinational companies, including Siemens, UBS, BMW, Unilever, Shell Oil, Bosch, AstraZeneca and others. By sharing the impact of permit restrictions on their organizations, these companies are helping governments make the business case for modifying the laws.

"We are very positively encouraged that governments are starting to see that dual careers are an issue that go hand in hand with attracting trade and investment. Governments also are increasingly likely to understand that spousal work permits are something very different from long-term immigration and they can be considered separately," van der Wilk-Carlton says.

Andrea Elliott, senior counsel with Pro-Link Global Visa and Immigrations Services in Bradenton, Florida, says demographic changes are another driver. "In many countries, demographic trends mean there won't be enough people to fill anticipated vacancies. Governments are realizing they have people who are skilled and available to meet market needs sitting right there."

Recent changes

The Netherlands is one example of a country that recently liberalized its spousal work permit laws. Under regulations passed in April 2005, partners of international assignees earning more than 45,000 Euros annually can now work freely during the course of their partner's assignment, even if they are citizens of a non-EU country. For a spouse to qualify, the sponsoring company must obtain a "knowledge migrant" work permit for the employee.

Germany also changed its law in 2005. Under the new regulations, if the duration of an international assignment is to last more than one year, the accompanying spouse is granted the same working permit as the employee.

While changes enacted in Ireland in 2004 don't automatically grant work permits to accompany spouses, they do remove some of the barriers to obtaining one. Since the law's passage, spouses accompanying employees in certain fields (e.g. medical, IT, academia) can be considered for jobs that have not been advertised in advance and jobs in categories that usually are ineligible for work permits.

And in France, legislation passed in 2004 allows foreign spouses of corporate officers and senior executives to be automatically issued work permits. To be eligible, the spouse must enter France lawfully and have a commitment from an employer for an open-ended French employment contract that stipulates a gross monthly salary of more than 2,000 Euros.

Looking ahead

Which countries are most likely to change their laws next? The Permits Foundation has raised the issue with the European Union in the context of EU-wide proposals on economic migration and demographic change.

Changes in Asia are another possibility, says Jan Nelson of Mobility Services International, an international relocation services company headquartered in Massachusetts. "Asian countries also seem to be relaxing the barriers somewhat. Korea is starting to talk about the subject and Taiwan is in the early stages of consideration." Malaysia and Singapore are two other countries mentioned as possible candidates for liberalization.

van der Wilk-Carlton says her organization is in the process of identifying additional prospects. "We ask our sponsors which countries are important to their businesses and get a feel for which countries have the most assignments now and which are likely to be growth areas in coming years. We also look at where we are most likely to have success, typically countries that are keen to attract trade and investment."

Once discussions are opened, van der Wilk-Carlton says it's important to understand that there is no one-size-fits-all solution. "You have to approach the issue within the local context and use local networks." In the United States, for example, a group known as Multinational Employers for Working Spouses (MEWS) took the lead on lobbying for changes to laws restricting permits for the spouses of L-visa holders. The Permits Foundation lent its expertise when needed.

The bottom line

Additional liberalization of work permit laws is likely as countries strive for greater foreign investment and search for solutions to impending labor shortages. "Dual career couples are now a fact of life," Nelson says. "So if governments want the investment of multinational corporations, they'll need to be more flexible."

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