

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY M.R. LE HEGARAT OF ST. HELIER NORTH
QUESTION SUBMITTED ON MONDAY 20th NOVEMBER 2023
ANSWER TO BE TABLED ON MONDAY 27th NOVEMBER 2023**

Question

“Will the Minister advise how many prosecutions there have been, in the last 12 months, for non-payment of employees’ Social Security contributions by employers, how many of these prosecutions relate to Work Permit Holders, and what impact this has on the affected employees’ Social Security record?”

Answer

All employers submit a Combined Employer Return (CER) which covers their Social Security, ITIS and Manpower submissions. The work to ensure compliance in this area is conducted by Revenue Jersey.

Employers who do not submit their Combined Employer Returns can be subject to civil financial penalties and surcharges if they make late payment. Outstanding employer debts are routinely pursued through summons to the Petty Debts court, in any cases where the employer doesn’t cooperate. It would only be in very particular circumstances that the expense of a criminal prosecution for non-payment would be appropriate. In the last 12 months there have been no prosecutions of employers solely for non-payment of social security.

In respect of the potential impact on employees’ social security records, where an employer has filed their CER, we do credit contributions deducted from employees’ wages in the employee’s record, even if the employer has not paid these contributions over. There is, therefore, no impact on their record. The failure to submit records of what contributions have been deducted, via the CER, is arguably more serious. As we have no information, and if the employee also has no evidence of the deductions, this can directly impact both the entitlement to benefits in the near term but also pension entitlement in the future.

The Deputy may be aware that one business was prosecuted primarily for not filing Combined Employer Returns recently and I understand that cases against other businesses are in the process of being reported to the Attorney General to consider prosecution.

Whilst the prosecution above did not specifically relate to Work Permit Holders, the same approaches would be adopted.