

2024.05.21

**3.11 Deputy G.P. Southern of the Minister for Social Security regarding compliance with the terms of the Employment (Jersey) Law 2003. (OQ.102/2024)**

Will the Minister advise what actions are undertaken by Social Security officers to enforce compliance with the terms of the Employment (Jersey) Law 2003, in particular the requirement that contracts of employment are accurate and issued promptly, and how many inspections are conducted as part of that work and at what intervals?

**Deputy L.V. Feltham (The Minister for Social Security):**

The Employment Law contains a criminal sanction for the failure of an employer to provide written terms and conditions; that is in Article 9. There is a dedicated employer compliance team within Revenue Jersey which deals holistically with employers' responsibility under tax, social security and employment law. That team prioritises its work on a risk basis, rather than via routine visits, and will generally tackle any issues with an employer at the same time. This does include prosecutions in the most serious cases. While the last prosecution was late last year, I understand that further cases are being worked on by the Attorney General's team. The team at Revenue Jersey will respond to and resolve any specific instances involving employers, including under the Employment Law when Islanders bring these to their attention.

**3.11.1 Deputy G.P. Southern:**

I thank the Minister for her answers so far, but is the reality that, for example, there are no random tests of whether an employer has issued the correct terms of reference for a work employment contract, and that when errors are discovered in the system there is no sanction taken apart from requiring the employee to take a course to the tribunal? Nothing in the system says we will enforce the law as it stands.

**Deputy L.V. Feltham:**

In relation to cases going to the Employment Tribunal, I am aware that there were 31 claims for a breach of employee statutory rights according to the 2022 annual report of the Employment and Discrimination Tribunal. That level of breaches is clearly not acceptable and I have discussed with the Jersey Advisory and Conciliatory Council how we may improve communications to employers and employees around rights and responsibilities of both parties. I am also expecting a report from the Employment Forum on potential changes to a compensation awards regime in Jersey, and I will consider the Forum's recommendations very carefully in that respect.

**3.11.2 Deputy T.A. Coles:**

Does the Minister believe that her team are adequately resourced to deal with the compliance of the terms of reference, especially in regard to gender pay disputes?

**Deputy L.V. Feltham:**

It is an area - with regard to resourcing - that I have not been briefed on, so subsequent to this question I will go and receive further briefing around resourcing of that particular area of Revenue Jersey and report back to the Deputy with my findings.

**3.11.3 Deputy G.P. Southern:**

Is it not the case that some employers, willy-nilly, are putting their workers on zero-hours contracts, even though that denies them certain rights of employment?

**Deputy L.V. Feltham:**

It may well be the case. However, there are recent changes to the Employment Law, and I am working with the Jersey Advisory and Conciliatory Service in order to ensure that employers have the right level of communication to them, as well as free training available, so that they can understand their responsibilities under the employment legislation.