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### **5.3 Deputy G.P. Southern of the Minister for Social Security regarding the number of domestic care agencies operating in the Island and their employment policies:**

It is a habit of Ministers not to be very good with targets. What data, if any, does the Minister have on the number of domestic care agencies operating in the Island and whether their employment policies, including the use of zero-hours contracts and the practice of regarding only contact time as paid work, with no consideration for travel time, put them at risk of breaching minimum wage legislation?

#### **Deputy S.J. Pinel of St. Clement (The Minister for Social Security):**

I shall endeavour to be succinct. As my response to a written question on this issue explains, I am aware that 22 providers of domestic care have been approved under the Health and Social Services Approved Provider Framework. The Jersey Advisory and Conciliation Service has confirmed that of the 9,469 individual queries they received in 2015, no client queries or complaints were received on the issues raised by the Deputy's question. I can also confirm that there have been 6 inspections of care agencies conducted by Social Security enforcement officers during 2015. The information collected indicates that agency carers generally work on a shift basis rather than a per client basis. In some cases, officers found that the employer pays an allowance for the employee to use their own car. No minimum wage issues were evident from the inspections and there were no recorded instances of the circumstances described in this question.

#### **5.3.1 Deputy G.P. Southern:**

Does the Minister accept that in attempting to see, let us say, 10 clients during a day, the worker will be either driving or away from home for up to 12 hours, 13 hours? In one case that I have seen, 15 hours; a 15-hour day away from home, and paid for 8½; and that effectively reduces the hourly rates of pay below the minimum wage. I have examples where ... a random sample, 3 out of 15 days were thus; below the minimum wage. Does the Minister accept that that is possible?

#### **Deputy S.J. Pinel:**

The Deputy stated in the Scrutiny Panel's public hearing on zero-hours contracts in November that he had seen rosters for care workers who are not paid for travelling time between assignments. The Deputy has not shared any further information with the department on this. If any domestic care employees have concerns about pay or their terms of employment they should contact J.A.C.S. (Jersey Advisory and Conciliation Service) or my department.

#### **5.3.2 Deputy M. Tadier:**

Perhaps the Minister can clarify what the law says, if there is any law, and what her feelings are about whether workers should be paid when they are driving in between jobs, whether they work for care agencies or whether they work for a States department.

#### **Deputy S.J. Pinel:**

Where a person is employed to work for a domestic care agency the protection of the Employment (Jersey) Law 2003 will apply in the same way as it does for every other employee in Jersey.

**Deputy M. Tadier:**

Which is?

**Deputy S.J. Pinel:**

Perhaps I might refer the Deputy to the Employment (Jersey) Law 2003.

**Deputy M. Tadier:**

I understand that the Minister is reading from that, I just do not know why she does not continue with her sentence and give us the facts now.

**The Deputy Bailiff:**

It is a matter for the Minister how she answers the questions, Deputy, and you have had the follow-up question that we normally allow.

**5.3.3 Deputy G.P. Southern:**

In such circumstances as described earlier, does the Minister believe that these workers who will often be working a 45, 48-hour week are kept on zero-hours contracts and does she consider whether that is an appropriate use of zero-hours contracts?

**Deputy S.J. Pinel:**

I think the Deputy may be able to answer his own question with the work that the Scrutiny Panel are doing on zero-hours contracts in domestic care. When hopefully the report is finished he will give us the information. Thank you.

**5.3.4 Deputy G.P. Southern:**

There was a question there for the Minister who is responsible for this area of work and law, not to reflect that straight back to the Scrutiny Panel. It is a question to the Minister now today. Does she think the zero-hours contracts in such circumstances are appropriate?

**Deputy S.J. Pinel:**

In some circumstances, yes, they are. As I said in my previous opening statement, that if any employee - which we have not been aware of - has any concerns about their contracts, travelling time, or payment then J.A.C.S., as a funded body from Social Security, can provide them with any advice they need.