

2016.02.02

5.18 Deputy M. Tadier of the Minister for Social Security regarding provisions in place to protect workers from exploitation:

What provisions are in place to protect workers from exploitation, particularly in relation to maximum working hours, break entitlements and rest times between shifts?

Deputy S.J. Pinel (The Minister for Social Security):

The Employment (Jersey) Law 2003 is designed to give employees essential protections in the employment relationship. The law does not currently include the 3 provisions that the Deputy mentions. In relation to time off work, the law does give employees the right to a day off work each week and a period of paid annual leave. These fundamental rights were agreed by the States Assembly in 2000 as being desirable for a small jurisdiction like Jersey.

5.18.1 Deputy M. Tadier:

Does the Minister think that the law may be deficient given that she says that there are no provisions or protections relation to those 3 issues to do with working hours, break entitlements and rest times and that there are people out there, certainly that I know of, that have been working in hospitality who today will be working a 12-hour shift, sometimes a 13-hour shift without any break whatsoever and who perhaps struggle to even ask for a toilet break and then might be expected to get up less than 9 hours later to start a new shift in the morning? Is that acceptable practice in Jersey in this day and age?

Deputy S.J. Pinel:

Jersey employment law is fundamental and pertinent to a jurisdiction the size of Jersey, not a large country. Jersey made a choice not to have the very complicated laws that exist in the U.K. and people have a choice as to how many hours they work.

5.18.2 Deputy G.P. Southern:

Do the enforcement officers have the power to inspect contracts to ensure that they accurately reflect the terms and conditions under which employees are working?

Deputy S.J. Pinel:

The employment officers obviously have a very big job in front of them. They made 6 inspections, as I alluded to in the previous question, last year and they check with new businesses that are starting up and also ones that are already in operation as to ensuring that the Jersey employment law is being followed.

5.18.3 Deputy G.P. Southern:

The question was: do they have the power to inspect contracts to ensure that they accurately reflect the terms and conditions of the employees concerned? That is a vital issue for the Employment (Jersey) Law 2003. Do they have that power or not? A simple yes or no.

Deputy S.J. Pinel:

They have the power to inspect the contracts and the wage slips. The Employment Law gives employees a range of important protections in the employment relationship including the rights to a minimum wage, written terms of employment, pay slips, redundancy pay and protection against detriment or dismissal.

Deputy G.P. Southern:

Could the Minister answer the question? Do they have that specific power? I know they have the power to inspect whether those terms are ...

The Deputy Bailiff:

Deputy, the position is you have asked the question quite clearly on 2 occasions. If the Minister has not answered it to your satisfaction then we must move on to the next question ...

Deputy G.P. Southern:

Will she give me a written answer following on from that as to whether the power is contained in the 2003 law or not?

The Deputy Bailiff:

Minister, do you wish to deal with that?

Deputy S.J. Pinel:

I did answer it, Sir. I said that the officers do check the contracts and the pay slips but if the Deputy wants it in writing, I am happy to do that.

5.18.4 Deputy M. Tadier:

The Minister seems to say on the one hand there is no protection for maximum working hours but that the worker has a choice and presumably that choice is you either take the job or you resign, which does not seem much of a choice in the stark reality of the current state of affairs. Will the Minister answer perhaps this one question straight with a yes or no? Does she think it is acceptable that in Jersey now in 2016 there are workers regularly out there within walking distance of this Assembly who will be doing a 12-hour shift this evening without getting any breaks at all and who will be waking up tomorrow morning and doing another shift at 9.00 a.m. when they finish at 2.00 a.m. or after midnight? Is that acceptable?

Deputy S.J. Pinel:

We are very aware that quite a lot of people working in Jersey, especially on the minimum wage are doing 2 or 3 shifts in order to save the money that they want to save and certainly in hospitality and in the cleaning industries, 2 or 3 shifts are really quite normal.

Deputy M. Tadier:

Can I clarify? I am talking about one employer, they are doing one shift which is 12 hours long, not people who choose to do many different jobs at the same time. That is not the question.

The Deputy Bailiff:

Deputy, you cannot really have a supplementary question on a final supplementary and I am very conscious we have one further question and very little time in which to do it. So I rule that question as out of order.