



## **Work Permit Holder Welfare Review Panel**

### **Work Permit Holder Welfare**

### **Witness: Jersey Farmers Union**

Wednesday, 10th May 2023

**Panel:**

Deputy B.B. de S.DV.M Porée of St. Helier South (Chair)

Deputy M.R. Le Hegarat of St. Helier North (Vice-Chair)

Deputy L.V. Feltham of St. Helier Central

**Witnesses:**

Mr. P. Le Maistre, President, Jersey Farmers Union

Ms. J. Rueb, Executive Secretary, Jersey Farmers Union

Mr. M. Renouard, Business Unit Director, Jersey Royal Company

[12:30]

**Deputy B.B. de S.DV.M Porée of St. Helier South (Chair):**

Welcome to this hearing of the Work Permit Holder Welfare Review Panel. Today is 10th May 2023 and this is our first public hearing with regards to this review. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched to silent. For the purpose of the recording and transcript it would be grateful if everyone who speaks could ensure that they mention their name and their capacity in the beginning of the meeting. I will begin with the introductions. My name is Deputy Beatriz Porée, and I am the chair of this review panel.

**Deputy M.R. Le Hegarat of St. Helier North (Vice-Chair):**

Deputy Mary Le Hegarat, District North of St. Helier. I am vice-chair of this panel. I would also like to just bring your attention to the fact that I will probably have to leave between 1.20 and 1.30

because I have another commitment. I apologise for that but hopefully that will not impact on our hearing this morning.

**Deputy L.V. Feltham of St. Helier Central:**

I am Deputy Lyndsay Feltham, Deputy of St. Helier Central, and I am a member of this panel.

**President, Jersey Farmers Union:**

Good afternoon. My name is Peter Le Maistre. I am president of the Jersey Farmers Union.

**Executive Secretary, Jersey Farmers Union:**

I am Jane Rueb. I am the executive secretary of the Jersey Farmers Union.

**Business Unit Director, Jersey Royal Company:**

I am Mike Renouard. I am the business unit director for the Jersey Royal Company.

**Deputy B.B. de S.DV.M Porée:**

Thank you. I would like to make you aware of some of our support team as well please.

**Committee and Panel Officer:**

I am Anna Thorne. I am the committee and panel officer.

**Research and Project Officer:**

Ben Walker, research and project officer.

**Communications Officer (1):**

Charlotte Curry, communications officer.

**Communications Officer (2):**

Katie Bastiman, communications officer.

**Deputy B.B. de S.DV.M Porée:**

On that note, I would like to say we have got an hour and a half to go through this hearing. We do have quite a number of questions to ask but it may well be that we finish early. But that is the time allocated for the hearing. If we are all ready, I will start with the first question. My first question is with regards to the recruitment of the work permit workers. What proportion of full permit holders employed by the Jersey Farmers Union are recruited via an external recruitment agency?

**Executive Secretary, Jersey Farmers Union:**

We recruit for most farmers and growers, apart from Jersey Royal who do their own recruitment. We recruit from various different countries. Most of our workers come from the Philippines and the proportion is probably, I would say, about four-fifths of our workers come through the Philippine agency that we use.

**Deputy B.B. de S.DV.M Porée:**

Do you have any other countries? Is the biggest proportion ...

**Executive Secretary, Jersey Farmers Union:**

That is our biggest proportion.

**Deputy B.B. de S.DV.M Porée:**

How does the Jersey Farmers Union select recruitment agencies to engage with? How do you engage with those recruitment agencies?

**Executive Secretary, Jersey Farmers Union:**

The recruitment agency was in place when I started in my job in May 2020. Peter can probably tell you about how that is selected.

**President, Jersey Farmers Union:**

The selection of the agency came about by a reference from a fisherman who was looking for people for his boat. He said that he had met an agent from the Philippines who was recruiting staff for the fishing industry in, I think it was either north of Scotland or Northern Ireland, and this agent said he could get agricultural workers. So we met the agent in Jersey and we explained what our work entailed. We showed him a video, which the Jersey Royal company kindly provided, because most of the work is potatoes. So the agent had a fair idea of the manual effort that was required. The next stage was we had to check that he was a registered agent with the Philippines Government. To sign up with his company, or the company that he was representing, we had to go through a whole load of legal hoops with the Philippines Embassy in London which, at the end of our negotiations and the signing of the agent, they sent their labour attaché and one other person to Jersey to come and meet us to understand what the work would entail, to make sure that we could provide good accommodation, which they inspected on that first visit. I think the last thing was the number of hours that they were going to work because obviously coming from such a long way away to make it worthwhile for everyone you have to be doing at least 45 to 50 hours a week. The Farmers Union guarantees 41 hours a week or, in exceptional circumstances, if you would have snow, it is rolled over for a fortnight. We managed to satisfy the Embassy in London that the Farmers Union and its members were going to provide a good working environment for the Philippines people. In turn, we were reassured that the agent was fully licensed by the Philippines Government and that is

how we got going. We are still going. The agent has changed companies, he has formed another company himself with his wife, and that has all had to be reregistered and we are dealing now directly with him. It is working very well. We have had very few ... in February 2020 we had the first people in, that was 18 staff. Now I think this year you are recruiting 130, is it?

**Executive Secretary, Jersey Farmers Union:**

Last year we recruited 168 Philippine staff.

**President, Jersey Farmers Union:**

But we have had very few ... we have got now people returning for the fourth time, because of the 9-month permit. Obviously if you go 9 months, stay away for 3, we are in that time, so obviously some of the original 18 are coming back. We think it is working well for both parties.

**Deputy B.B. de S.DV.M Porée:**

That is good. Thank you for that. You did mention some checks that you had to do with the agency. Could you be a bit more specific and what sort of background checks are carried out on the recruitment with the selected agencies?

**Executive Secretary, Jersey Farmers Union:**

The agency has to be registered with the Philippines Government. You can go online and see all the agencies that are registered. Obviously that was one of the first things. When we were putting together the paperwork we had to go and be ratified by the Philippines Embassy in London. We had to put together a recruitment agreement with the agency, the manpower request, a master employment contract, which we get all our growers to use when they employ Philippine workers, and which we checked with a local lawyer here because it comes under Jersey law and it has to obviously comply with the Jersey Employment Law. We had to do a letter of undertaking regarding worker welfare.

**Deputy B.B. de S.DV.M Porée:**

How does the Jersey Farmers Union maintain contact with recruitment agencies throughout that recruitment process in terms of employment and termination of work permit or the contract? How is that contact maintained?

**Executive Secretary, Jersey Farmers Union:**

I have daily contact with the agency. We do not just have one group of workers arrive on a certain month and then no one else throughout the year. We are literally having people in every single month of the year and we have probably got people going home every single month of the year because of the 9-month permit. The agents are very good. If there is ever a problem we can ring

each other up. We have had facetime meetings. They do come to the Island from time to time as well. When they are here they check up on the welfare of their workers. You will recall the tragedy that happened with the L'Ecume fishing boat. Two of the crewmen were Philippine crewmen and we got them in for Mr. Michieli via the agency. So as soon as the tragedy happened the agent was on a plane and arrived. Then he came back again during Christmas and New Year to go and see the Michieli family, check all the other Philippine workers who knew them were okay, and liaise with the Island authorities as well.

**Deputy B.B. de S.DV.M Porée:**

In terms of farmers' workers you would say you almost have daily contact with the agencies if you need to support workers further?

**Executive Secretary, Jersey Farmers Union:**

Yes.

**Deputy B.B. de S.DV.M Porée:**

Or if there are any issues. Okay, thank you for that. What standards accreditation schemes of professional memberships must the recruitment agency obtain to become a licensed recruitment agency by the Filipino department?

**Executive Secretary, Jersey Farmers Union:**

I do not know the ...

**President, Jersey Farmers Union:**

I do not know that.

**Executive Secretary, Jersey Farmers Union:**

... exact rules and regulations with the Philippine law. I do not have the paperwork with me but they do have very strict labour laws, which they introduced some years ago because they have a lot of countrymen, Philippine nationals, who go out around the world to work in various different countries. I think some years ago they were quite concerned at the way their Philippine workers had been treated in some countries. So they made the laws quite strict. So the workers have to go via an accredited agency. Before they actually leave the country they have to have a certificate to enable them to leave the country to be an overseas worker.

**Deputy B.B. de S.DV.M Porée:**

What information is provided upfront to prospective work permit holders about the travel and the administrative fees that must be paid back?

**Executive Secretary, Jersey Farmers Union:**

Our Philippine agent does give the workers a sort of briefing before they come to Jersey. They are told about ... it is like an induction briefing so that they are told about things like communication barriers. We have just got a list they have sent to me: finances, things like climate here, discrimination, appropriate/inappropriate behaviour, the different lifestyle here, the different work environment. They do things like they have a WhatsApp group where they send them photos of the clothes that they should be bringing with them. But of course it is a much colder climate here than it is in the Philippines so I think for some workers it is very difficult to (a) find the clothes in the Philippines to bring with them and (b) probably to afford them as well. I know that there is a Philippine support group here, Philippine nationals who live here full time who have helped with that and turned up at the airport or farms with clothing that they have managed to find the workers.

**Deputy B.B. de S.DV.M Porée:**

It must be difficult for them, even though they have the information, to have a real understanding of what cold weather means until you arrive into a cold country; it is a very different concept.

**Executive Secretary, Jersey Farmers Union:**

When you go and meet people at the airport, especially when it is Philippine people who are coming here for the first time, one of the first questions they always ask is: "Does it snow in Jersey?" because they are very excited in case it will snow.

**Deputy B.B. de S.DV.M Porée:**

They get that information when they are still in their country of origin?

**President, Jersey Farmers Union:**

Before they sign the contract.

**Deputy B.B. de S.DV.M Porée:**

May I just ask, once they arrive in Jersey is there any further kind of support given?

**President, Jersey Farmers Union:**

Jane would support them up until they arrive at the airport. She meets most of the flights with the grower. So the grower then becomes responsible once they arrive at St. Helier, whether it is ... nearly everyone comes through the airport.

[12:45]

The grower will then have an induction meeting with the staff member and explain what their responsibilities are, introduce them. If I just think of our own farm we usually, because some of them obviously come ... firstly, they come with very little money and, secondly, it takes them these days about 3 weeks to set up a bank account so we usually tend to fund them with cash for the first few weeks and show them where the shops are and pharmacy and everything else. Then they would go through the normal farm training procedure, which covers everything from health and safety to allergies, everything to do with the area of responsibility. It is slightly different if they are in ... like Mike would have in the packhouse to if they are working outside. But there is basically a training day or morning, depending how many people there are. If it is only one or 2 you can probably do it in a morning.

**Deputy M.R. Le Hegarat:**

I am going to move on to working conditions and support. How does the Farmers Union process requests for support from work permit holders?

**President, Jersey Farmers Union:**

We have had very few occasions when you have been troubled. If we are talking about on the farm, our members are all signed up to at the minimum the Red Tractor, the vast majority are L.E.A.F. (Linking Environment and Farming) accredited and part of the L.E.A.F. audit is ... perhaps I should explain. Farms in Jersey, if you are a member of L.E.A.F., you get an external audit which comes in, it is completely independent, and part of the audit will be staff welfare. So that will include everything from how many hours they are working, what the living conditions are like, health and safety. Part of the audit would be that the auditor goes through your list of 10 employees or 20, however many you have, and he says: "I would like to see him and her" and then he takes them aside and you do not have anything else to do with that. He interviews them confidentially about the working practises of the farm, their environment and ... we know that no significant failings have been found because what would happen is if an auditor found that someone was mistreating staff then basically their L.E.A.F. membership is suspended and they could not then send potatoes or milk or anything else. We know that the independent audits are being carried out, because they have to be. We know, to our knowledge, so far no issues have been drawn up.

**Deputy L.V. Feltham:**

Can I just ask for clarification? You mentioned that the conversations between L.E.A.F. and the employees are confidential. But are they anonymous?

**Business Unit Director, Jersey Royal Company:**

Perhaps I could come in there. As well as L.E.A.F. accreditation, because we are the main supplier to the retailers, we are also members of a group called Sedex, so we have ethical trading audits,

which are unannounced audits. They arrive here and then they will do a 2 full-day audit. Part of that process is looking into all the work ethics for the staff, they look at their accommodation, they look at our payment scheme. They will come out and say: "What are your staff lists?" So we give them our staff lists and they will pick a number of people. For us it is about 20 people from different parts of the business and they will say: "Right, we just want to have an interview with them." So we bring them in, they interview them, talk to them in groups, generally in groups of different languages. Then they will do a full report. That report does not just come to us. That goes to all of our supermarket clients as well. So if it is very open. If there is anything that we get wrong we have a period to put those non-compliances right. If there are any major non-compliances we will get delisted by our customers. So it is very rigid and very strict. We get that every year. That is on top of the L.E.A.F. audit that Peter is talking about, which will also look at staff. Our B.R.C. (British Retail Consortium) audit, which is the packhouse side of things, will also look at staff welfare and hygiene procedures. It is not just one audit now, we are talking about maybe 3 or 4 different audits throughout the year.

**Deputy M.R. Le Hegarat:**

And they just turn up randomly?

**Business Unit Director, Jersey Royal Company:**

Yes, they just turn up. It is 2 full-day audits. The B.R.C. is 2 days. Our ethical audit is 2 days. Our farm audit is 2 days. Our L.E.A.F. audit ... they do it at the same time as the farm audit.

**Deputy M.R. Le Hegarat:**

These are all U.K. (United Kingdom) based?

**Business Unit Director, Jersey Royal Company:**

They are all U.K.-based independent companies that do that. The retailer will say: "Right, this is the audit of the ..." and you sign up to them, and then they come over and do an unannounced audit.

**Deputy M.R. Le Hegarat:**

That is through the U.K. supermarkets?

**Business Unit Director, Jersey Royal Company:**

Yes.

**Deputy M.R. Le Hegarat:**

It is nothing to do with the British Government?



**Business Unit Director, Jersey Royal Company:**

No.

**President, Jersey Farmers Union:**

Sorry, and the other potato growers, I think when we were at Mr. Mourant's a couple of weeks ago, with another firm, another audit, called G.R.A.S.P. (Global Risk Assessment on Social Practices), which do a similar thing. I am sure you have seen the stories, the same as we have in the U.K., where supermarkets - well, not just in the U.K. - have been shamed basically because they have had staff working for gangmasters and that sort of thing. It is the supermarkets that basically do not want that to happen. They insist on you having the auditor. The auditor just turns up but the supermarket does not foot the bill, it is the grower, which is very nice.

**Business Unit Director, Jersey Royal Company:**

There is a big distinction here between gangmasters in the U.K. They have to be licensed and a lot of people will use gangmasters. So the staff work for the gangmaster and will be paid through the gangmaster and their clients will then pay them. Here everybody is directly employed by the grower.

**Deputy M.R. Le Hegarat:**

By the farmer?

**President, Jersey Farmers Union:**

Yes, whether that is the Jersey Royal Company or the smallest grower. Everyone is employed direct.

**Deputy M.R. Le Hegarat:**

Individually, okay, thank you. Are these models of best practice, which obviously there are quite a few different things, followed by the Jersey Farmers Union in relation to work permit holders working conditions and support, how are these communicated to the Jersey Farmers Union members and external recruitment agencies?

**President, Jersey Farmers Union:**

As I say, I think as far as the growers themselves, we make it very clear through the contract of employment - Jane mentioned a generic contract - that we expect them to adhere to that. If they did not we would not recruit for them. It is black and white really.

**Executive Secretary, Jersey Farmers Union:**

They get sent a copy of the generic employment contract that we have agreed with the Philippine agent and they get told: "This is the contract you need to use, you can tweak it slightly." There are

some growers that have slightly different holiday pay arrangements where they do rolled-up holiday pay. But that is it. It is a minimum amount of hours. Obviously if you are paying minimum wage it is this, you cannot charge more than £115 for fully-furnished accommodation and you have to adhere to all these other clauses that we have agreed with the agency.

**Deputy M.R. Le Hegarat:**

We were already aware of this, in relation to accommodation there is a maximum fee that anybody can be charged?

**Executive Secretary, Jersey Farmers Union:**

Yes. That is to do with the minimum wage regulations.

**Deputy M.R. Le Hegarat:**

How many members of the Farmers Union have G.R.A.S.P. accreditation, do you know?

**Executive Secretary, Jersey Farmers Union:**

I think it is all the farmers who ship Jersey Royals via Bartletts. So it is probably about 12 of them.

**President, Jersey Farmers Union:**

Yes.

**Executive Secretary, Jersey Farmers Union:**

They are the ones that employ, probably apart from Jersey Royal, most of the seasonal workers on the Island.

**Deputy M.R. Le Hegarat:**

I think I am probably aware of this, but just to clarify, you have basically only got 2 ... you have Jersey Royal and you have Bartletts?

**Business Unit Director, Jersey Royal Company:**

That is right.

**Deputy M.R. Le Hegarat:**

So farmers either sell their produce to one or the other?

**President, Jersey Farmers Union:**

Yes.

**Deputy M.R. Le Hegarat:**

They either fall under Jersey Royal or under Bartletts.

**President, Jersey Farmers Union:**

For potatoes. The largest other growers would be ... there are a couple of glasshouse growers supplying locally but the large vegetable or potato growers are all covered by this. The people who are not covered by it but they are covered by the L.E.A.F. audit are the dairy. But you tend to find that dairy farms are 3 or 4 people generally; the farmer, someone else and 3 staff.

**Deputy M.R. Le Hegarat:**

Just on that point though, what you did mention is like those that supply locally. If they get staff through yourselves they would obviously be under the ... if they do not export with Bartletts or the Jersey Royal but only sell locally.

**President, Jersey Farmers Union:**

Take the main glasshouse growers, they have got to be members of L.E.A.F.

**Deputy M.R. Le Hegarat:**

They have to be members of L.E.A.F. as well, so they would then come under the audit process?

**President, Jersey Farmers Union:**

As part of the new strategy we are trying to get everyone into L.E.A.F. so that we have an independent audit system. It might not be L.E.A.F. because there is an organic Soil Association body, so there are slight variations but they all have to be independently audited.

**Deputy M.R. Le Hegarat:**

The thing that is important here is to establish that all of the people employed within the agricultural industry, all work permit holders, will be under some remit of those employers that are going to be audited by somebody.

**President, Jersey Farmers Union:**

Yes, and we can be clear to say that we have not recruited for anyone who is not.

**Deputy M.R. Le Hegarat:**

That is perfect, thank you. What sort of level of communication do you have with G.R.A.S.P. yourselves?

**Executive Secretary, Jersey Farmers Union:**

We do not have any.

**President, Jersey Farmers Union:**

No, it would be the individual grower.

**Deputy M.R. Le Hegarat:**

It would be the individual grower. So it is actually the individual growers that have the communication with G.R.A.S.P., not the Jersey Farmers Union?

**President, Jersey Farmers Union:**

No.

**Deputy M.R. Le Hegarat:**

The panel understands that payments are awarded to agricultural businesses under the rural support scheme for successful accreditation by recognised baseline independent audit schemes, which we have obviously just talked about, which includes the L.E.A.F. Marque scheme, what specific employee welfare considerations are agricultural sector employers required to have as members of the L.E.A.F. thing? Are there any other things that we have not already talked about, do you think?

**Business Unit Director, Jersey Royal Company:**

They look at the payments, deductions, accommodation, working conditions, issuing of P.P.E. (personal protective equipment), translated.

**Deputy M.R. Le Hegarat:**

So on that note, they expect employees to be given the relevant protective equipment for their jobs?

**Business Unit Director, Jersey Royal Company:**

Yes.

**Deputy M.R. Le Hegarat:**

I am just going to quickly move on now to accommodation. Obviously we have seen some accommodation when we had a visit recently. To what extent does work permit accommodation get inspected? Effectively, we are aware that obviously L.E.A.F. will come and check and audit but do they audit all accommodation or just some of the people that they have spoken to?

**President, Jersey Farmers Union:**

From my experience, they just pick at random. If they pick you and you, they go and see your rooms. But we do not have any idea who they are going to pick.

**Deputy M.R. Le Hegarat:**

And of course you have no idea when L.E.A.F. is going to come to audit.

**President, Jersey Farmers Union:**

No.

**Business Unit Director, Jersey Royal Company:**

For us, they will pick blocks of accommodation. They might want to go and see that block, that block and that block, and they do look into the accommodation quite strictly. They will look at things like shower heads and make sure there is no mould. We have to do water testing for the accommodation blocks to make sure that the water is potable. Things like legionella's disease they check for. It is quite strict.

**Deputy M.R. Le Hegarat:**

Are there any external factors that impact the accommodation provided by the Jersey Farmers Union members? Do you think there are any external factors that impact on that accommodation that you can provide?

**Business Unit Director, Jersey Royal Company:**

All of our accommodation is agricultural workers accommodation. We cannot use that for anything else. We are restricted to how much we can charge for that accommodation. So £115 a week is our maximum that we can charge for. For us, we subsidise that, depending on length of service. If people have done more than 7 years for us we will reduce that down to £90 a week as a bit of an incentive to keep coming back.

[13:00]

We are limited to the amount of income we can charge for those. So keeping accommodation updated, up to spec, trying to find new accommodation is very difficult.

**Deputy M.R. Le Hegarat:**

Do they pay any subsidiary to the £115? So would they be charged for wi-fi or electricity or water or anything like that?

**Business Unit Director, Jersey Royal Company:**

We charge for electricity or if they have gas. We only have one block that is on gas bottles and we charge for gas bottles. But otherwise wi-fi, all that, is all free.

**Deputy M.R. Le Hegarat:**

So that is included in their £115?

**Business Unit Director, Jersey Royal Company:**

Water is free because most of it is borehole. We've got some on mains water but we do not charge for that. It is just electricity and the odd place gas.

**Deputy M.R. Le Hegarat:**

So in relation to if you are on a borehole, would that be regularly checked as well?

**Business Unit Director, Jersey Royal Company:**

Yes, that is always checked. We have to send samples for all of our sites.

**Deputy M.R. Le Hegarat:**

To the lab?

**Business Unit Director, Jersey Royal Company:**

Yes, in the U.K. It has to be an accredited lab in the U.K. We cannot use any Jersey labs because they are not accredited.

**Deputy M.R. Le Hegarat:**

Obviously that is where you would find out if there were any flaws with the water quality?

**Business Unit Director, Jersey Royal Company:**

Yes.

**Deputy L.V. Feltham:**

Can I just check that cap on the rent that you can charge, is that a cap on a deduction from a salary based on somebody being paid minimum wage?

**Business Unit Director, Jersey Royal Company:**

Yes. It is a flat rate.

**Deputy L.V. Feltham:**

So if somebody was being paid more than minimum wage?

**Business Unit Director, Jersey Royal Company:**

We still can only charge them that £115.

**Deputy L.V. Feltham:**

If somebody is sharing a unit of accommodation what is the charge for ...?

**Business Unit Director, Jersey Royal Company:**

It is per head.

**Deputy B.B. de S.DV.M Porée:**

So £115 per head.

**Deputy M.R. Le Hegarat:**

I think the final one in this particular section. Is there a mechanism in place for work permit holders to escalate any concerns about their accommodation to the Jersey Farmers Union?

**President, Jersey Farmers Union:**

No, through the agent really.

**Deputy M.R. Le Hegarat:**

It would be through the agent?

**President, Jersey Farmers Union:**

The agent would come to us and say ... the grower is not going to come to us. It would be through the agent.

**Deputy M.R. Le Hegarat:**

So the workers know who the agent is and have an ability to contact the agent independently so that they could raise any concerns that they have with their accommodation? Is it the same for yourselves?

**Business Unit Director, Jersey Royal Company:**

Yes, for the Filipinos that we will get through the Farmers Union that is the same. They make up about a quarter of our workforce. We have people from a number of other different nationalities. We have a worker welfare group within the company that we have representatives of the workforce sitting on, so they can raise any issues they have there. We have a worker welfare team they can raise issues with. We also are members of the Safecall, which is an agency in the U.K., which has

an anonymous phone number that people can ring up. That is posted round the whole business. That is the line to the retailers as well. That is completely independent of us. If they have an issue they can ring the Safecall number and then Safecall will then contact us and tell us whether we need to do anything about it or whether we need to investigate.

**Deputy M.R. Le Hegarat:**

I am going to go a bit offline here because obviously we are talking to the agricultural industry and the majority of workforce does come from the Philippines but yours is not?

**Business Unit Director, Jersey Royal Company:**

For us, about 25 per cent of our workforce are Filipinos.

**Deputy M.R. Le Hegarat:**

What about the remainder of your workforce? Because obviously we are speaking to Jersey Farmers Union but I am minded that you are here as well.

**Business Unit Director, Jersey Royal Company:**

We have Polish, Romanian, Bulgarian, Portuguese. We have had last year some Kenyans, Russians, Tajiks, Brazilians.

**Deputy M.R. Le Hegarat:**

In relation to those individuals how do you recruit them?

**Business Unit Director, Jersey Royal Company:**

We recruit them directly, in the main.

**Deputy M.R. Le Hegarat:**

So you have links yourselves within those countries?

**Business Unit Director, Jersey Royal Company:**

Yes.

**Deputy M.R. Le Hegarat:**

What sort of rules and regulations do they have in those countries in relation to the recruitment processes and the agents that you use?

**Business Unit Director, Jersey Royal Company:**



Probably 35 per cent, 40 per cent of our workforce will have settled status, so they have been coming to us for a number of years. We recruit via friends of the family or people that our current workforce know. But we still have to get the checks done. So we have to have medical checks done, we have to have criminal checks done in their home country, and of course now that is part of the visa process and the work permit process as well, is that we need to have those checks done before we can recruit and before anyone comes to the Island.

**Deputy M.R. Le Hegarat:**

So yours is basically word of mouth as opposed to actually like with ...

**Business Unit Director, Jersey Royal Company:**

Yes, but the checks are very similar.

**Deputy M.R. Le Hegarat:**

Okay, I just wanted ...

**President, Jersey Farmers Union:**

Just to clarify, most of the other famers have still got mainly Polish settled status. Still have a few Portuguese and a few Romanians. But that number would be lower, I would say, than ... I would think it is more like 25 per cent on most farms. How many permits have we had for Europeans? Only about 3 or 4, is it not?

**Executive Secretary, Jersey Farmers Union:**

Yes, very few.

**President, Jersey Farmers Union:**

All the others were settled. They were here in 2021 or 2020.

**Deputy M.R. Le Hegarat:**

What I am trying to establish, because what we are looking at is the work permit scenario. So those 75 per cent of staff, they are still on work permits?

**Business Unit Director, Jersey Royal Company:**

Yes, the new people are.

**Deputy M.R. Le Hegarat:**

So they are still on work permits because that is obviously ... what we picked up along the way was that agriculture was predominantly from the Philippines but of course, with yourself, you are

recruiting people from across the globe really. It was just to make sure that the sort of same checks and balances will be for those communities as well.

**Business Unit Director, Jersey Royal Company:**

Absolutely the same, yes.

**Deputy M.R. Le Hegarat:**

Thank you.

**Deputy L.V. Feltham:**

We are going to move on to talking about addressing labour shortages and the role that the work permit policy has in that. What impact do you think that the work permit policy has had on Jersey's labour market following the U.K.'s withdrawal from the European Union?

**President, Jersey Farmers Union:**

As I mentioned just now, I think the most obvious thing is the dwindle of supply from Europe where 6 years ago most farms would have had virtually all Polish or Romanians. Since Brexit they do not seem to want to come back and I think even figures generally in Jersey show that about half of the Polish people have left in the last 6 years. So we had to look elsewhere. The 2 points to your question: the first is, I think we are very satisfied at the moment that when it comes to seasonal labour, albeit it is a long way away, the staff from the Philippines seemed to have settled in very well. They are making a valuable contribution to our farming businesses. When it comes to the 9-month permit, obviously that is expensive in itself, and by that I mean if someone has to go back after 9 months for 3 months, and we mentioned that some of the original 18 are now on their fourth time. Basically they have done 36 months but they have spent a year away. It is not always ideal. We had a long hot dry summer last year. Certainly spring was very hot and dry. This year it is raining all the time. We may get to a situation where staff have to go back because they have done their 9 months at the end of July, which was fine last year but this year we may be digging seed potatoes into August. So 9 months is much more difficult but I think most of us are trying to manage it. The difficulty, and Mike will talk about their business, I think most growers are finding at the moment that the 2 issues we have with the 9-month work permits, we are very disappointed at the outset that they did not include in this document, the work permit policy, they did not include herdsmen or tractor drivers as skilled operators. It is very difficult, from the Philippines in particular, to find skilled tractor drivers because they do not have tractors like we have and they certainly do not have small roads like we have. So the man who says: "I can drive a tractor in the Philippines" is probably on a road about 40 foot wide with bamboo canes either side. We have granite walls. That is an issue, we think, going forward. The same, when you are running a dairy unit, to have a herdsman that is good and then only stays 9 months and has to go home for 3 months, you cannot

have nobody so you have to find another man. In effect, if you are a small dairy unit you cannot carry someone, so the first man cannot come back not for 3 months but for 9 months. This, for those particular areas of our industry, are a problem.

**Deputy L.V. Feltham:**

What process, if any, has the Government or the previous Government been through with the industry to understand what those skilled jobs may well be.

**President, Jersey Farmers Union:**

We made representations at the beginning and it has been amended 2 or 3 times, yet you still do not find herdsmen and tractor drivers on here.

**Executive Secretary, Jersey Farmers Union:**

I think the list is based on the U.K. list. I think the U.K. Government does not recognise those 2 particular types of job as skilled. So they are then really copied and pasted into our list, which is unfortunate.

**Business Unit Director, Jersey Royal Company:**

I think it is understanding what those skills are. I mean, we have 15 harvesters out there today. A tractor and harvester is a quarter of a million pounds worth of equipment buying new at these prices today. Putting somebody out there with a quarter of million ... I have been in agriculture all my life. Since I was 16 and left school I have been in agriculture, trained in agriculture. I cannot now drive one of those machines because they are all electronic components in them. It is not the same as the tractor I drove even 10 years ago. They are highly skilled. In our packhouse we have a million-pound production line, so all electronic components that need skilled workers.

**Deputy B.B. de S.DV.M Porée:**

You do not find out those sorts of skill working in Philippines, for herdsmen and ...?

**Business Unit Director, Jersey Royal Company:**

We still try and train people up. So we have had 6 Filipino candidates to drive a basic tractor this year with a trailer. Nothing to do with harvesting or cultivation equipment. Just with a tractor and trailer. We trained 6 this year. I think we have 3 that are okay to do it. The other 3 just could not cope.

**Deputy B.B. de S.DV.M Porée:**

For you to invest in that sort of training you would want that person to be a bit more permanent in the Island?

**Business Unit Director, Jersey Royal Company:**

Yes, because once they have gone they get ... like Peter was saying, they do your 9 months ...

**Deputy B.B. de S.DV.M Porée:**

You have that cap.

**Business Unit Director, Jersey Royal Company:**

Our farm does not run on 9 months, our farm runs on 12 months, so we have to have carry over. If we are employing 200 people for a year, actually we need to employ 240 because we need that turnover of people.

**Deputy M.R. Le Hegarat:**

I would suggest that it is far more than being able to drive a tractor when you think about the load that is on the back of that, from a health and safety perspective, and the roads and everything else ...

**Business Unit Director, Jersey Royal Company:**

That is the thing. At 17 you could jump into a tractor and trailer and just drive it.

**Deputy M.R. Le Hegarat:**

That would be quite a scary prospect I would suggest from what you had, as you rightly said, 30, 40 years ago to what you have now is quite a beast. The actual modern tractor is quite a beast.

**Deputy L.V. Feltham:**

Just before I go on to the next question really. You mentioned about the additional, I suppose, costs of the people having to return back for a 3-month period. What kind of costs are incurred by both yourselves and the employees?

**President, Jersey Farmers Union:**

The employer under the Philippine law, we have to pay for the airfares, which is substantial. When we actually set it up, which was just before COVID, the price of an airfare was roughly about £800 return, Jersey/Manila or Manila/Jersey. Today it is anything around £1,300 to £1,400. Obviously every 9 months the grower has to pay that. The grower pays the Jersey work permit and we pay a fee to the agent. The employee has to pay for their own visa. Again presumably that is some legal requirement they have to pay for their visa and apply for it. They pay the agent a fee as well.

[13:15]

**Deputy M.R. Le Hegarat:**

Can I just ask then, so if they - this is a sort of a hypothetical - stay for 9 months, they get a visa. If they were staying for 2 years their visa would allow them obviously to be here 2 years. So each time they come back having gone back, do they have to have another ...

**President, Jersey Farmers Union:**

Yes.

**Deputy M.R. Le Hegarat:**

So they would have to have another visa and another permit, so that is obviously doubling the costs.

**President, Jersey Farmers Union:**

That is exactly right, that is what happens. They are not allowed to apply again until they are back in the Philippines, so about 3 or 4 days. You cannot say it is going to take a month. In fact the visas, when we had problems with Ukraine last year, went out to about 7 or 8 weeks because half of the office moved to Brussels to deal with Ukrainian refugees. So you are quite right, we have to have ... Jane will explain the process. Basically you have to apply for a Jersey work permit first.

**Executive Secretary, Jersey Farmers Union:**

That is right. You are not allowed to apply for the Jersey work permit until 3 months before the start date of that work permit but for our Philippine workers they need to get home because part of the documentation they need for that work permit application is a T.B. (tuberculosis) test and a Criminal Record Bureau test. So they need to go back to Manila to have that done. What we do is we work with the agency. We have people going home in the next couple of weeks in May and the employer wants them back. They want to come back. So we have now told the agent that those people would like to come back, so as soon as they land back in Manila the agency set up appointments for them to have their T.B. testing. So we are right on the front foot with the paperwork. So the paperwork from the agent can come back to us as quickly as possible so we can make the work permit application. Then that can get sent off for the visa application.

**Deputy M.R. Le Hegarat:**

What I was trying to establish I think or ask the question, and this is fairly quick. If I was applying for a 9-month visa or work permit and a 2-year or 3-year is the price the same or is a longer-term one more expensive?

**Executive Secretary, Jersey Farmers Union:**

Longer-term one is more expensive.

**Business Unit Director, Jersey Royal Company:**

You can get longer-term visas but ...

**Deputy M.R. Le Hegarat:**

But it is more expensive. But is it double the price of your 9 months?

**Business Unit Director, Jersey Royal Company:**

You can still only do your 9 months work over here. You have to be quite confident that you are going to come back for another 9-month period.

**Deputy L.V. Feltham:**

So just to clarify, that is the difference between the U.K. work. So people need 2 things in place; they need the Jersey work permit and a U.K. visa.

**President, Jersey Farmers Union:**

Yes.

**Executive Secretary, Jersey Farmers Union:**

And the U.K. visa, the dates on that mirror what the Jersey work permit has on it. So if it is a 9-month work permit the visa will only be for 9 months.

**Deputy L.V. Feltham:**

The current work permit policy prohibits work permit holders from switching to another employment category while they are here on that permit. What, if any, impact do you think that the work permit policy has had on the sector specific workforce challenges in Jersey? Has the inability to transition from one employment category to another had an impact?

**Business Unit Director, Jersey Royal Company:**

I would say that it helps our industry because it means that people cannot come to work in agriculture and then go to maybe a higher paid job in the building sector or somewhere else.

**Deputy L.V. Feltham:**

We discussed earlier, you talked about the minimum hours that your members are offering the people coming to work here. If they are already working those minimum hours then I take it you are not getting requests from workers saying: "I want to be able to work more hours and I would do in another industry"?

**Business Unit Director, Jersey Royal Company:**

We will always get that request. All of our staff sign up to a 48-hour opt-out policy to say that they can work 48 hours. On average we probably average about 50 hours. Under our S.M.E.T.A. (Sedex Member Ethical Trade Audit) audit, our ethical audit, we are not supposed to work consistently above 60 hours. Our staff want to work as many hours as they can. If they could they would work 70, 80 hours a week because that is what they are here for, to earn money. But under our audit regime we try and keep them below 60. They want to earn as much as they can.

**President, Jersey Farmers Union:**

It has been loosened because at the outset of the 9-month permit you could not even move between farms and now you can. So that has been a bit of a help because if, for example, we had very wet weather there might be somebody on a dairy farm or on the glasshouses who would take your staff for a couple of days,. So now we can move them within the industry. That has been very helpful.

**Executive Secretary, Jersey Farmers Union:**

That is just extra work. They do not move permanently, it is just they can work for another employer in the same sector up to 20 hours a week.

**Deputy B.B. de S.DV.M Porée:**

Is this initiative created by your industry that the workers can be moved around up to a certain amount of extra hours? Where did it come from?

**President, Jersey Farmers Union:**

It was a question that we asked and it is now part of the policy. I think it was driven more by hospitality than by us.

**Deputy L.V. Feltham:**

Also you have just mentioned there has been a recently updated version of the policy. Has that had any other additional benefits or implications for the employers in Jersey?

**President, Jersey Farmers Union:**

Not for agriculture, no. There have been a few benefits for other industries that are now included.

**Deputy L.V. Feltham:**

I think you have just answered this question but just in case, have you had any further feedback from members about the recent updates or any further updates they might require in the policy?

**President, Jersey Farmers Union:**

No, as I say, the issue that we still think is relevant is the question of whether or ... we think skilled tractor drivers and herdsman should be in this policy, that you can get them on a long-term contract.

**Deputy L.V. Feltham:**

Okay, thank you. We are going to move on next to salary deductions. That is in relation to tax and social security. How do you feel Jersey tax and social security obligations impact work permit holders in the agriculture sector?

**President, Jersey Farmers Union:**

We were very pleased that when the new Minister for Health and Social Services was appointed that at last people who are returning for a second period of employment are now covered from day one for health matters because up until then you could do 6 months year after year after year and not ever be covered by hospital or doctors' appointments. So that has been changed, which is great. I think the other glaring error in the tax system is for seasonal workers who are on permits who have no hope of building up any residency in Jersey, to charge them long-term care tax or whatever you want to call it, a charge, is disgraceful because what are they paying for? It is not possible for them to ever get any benefit from it. That is a second direct tax issue, which I think is wrong. Generally we find that there is still, even though we have met the Tax Department on numerous occasions and some growers now have direct contacts in the Tax Department, we still find that there are a lot of what I would call uneven taxing where 2 or 3 people all on the same farm roughly with ... they are all single or they are all married, they are going to earn the same amount of money and then they have different rates of I.T.I.S. (income tax instalment scheme). That just seems crazy but it still seems to go on.

**Business Unit Director, Jersey Royal Company:**

Our main issue with the I.T.I.S. system is getting people on the right tax rate. We have people who have worked for another farm that have come to us this year that were taxed on an average of 40 hours a week when actually they probably worked closer to 60 hours a week and now they are in deficit. Now they are back here their tax rates have gone right up. We try and negotiate with the Tax office what tax rate they should be on to make sure that ... we know roughly what hours they are going to work. Okay, it is very weather dependent, but we know during the whole period roughly they are going to work 57, 58 hours on average. So we can try and negotiate with the Tax office for those people. We can only negotiate for our staff if our staff give us permission to do that on their behalf. We do have some staff that try to do their own tax affairs and that just ends up being wrong and they are affected at the end of it.

**Deputy L.V. Feltham:**



I would like to talk a bit more about the tax system and what might be found to be difficult about it. We have spoken about some of the support that you do give to the employees around tax, however it seems that potentially there is not enough support coming from government to enable people to complete their tax returns themselves. Do you think there would be any helpful support that could be given?

**President, Jersey Farmers Union:**

I am not sure. I know there is a tax review going on because we had had a letter and we suggested a couple of things. One of the suggestions that came from the Tax office was about having a fixed rate of tax for seasonal staff. We think something like that perhaps in our industry might be very beneficial because, as Mike says, I think it is slightly different for permit holders in the short term but people who were not on permits were being tax the wrong amount. There must be some sort of worry that they will just leave because you do see income tax rates of 25 per cent, 26 per cent.

**Business Unit Director, Jersey Royal Company:**

We do regularly get people, the Tax office will send us their rate and they are on a 20 per cent rate when we know they should only be on maybe 7 per cent or 8 per cent.

**Deputy L.V. Feltham:**

In the presentation of information about the obligations in relation to tax and social security, is the information currently presented in an understandable way?

**Business Unit Director, Jersey Royal Company:**

No. We have issues all the time in the Tax office. Things like marriage status, child support. We have had people who have been here on 8-month contracts that have been here 10 years that have been getting their child support deductions from their tax for child support and marriage deductions who have now come back this year and all of a sudden they are saying: "No you cannot have that. By the way they owe us for last year because they should not have had it last year." Trying to get information out of the Tax office, and I know they are short staffed, and we have 2 or 3 very good contacts in the Tax office. We have people who spend all day looking after our staff's tax affairs but trying to get information out of them is very difficult. Particularly with this case about allowances, we have been back and said: "Actually you are just telling us that now, where does it say? Where is it written down that those rules are now in place?" They cannot tell us. It is very difficult sometimes getting information. The same with the Social Security Department. They are not quite as bad as Tax but they just ... we do not get any foresight of changes in regulations that are coming up. It is just that we are trying to deal with a certain situation and they say: "Oh yes but, by the way, this is in place now." That makes our life very difficult because all of our hourly staff, English is not their first language. They rely on us to do it and we are doing our best in a very difficult situation. For a

company that employs up to 240 people there is a lot of our resource that goes into trying to look our guys. We do not get a huge amount of backup from either Social Security or the Tax office. Although there are some really good people in those offices but it seems to us that they are very undermanned.

**Deputy B.B. de S.DV.M Porée:**

Again, I was going to ask 2 or 3 more questions around the salary deduction following Deputy Feltham's questions. I think one of them you probably have answered which, sorry if I was a bit distracted, if you had received any feedback or questions from the work permits regarding the effective rates. But you did mention a few people have come back and said: "What is this now, I am being charged for so much more?" So you have answered that question already, thank you. The panel understands that seasonal workers are not liable to pay long-term care following correspondence with the Minister for Treasury and Resources. Has this information been communicated by Revenue Jersey to work permit holders employed by Jersey Farmers?

[13:30]

**President, Jersey Farmers Union:**

No.

**Deputy B.B. de S.DV.M Porée:**

Not at all?

**Executive Secretary, Jersey Farmers Union:**

No.

**President, Jersey Farmers Union:**

Do not know anything about that, do you?

**Business Unit Director, Jersey Royal Company:**

No.

**Deputy B.B. de S.DV.M Porée:**

First time you hear?

**President, Jersey Farmers Union:**

Yes.

**Deputy L.V. Feltham:**

Just on that, the correspondence that is sent from the Tax office to the work permit holders, is it the same correspondence that residents would get? I am just wondering if ...

**President, Jersey Farmers Union:**

Yes, I think it is ... when you sign up for social security and I.T.I.S., they give you a rate. They ask you and one of our original ... fortunately that has virtually stopped but we said if you are guaranteed 41 hours a week and you are earning £10.50 an hour you can work out pretty quickly what your I.T.I.S. rate is. We know the industry average is 49.5 hours per week last year. So we know roughly what they should be earning and we know what their rate should be. You know what that is, you know what your social security is, so once we got the I.T.I.S. rate we start deducting it and when they leave ... of course when they leave they do not get it because they get it at the end of the year. They get it at the end of the financial year the letter - the same as you and me - to say: "You have paid X but you still owe £50" or £100, whatever it is. But of course then sometimes they are not here because they could be on their 3 months away. So then when they come back you give it to them and then if they pay their tax bill in cash that is where you get ... it certainly happens on our farm, you have not paid your tax bill so your I.T.I.S. rate jumps up, then you pay it, and your I.T.I.S. rate comes down. It is a bit like a yo-yo at times.

**Business Unit Director, Jersey Royal Company:**

It is difficult for short-term staff. Nine months is not quite so bad. If we get 3 months staff in, just for the packing season, it is fairly difficult because it is such a short period. Really the tax system tries to work out that you are going to be there for 12 months of the year.

**President, Jersey Farmers Union:**

That is the other issue with the tax system is if you are only working for 9 months of the year you are only given allowances for 9 months. Again, to me that seems slightly harsh when you cannot work 12 months of the year. So you are cramming ... if you are a seasonal worker, you have come to Jersey, you are cramming all those hours into the 9 months but you do not get allowances for 12, even though you cannot work 12. That ups their I.T.I.S. rate compared with somebody who is working a 12-month period for the same amount of money.

**Executive Secretary, Jersey Farmers Union:**

I did notice that when completing our own tax return at home not long ago that they have something on the front page now which actually if you are only here as a seasonal work or less than a year you can put in the dates that you are here in the Island, which is something new on the form compared to previous years. So whether that will help going forward, I do not know.

**Deputy B.B. de S.DV.M Porée:**

I think my last question has probably also been talked about, which was with regards to the impacts that it has on the workers when they have to leave the Common Travel Area for 3 months on their ability to fill their tax form.

**President, Jersey Farmers Union:**

I think that is where sometimes you get a grey area, if you have somebody who leaves in October they get the letter for the tax at the end of the year, or whenever they send them out, and they might be away. When they come back of course then they owe and then the new I.T.I.S. rate jumps up. If they choose to pay their tax then it jumps down again.

**Executive Secretary, Jersey Farmers Union:**

I have had conversations with employers who help their employees with their tax and there have been a few instances where employees have had a fine for not paying their tax on time but it is because they have been out of the Island on a mandatory 3 months away. Some employers have helped their employees appeal that and been successful but some have not been successful when they appeal. There does not seem to be a level playing field on that unfortunately.

**Deputy B.B. de S.DV.M Porée:**

Thank you so much. This may be a surprise but it is the end of our questions, which we have done very well, I suppose. I would like to say thank you for attending our hearing today and for addressing the panel's questions willingly. We are very grateful to that. Thank you very much and I think for technical purposes we are now over with this meeting. Thank you.

[13:35]