

2017.01.30

10 Deputy R.J. Renouf of St. Ouen of the Minister for Social Security regarding work on implementing the Assembly's decision to prohibit exclusivity clauses in zero-hour contracts: [1(81)]

Given the unanimous decision of the Assembly on 16th November 2016 that exclusivity clauses in zero-hour contracts should be prohibited, why does the Minister's Business Plan for 2017 not include any proposals to implement that decision?

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

The Deputy of St. Ouen will recall that the Assembly made an in principle decision that exclusive zero-hour contracts should be prohibited but the Assembly did not set a timetable for that work. A vote was taken after Deputy Mézec agreed to withdraw the part of his proposition that would have required me to bring forward legislation in 2017. I explained during the debate why that timetable would not have been achievable. I have a longstanding business plan commitment to extend family friendly rights and I am not willing to divert the resources that have been allocated in 2017 to help working parents. As chairman of the Health and Social Security Panel, the Deputy will be aware that my department has an ambitious programme of work this year, including work on disability discrimination and continuing our review of the social security scheme, Living Longer, Thinking Ahead.

4.10.1 The Deputy of St. Ouen:

The Health and Social Security Panel is very aware of the taxing programme of the Minister and has never sought to seek to divert its course and suggest other work should come in before the work that is planned, but will the Minister now give a timetable for implementing the decision of the Assembly?

Deputy S.J. Pinel:

As the chairman of the Health and Social Security Panel, the Deputy is very well aware of the confusion in a lot of cases of what a zero-hour contract is. So it will take quite a while to explore the various avenues and we would hope that when the family friendly review recommendations are returned from the Employment Forum at the end of this year that we can then direct the Employment Forum to look in to the zero-hour contracts after that.

4.10.2 Deputy G.P. Southern:

Will the Minister not agree that to engage with the law draftsmen to create a proper definition of exclusivity clauses, and a proper definition which does not exist in the law at present of zero-hour contracts, in order that she can prepare the way forward to delivering this instruction from the States at the earliest possible date?

Deputy S.J. Pinel:

The definition, as the Deputy said, of the zero-hour contracts, the definition of the exclusivity clause, the circumstances in which zero-hour contracts are not permitted to be exclusive, circumstances in which zero-hour contracts are permitted to be exclusive, anti-avoidance measures, penalties against employers and/or compensation for are all things that need to be investigated in order to bring forward a recommendation.

4.10.3 Deputy G.P. Southern:

Will the Minister not agree to bring forward law drafting instructions to that effect?

Deputy S.J. Pinel:

No, as I have said repeatedly it is the job of the Employment Forum to consult on this and they will start that as soon as they finish the family friendly review.

4.10.4 Deputy G.P. Southern:

Final supplementary, if I may. Does the Minister not accept that this is not a matter for consultation, there has been an instruction from the States, albeit without a time element on it, but there has been an instruction, no need for consultation?

Deputy S.J. Pinel:

As I have just explained, the whole complexity of the issue requires consultation and I have agreed, and said so publicly, that we will start the consultation as soon as the family friendly review is finished.

[16:00]

4.10.5 The Deputy of St. Ouen:

Does the Minister not agree that she is holding the States Assembly decision in complete disregard because is it the case that she is intending to ask the Employment Forum to investigate the very question that this Assembly has decided?

Deputy S.J. Pinel:

No, not at all. The States Assembly agreed unanimously that in principle exclusivity clauses in zero-hour contracts should be banned. It was an in principle decision, there was no timeframe set.