



Deputy Helen Miles  
Minister for Home Affairs

**BY EMAIL**

13<sup>th</sup> December 2023

Dear Minister,

**Ministerial Response – Review of Work Permit Holder Welfare**

I am writing to you in order to express the disappointment of the Work Permit Holder Welfare Review Panel in relation to the Ministerial Response that has been provided to the Panel's report 'Review of Work Permit Holder Welfare'.

The Panel reviewed the response at its meeting on 7<sup>th</sup> December and has agreed that it would like to request an updated version to be shared with it, taking into account the points of concern raised below:

1. The Ministerial Response to the 'partially accepted' recommendations 3, 13, 14 and 16 and the 'accepted' recommendations 12 and 15 have been provided without a target date of action or completion. The target date of action and completion is an important feature of Ministerial Responses, that enable Scrutiny Panels to monitor and follow-up on 'Partially Accepted' and 'Accepted' recommendations. This is not acceptable and the Panel requests that the Ministerial Response is updated with target dates for action or completion of these recommendations.
2. The Ministerial Response to key finding 4 and recommendations 2, 9, 14, 17, 20 and 23 refers to the 'Your rights advice leaflet'. Whilst a version of this document was provided on 16<sup>th</sup> June and considered by the Panel, the Panel does not believe that the information contained within this guide is evidence that supports the 'accepted and completed' responses to recommendations 2 and 23 and the 'rejected' responses to recommendations 17 and 20. Furthermore, the Panel have not received further information to suggest this document has since been updated, and does not yet appear to be published on the 'Moving to Jersey' webpage as referenced in the Ministerial Response.
3. The Panel is concerned that the response does not align with the spirit of its findings and recommendations, and that these have not been considered in the context of the evidence the Panel received during its review. For example, the Ministerial Response to Recommendation 2 is that stakeholder engagement has already been undertaken, however, the Panel's evidence and report highlight that further engagement is still required, because there are gaps in the information provided to work permit holders.
4. The responses to Recommendations 5 and 11 indicate uncertainty about how the recommendations would be implemented. However, the role of the Panel is to scrutinise the Work Permit Policy and make evidence-based recommendations for Government to consider, develop and implement. The Panel's analysis of each of the

'accepted and completed' and 'rejected' recommendations is set out in detail, with the purpose and evidence supporting each of the recommendations, as an appendix to this letter.

5. Overall, the Panel was disappointed with the tone of the response. It would, therefore, request further details of the sign off process that was undertaken for this response and who held ultimate responsibility for approving this for presentation to the Panel.

The Panel takes this matter incredibly seriously and it would request an update to the points above to be provided to it by 5pm on Thursday 28<sup>th</sup> December so it is able to discuss the updated response at its next scheduled meeting on Thursday 4<sup>th</sup> January 2024. The Panel will then consider the response further and discuss whether to take any further action as required.

Yours sincerely

A handwritten signature in black ink, appearing to read "Beatriz Porée". The signature is written in a cursive style with a large, sweeping initial letter.

Deputy Beatriz Porée  
Chair  
Work Permit Holder Welfare Review Panel



December 2023

## Review Panel

### Review of Work Permit Holder Welfare

#### Ministerial Response – Analysis

Accepted Recommendations (5)	Partially Accepted Recommendations (5)	Accepted / marked as 'Completed' Recommendations (5)	Rejected Recommendations (10)
Recommendation 1 (Target date of action/completion: Q.4 2024)	Recommendation 3 (Target date of action/completion: Q.1 2024)	Recommendation 2	Recommendation 5
Recommendation 9 (Target date of action/completion: Q.1 2024)	Recommendation 3 (Target date of action/completion: <b>No date provided</b> )	Recommendation 4	Recommendation 6
Recommendation 12 (Target date of action/completion: <b>No date provided</b> )	Recommendation 13 (Target date of action/completion: <b>No date provided</b> )	Recommendation 11	Recommendation 7
Recommendation 15 (Target date of action/completion: <b>No date provided</b> )	Recommendation 14 (Target date of action/completion: <b>No date provided</b> )	Recommendation 18	Recommendation 8
Recommendation 21 (Target date of action/completion: End of 2025)	Recommendation 16 (Target date of action/completion: <b>No date provided</b> )	Recommendation 23	Recommendation 17

			Recommendation 19
			Recommendation 20
			Recommendation 22
			Recommendation 24
			Recommendation 25

### Recommendations: Information for Work Permit Holders

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
2	The Minister for Home Affairs and the Minister for Economic Development, Tourism, Sport and Culture should undertake a process of consultation with key stakeholders from community groups and industry representatives to identify gaps in the information provided to work permit holders.	MHA EDTSC	Accept – complete.	A range of stakeholder engagement has already been undertaken, which resulted in the creation of the ongoing Employer Standards Oversight Group and the creation of the ‘Your rights as an employee working in Jersey’ leaflet. This has been delivered on a cross Government basis, under the direction of the Population and Skills Ministerial Group and the leaflet on employee rights has been developed as discussed with the Panel. This will be available on Moving to Jersey webpages and links to it via JCIS notices and webpages.	Complete

#### Purpose of the Recommendation and supporting evidence:

The purpose of Recommendation 2 was to highlight that consultation with stakeholders was still required, because the Panel received evidence from community groups and industry representatives during its review, that highlighted gaps in the information provided to work permit holders.

This evidence indicated that work permit holders were still not well informed about Island life prior to arriving in Jersey, highlighted inconsistencies in the information provided to work permit holders and that this could be improved through the way jobs are advertised in the country of origin. The stakeholders that provided evidence in support of this recommendation, included:

Recommendation 2: Stakeholders	Evidence considered
Friends of Africa	<p><b>Deputy B.B. de S.DV.M Porée:</b>  <i>“Do you feel that work permit holders who are new to the Island are well-informed about life in Jersey prior to their arrival?”</i></p> <p><b>Chair, Friends of Africa Jersey C.I.:</b>  <i>“No.”<sup>1</sup></i></p>
Kenyan Jersey Committee	<p><b>Public Hearing – Kenyan Jersey Committee – 30<sup>th</sup> May 2023: Deputy B. Porée:</b>  <i>“I appreciate that. Thank you. Do you feel that work permit holders who are new to the Island are well informed about their lives prior to arriving here?”</i></p> <p><b>Public Hearing – Kenyan Jersey Committee – 30<sup>th</sup> May 2023: Mr. J. Muchiri:</b>  <i>“I do not feel that they are at all, judging from the questions and grievances that they direct to us. There is a lack of information and that is what has encouraged us to do these social gatherings to be able to give this information to them.”<sup>2</sup></i></p>
Jersey Hospitality Association	<p><b>Public Hearing – Jersey Hospitality Association – 11<sup>th</sup> May 2023: Co-Chief Executive Officer, Jersey Hospitality Association (2):</b></p> <p><i>“...But we again said to them that we would like to create a golden standard. We were informed that it is our Government’s decision at this stage that there is no need for a golden standard and that the law is sufficient. We made it publicly clear at that meeting that we still, as an Association, will strive for a golden standard because we believe that things can be done better. The majority of which all stems around communication. Just clarity and having clear easy communication for employer and employee will iron out 95 per cent of any problems that have been happening.”<sup>3</sup></i></p>

<sup>1</sup> [Public Hearing – Friends of Africa – 30<sup>th</sup> May 2023](#)

<sup>2</sup> [Public Hearing – Kenyan Jersey Committee – 30<sup>th</sup> May 2023](#)

<sup>3</sup> [Public Hearing – Jersey Hospitality Association – 11<sup>th</sup> May 2023](#)

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
4	The Minister for Home Affairs and the Minister for Economic Development, Tourism, Sport and Culture should consult with Government departments to provide more detailed information about the cost of living in Jersey for work permit holders.	MHA EDTSC	Accept – complete.	This has been led by SPPP on a cross Government basis and the leaflet on employee rights was developed as one of the outputs, which includes this information. This will be available on Moving to Jersey webpages and links to it via JCIS notices and webpages. There is a responsibility on GoJ departments to ensure that the information on the Moving to Jersey webpages are accurate and kept up to date.	Complete

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 4 was to improve the information available to work permit holders about the cost of living in Jersey. During its review, the Panel analysed the ‘Moving to Jersey’ webpage and found that the information available to work permit holders about the cost of living in Jersey is limited. This Recommendation has been accepted and marked as completed, however, there does not appear to be updated information for work permit holders regarding the cost of living in Jersey.

The evidence the Panel collected from stakeholders about the cost of living in Jersey, indicated that some work permit holders only discovered their contracted period of employment was not cost effective upon arrival in Jersey, and that some work permit holders found it difficult to compare the cost of living with that in their country of origin. The stakeholders that provided evidence in support of this recommendation, included:

Recommendation 4: Stakeholders	Evidence considered
Friends of Africa	<p><i>“We find a lot of people once they get into Jersey and they realise that it is not cost effective, they are caught between a rock and a hard place. Going home is not an option anymore because they have invested”</i></p> <p><i>“It is comparative to London in terms of cost of living” does not mean anything to somebody who is coming from India or Zimbabwe or the Caribbean. They cannot make the comparator. Somebody living in the U.K. they can make the comparator, so I think the information even just online, has to be different for those areas as well.”<sup>4</sup></i></p>

<sup>4</sup> [Public Hearing – Friends of Africa – 30<sup>th</sup> May 2023](#)

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
5	The Minister for Home Affairs should introduce a requirement that the Seasonal and Temporary Workers Guide is provided to work permit holders prior to signing a contract of employment to undertake employment in Jersey	MHA	Reject	Unclear how this would be enforced. This information is made available after a Work Permit has been secured but, crucially, before a visa application is made to allow potential employees to make an informed decision.	N/A

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 5 was to improve the accessibility of information made available to work permit holders about the payment of income tax and social security contributions in Jersey. The Minister for Treasury and Resources highlighted that information about income tax and social security contributions should be provided to work permit holders in time to inform their decisions about working in Jersey, and Recommendation 5 asks that the Minister for Home Affairs introduce a requirement that this is provided by employers to ensure work permit holders can make an informed decision before a commitment to undertake employment in Jersey is made.

The Panel received evidence about the information available in relation to tax and social security contributions, the communication and accessibility of information about income tax and social security contributions. The stakeholders that provided evidence in support of this recommendation, included:

<b>Recommendation 5: Stakeholders</b>	<b>Evidence considered</b>
Friends of Africa	<i>“Just to add to that in terms of even the government website in itself, absolutely it has information around tax but when you are ... and I think it was designed for a certain market which, was potentially the U.K. (United Kingdom) and comparative western countries. The Island is resorting to go further afield in regards to who they are employing in terms of Africa and the Caribbean</i>

Recommendation 5: Stakeholders	Evidence considered
	<i>and probably in India and Asia. So the information available should definitely be different for those cohorts.”<sup>5</sup></i>
Jersey Hospitality Association	<i>So, again, it is a communication thing. These things are too complicated and use terminology that is misunderstood by people who are coming, maybe not multilingual options on website, et cetera, so these mistakes are made. Then I do not think that they realise that you can debate it or question it. To get in contact with somebody again has been incredibly difficult. It is not like you could just walk in there anymore and stand in a line and wait. It is not an easy, accessible, hospitable process. It is very difficult.”<sup>6</sup></i>
Minister for Treasury and Resources	<i>“When we met with the Panel on the 7th of July, we all agreed that this information ought to be in the hands of prospective workers in time to inform their decisions about working in Jersey. The information is available on our website and employers and employment agencies are able to reference that or access hard copies.”<sup>7</sup></i>

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
6	The Minister for Social Security should introduce a mechanism to refund the employee paid pensionable component of social security contributions for work permit holders who do not transition to a Skilled Work permit or remain in Jersey for at least five years to qualify for a pension.	MSS	Reject	The review provides no evidence to support this recommendation.  Social Security contributions support a worker by providing access to both working age benefits and old age pensions. An old age pension can be claimed anywhere in the world once a worker has a record equivalent to 10% of a lifetime record. At present this requires 54 months of contributions – these do not need to be consecutive. For workers with less than a 10% record, reciprocal agreements with some	N/A

<sup>5</sup> [Public Hearing – Friends of Africa – 30<sup>th</sup> May 2023](#)

<sup>6</sup> [Ibid](#)

<sup>7</sup> [Letter – Minister for Treasury and Resources to Panel – 27<sup>th</sup> July 2023](#)



	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
				<p>countries allow these contributions to count towards their overall pension entitlement.</p> <p>Until a person is within 54 months of their own pension age it would not be possible to know if they would qualify for a pension or not.</p> <p>It would be complicated and time consuming to track non-residents over time (possibly decades) and make refunds of relatively small amounts, including the administration involved in making sterling payments into non sterling areas (or converting those payments into local currency).</p> <p>It would also be inappropriate to refund the contributions if the worker had made a claim for a working age benefit, such as short-term incapacity allowance. Although not all work permit holders will satisfy the contribution conditions for a working age benefit, the increasing use of roll-over 1-year permissions will make it more likely that workers will qualify.</p> <p>Workers may be reluctant to claim these short-term benefits (e.g. if they are ill) if they will forfeit a lump sum repayment at the end of their contract. This may encourage workers to continue to work during periods of illness, to the detriment of their overall health and wellbeing.</p> <p>Social Security contributions are also used to fund the Health Insurance Fund, having made 6 months of contributions in Jersey, all workers are able to make use of the Health Insurance Fund which supports the cost of general practice services and fully meets the cost of prescribed medicines</p>	

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 6 was to provide a mechanism for work permit holders employed for short periods in Jersey, and do not meet the requirement of 54 months social security contributions, to be refunded the pensionable component of social security contributions. The Recommendation does not stipulate that refunds should be made retrospectively and specifies the pensionable component of social security contributions paid by the employee.

The Panel highlighted that the Seasonal and Temporary Workers Guide did not provide any information about work permit holder entitlements to Government benefits and services:

<b>Recommendation 6: Stakeholders</b>	<b>Evidence considered</b>
Government of Jersey: Seasonal and Temporary Workers Guide	<p><i>“People in Jersey pay social security contributions. These are payments into a general insurance fund that pays for things like short term incapacity allowance, carer’s allowance and old age pensions.</i></p> <p><i>If you’re working in Jersey and pay the required contribution amounts for 6 months you may be entitled to these benefits. You usually pay 6% of your wages as contributions. Your employer also pays around 6.5% for you.”</i></p>

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
7	The Minister for Social Security should introduce a mechanism to refund the employer paid pensionable component of social security contributions to employers of work permit holders, whose employees who do not transition to a Skilled Work permit or remain in Jersey for at least five years to qualify for a pension.	MSS	Reject	As above.	N/A

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 7 was to provide a mechanism for employers with work permit holders employed for short periods in Jersey, and whose employees do not meet the requirement of 54 months social security contributions, to be refunded the pensionable component of social security contributions. The Recommendation does not stipulate that refunds should be made retrospectively and specifies the pensionable component of social security contributions paid by the employer.

The Panel highlighted that the Seasonal and Temporary Workers Guide did not provide any information about work permit holder entitlements to Government benefits and services:

<b>Recommendation 7: Stakeholders</b>	<b>Evidence considered</b>
Government of Jersey: Seasonal and Temporary Workers Guide	<p><i>“People in Jersey pay social security contributions. These are payments into a general insurance fund that pays for things like short term incapacity allowance, carer’s allowance and old age pensions.</i></p> <p><i>If you’re working in Jersey and pay the required contribution amounts for 6 months you may be entitled to these benefits. You usually pay 6% of your wages as contributions. Your employer also pays around 6.5% for you.”</i></p>

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
8	The Minister for Home Affairs should ensure that the Work Permit Policy is updated by no later than 31 December 2023 to make it clear to work permit holders and employers that information about any deductions should have been provided prior to signing a contract and should make it clear what the consequences are for employers who do not do so.	MHA	Reject	This is already covered in the policy, which places a responsibility on employers to manage the expectations of their employees, including what deductions should be taken from their salaries	N/A

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 8 was to improve the information for work permit holders about the type and nature of salary deductions, that they could expect, prior to entering a contract of employment. The Panel found that information in the Work Permit Policy about pay deductions is limited and highlighted in Key Finding 7 that the Work Permit Policy is not explicit that deductions (other than those for food, accommodation and minimum wage earners) should be supplied prior to signing a contract of employment, to which the response is 'Noted'.

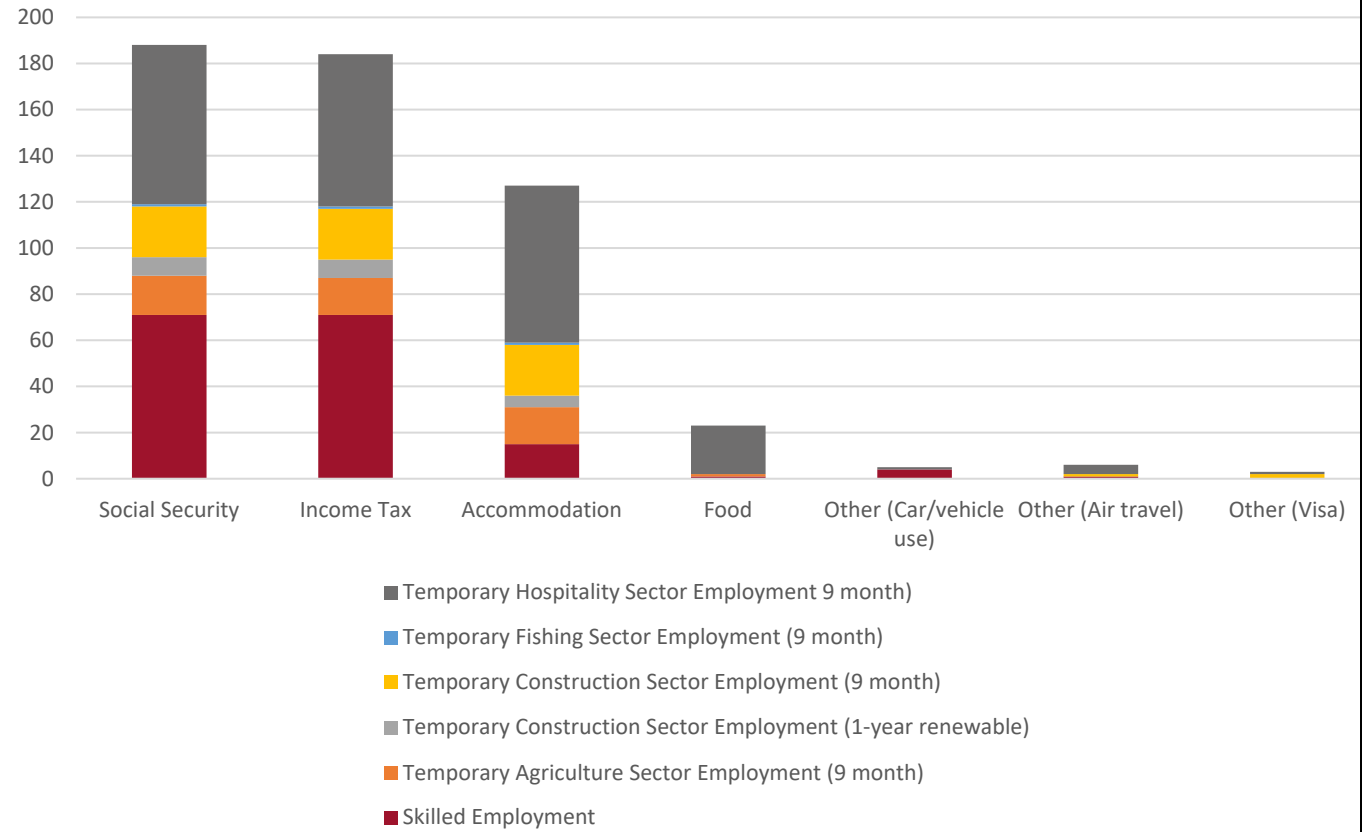
The Panel received evidence that indicated that some work holders had deductions from their pay that included social security contributions, income tax, accommodation, food, car and vehicle use, air travel and the cost of a visa:

**Recommendation 8: Stakeholders**

Work Permit Holder Survey

**Evidence considered**

**Respondents whose employer deducted amounts from their earnings, by permit type:**



	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
11	The Minister for Home Affairs should consider additional support should be available, especially for small employers, to ensure compliance with the Work Permit Policy.	MHA	Accept – complete	<p>It is unclear exactly what support is envisaged by the Panel, however, JCIS have already increased the support available to employers to ensure compliance with the Policy.</p> <p>As of earlier this year, any employers applying for the first time are invited in for a meeting to discuss their application and ensure they understand their responsibilities. The team have also been able to undertake increased compliance.</p> <p>JCIS will seek to increase awareness of this via the Employer Standards Oversight Group.</p>	N/A

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 11 was to highlight that additional support for small employers was still required and asks that consideration is given to providing this additional support. Some industry representatives for example, cited areas of uncertainty regarding the Work Permit Policy. On page 48 of its Report, the Panel suggested a ‘spot check’, using a risk rating system like that used by the Environmental Health team in relation to rental accommodation.

The Panel received evidence that indicated there was some uncertainty about what was required of employers under the Work Permit Policy:

Recommendation 11: Stakeholders	Evidence considered
Chamber of Commerce	<i>“It would be helpful to clearly stipulate whether or not the employee must work 40 hours per week, or if this is just a guide for calculating the “going rate”. Can they work less or more and therefore be paid less or more? This is not clear, and this comment applies to each type of permit.”<sup>8</sup></i>

<sup>8</sup> [Submission – Chamber of Commerce – 24<sup>th</sup> May 2023](#)

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
17	The Minister for Home Affairs should work with the Minister for Economic Development, Tourism, Sport and Culture, the International Cultural Centre Steering Group and the Minister for Social Security to ensure that the physical support resource includes independent and confidential support for work permit holders on matters related to employment disputes. This should be reported back to the Panel by no later than 31 December 2023	MHA EDTSC MSS	Reject	<p>The Jersey Advisory and Conciliation Service (JACS) has a statutory duty to provide advice and assistance in relation to employment issues.</p> <p>To create a separate function would be confusing and lead to a duplication of responsibility for advice services. JACS have carried out this statutory duty since 2003, which was extended to employment-related discrimination issues in 2013.</p> <p>Having seen an increase in the number of employees on work permits seeking advice in 2022, JACS have worked with JCIS and other bodies to offer clear advice to such employees. This has included the creation of a video 'Working in Jersey' and various additional online resources that are available, and to which employees are signposted by JCIS. Work permit advice from JACS is clearly signposted and no additional advice resource is necessary or desirable.</p> <p>The 'Your rights' leaflet includes details of how to approach JACS or Citizen's Advice.</p>	N/A

**Purpose of the Recommendation and supporting evidence:**

The Work Permit Policy already provides contact details for JACS and Citizens Advice, however, the purpose of Recommendation 17, in a similar way to Recommendation 16, was to address a core issue identified by the Panel during its review in relation to the provision of central, co-ordinated, and accurate information for work permit holders, by centralising the support provided by various agencies, and tailoring it to the needs of work permit holders.

The Panel received evidence that indicated that work permit holders had experienced problems navigating various agencies that provide support as well as finding support that was appropriate for someone employed on a work permit in Jersey, highlighted advice in relation to employment disputes and that one of the purposes of the newly established International Cultural Centre was to provide information about services in Jersey:

Recommendation 17: Stakeholders	Evidence considered
Kenyan Jersey Committee	<p><i>“We came together as a group post-COVID because there was a big migration of Kenyans and I think a combination of COVID and the numbers that came meant that there was a lot of people out there who were short on information in terms of settling into Jersey, what to expect from the employers, what to expect from the Government of Jersey. Further to that, we came together and we started providing that service. It is predominantly provided through a WhatsApp group that most of the Kenyan work permit holders working here are members of. We also have a Facebook group, which incorporates all Africans and we are widening the net for other work permit workers. The way we deliver that is we organise events where we will tell them about the things they need to know. Most of us have been under work permits so we understand the struggles that they have and that is why we felt empowered to provide that service. So it is predominantly advising them on how to navigate Island life, organising social events to give them a bit of fun, answering their questions about anything they are unsure of and the latest has been they have been directing 3 a lot of grievances to us, whether that be from the employer or from the Immigration Department, and also questions about the immigration policy.<sup>9</sup>”</i></p>
Friends of Africa	<p><i>“...It is very difficult for us in terms of us navigating and supporting people. We found working between different departments within government has been very complex in terms of bringing Immigration or Social Security together or even the Tax Department because of confidentiality. It becomes very difficult. It just adds another layer of a department that you need to address.<sup>10</sup>”</i></p>
Jersey Advisory and Conciliation Service	<p><i>“JACS role is to offer advice on employment and discrimination issues to all employees we do not offer advice specifically on work permits as this is not an area that falls under JACS (just as we do not advise on matters in relation to say Social Security/tax or Data Protection). To this end we added a landing page tab on our website setting out employee's rights when working in Jersey and a brief guide to such rights was developed and has been available since May 2022.<sup>11</sup>”</i></p>

<sup>9</sup> [Microsoft Word - Jersey - WPHWRP - Public Hearing with Kenyan Jersey Committee 30.05.2023 \(gov.ie\)](#)

<sup>10</sup> [Microsoft Word - Jersey - WPHW Review with Friends for Africa 30.05.2023 \(gov.ie\)](#)

<sup>11</sup> [submission - review of work permit holder welfare - jacs - 22 february 2023 jacs.pdf \(gov.ie\)](#)



Recommendation 17: Stakeholders	Evidence considered
International Cultural Centre	<ul style="list-style-type: none"> <li>• <b>“Information for non-CTA workers</b>  <i>Develop information to support non-CTA employees arriving in Jersey for the first time, in consultation with community groups and trade representative organisations. Information available from June 2023</i> </li> <li>• <b>Information for non-CTA workers</b>  <i>Develop information to support non-CTA employees arriving in Jersey for the first time, in consultation with community groups and trade representative organisations. Information available from June 2023.</i> </li> <li>• <b>International Cultural Centre</b>  <i>Development of an International Cultural Centre to provide information about services in Jersey; improve access to those services across the community; celebrate Jersey’s cultural identities; and bring Islanders together by raising awareness of different cultures. The Centre will promote and signpost cultural events in the community; provide welcome packs to new arrivals to the island and consider outreach work to underrepresented communities as required. The Centre has been established in the Jersey Library and is due to be launched publicly in Q3 2023.<sup>12</sup>”</i> </li> </ul>

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<sup>12</sup> [Common Population Policy Annual Report 2023.pdf \(gov.je\)](#)

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
18	The Minister for Home Affairs and the Economic Development, Tourism, Sport and Culture should ensure that the information provided to work permit holders is inclusive for people who speak different languages.	MHA EDTSC	Complete	The Employee Rights leaflet has been translated into a number of different languages. This approach has been reviewed by, and amended following feedback from, community groups. For example, the Kenyan Jersey Committee provided advice about whether it should be translated to Swahili.	

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 18 was to highlight the need to engage with relevant cultural groups prior to making changes to the available languages that may not improve the accessibility of the information provided to work permit holders.

The Panel received evidence that indicated that Government guidance had been produced in Swahili without consultation with the relevant cultural groups:

Recommendation 18: Stakeholders	Evidence considered
Kenyan Jersey Committee	<p><b>Mr. J. Muchiri:</b> <i>Not officially. We have heard about it on the grapevine and heard that it will be translated into Swahili, but we have not heard about it officially and in fact we have separately started compiling our own following this fatal incident that happened due to misinformation. We have taken it upon ourselves.</i></p> <p><b>[...]</b></p> <p><b>Mr. A. Nyatta:</b> <i>The assumption is, which we understand in one respect and we account for it, that because we are a Swahili-speaking country, Swahili is what everybody would be able to communicate in but when we go to school for our education, all of it foundational to postgraduate would be in English. So English is technically our first language but Swahili equally. So it would be very hard for ... not very hard but it would be a bit difficult for most people to read it in Swahili as opposed to English. English would be a very preferred and easily understandable language...</i></p>

Recommendation 18: Stakeholders	Evidence considered
	<p data-bbox="869 237 2101 300"><b>Mr. J. Muchiri:</b> <i>I saw one of the brochures that had been translated. I did not understand it in Swahili.</i></p> <p data-bbox="869 336 2101 399"><b>Mr. A. Nyatta:</b> <i>It would be very generic Swahili as well and Swahili has moved on quite a lot.</i></p> <p data-bbox="869 435 2101 539"><b>Deputy M. Tadier:</b> <i>I think there is a disconnect. It has probably been well intentioned but it has completely missed ... thank you.</i></p> <p data-bbox="869 576 2101 639"><b>Mr. A. Nyatta:</b> <i>Exactly, yes.<sup>13</sup></i></p>

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<sup>13</sup> [Microsoft Word - Jersey - WPHWRP - Public Hearing with Kenyan Jersey Committee 30.05.2023 \(gov.je\)](#)

	<b>Recommendations</b>	<b>To</b>	<b>Accept/ Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
19	The Minister for Home Affairs should amend the Work Permit Policy to improve the specific protections from Modern-Slavery and exploitation.	MHA	Reject	The Work Permit Policy includes specific provisions designed to protect against modern day slavery, which is appropriate given our current legislative framework. These protections are targeted at prevented behaviours that are recognised as contributing to modern day slavery.	N/A

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 19 was to recommend that more specific protections are introduced to the Work Permit Policy in relation to Modern-Slavery and exploitation.

The Panel received evidence that indicated that the Work Permit Policy lacks specificity in relation to how it protects work permit holders from Modern-Slavery and exploitation. The Panel heard from key stakeholders representing work permit holders, who did not feel that the Work Permit Policy protected work permit holders from Modern Slavery and exploitation and lacks a definition of Modern-Slavery:

<b>Recommendation 19: Stakeholders</b>	<b>Evidence considered</b>
Friends of Africa	<p><b>Deputy L.V. Feltham – Public Hearing – 30<sup>th</sup> May 2023:</b>  <i>“The work permit policy states that its purpose is to protect people from modern day slavery. Do you feel that it achieves this goal in line with international definitions of that term?”</i></p> <p><b>Founder, Friends of Africa Jersey C.I. – Public Hearing – 30<sup>th</sup> May 2023:</b>  <i>“No.”</i></p>
Kenyan Jersey Committee	<p><b>Deputy L.V. Feltham – Public Hearing – 30<sup>th</sup> May 2023:</b>  <i>“One of the statements within the work permit policy is that its purpose is to protect people from modern day slavery. Do you feel that it achieves this goal in line with international definitions of that term?”</i></p> <p><b>Mr. M. Robbins, Kenyan Jersey Committee – Public Hearing – 30<sup>th</sup> May 2023:</b>  <i>“It does not, is the short answer based on what I have just said to you.”</i></p>

Recommendation 19: Stakeholders	Evidence considered
Jersey Customs and Immigration Service	<p><b>Deputy M. Tadier – Public Hearing – 7<sup>th</sup> June 2023:</b>  <i>“The panel notes that one of the functions of the work permit is to protect employers from modern day slavery. It is noted already that we do not have a definition to employees, yes?”</i></p> <p><b>Head, Jersey Customs and Immigration Service – Public Hearing – 7<sup>th</sup> June 2023:</b>  <i>“That is right”</i></p>

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
20	The Minister for Home Affairs should consider the introduction of a Jersey employer licensing scheme and licensing standards, with clear sanctions for noncompliance, for local labour providers.	MHA	Reject at this time	The Population and Skills Ministerial Group (PSMG) considered this option in order to meet the policy intent to improve standards for employees. Given the relatively low levels of data that indicate this being a widespread issue and the feedback from stakeholders, it was agreed that a first stage would be to establish the Employer Standards Oversight Group to drive better practice in industry and support employees through the ‘Your rights’ leaflet and engagement.	N/A

**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 20 was to recommend that more specific protections are introduced to the Work Permit Policy in relation to Modern-Slavery and exploitation. However, the Panel has not received evidence that indicates specific protections for work permit holders in relation to Modern-Slavery and exploitation, are being provided through the establishment of the Employer Standards Oversight Group or the ‘Your rights advice leaflet’.

The Panel considered the role of the UK Gangmasters and Labour Abuse Authority, that operates a licensing scheme which assesses labour provided against its licencing standards, and how the role of the Gangmasters and Labour Abuse Authority translates into benefits for workers and consumers:

Recommendation 20: Stakeholders	Evidence considered
Gangmasters and Labour Abuse Authority	<ul style="list-style-type: none"> <li>• <i>“Workers receive fair treatment, the pay, benefits and conditions they are entitled to.</i></li> <li>• <i>Labour providers are not undercut by those who pay less than the minimum wage or avoid tax. Industry standards are raised.</i></li> <li>• <i>Labour users can check their workers come from a legitimate provider and are informed if their labour provider’s licence is revoked.</i></li> <li>• <i>Consumers can be assured that their food has been picked and packed in an ethical environment. Illegal activities which lead to a loss of public revenue – income tax, VAT and NI – are reduced.”<sup>14</sup></i></li> </ul>

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
22	The Minister for Home Affairs and the Minister for Housing and Communities should introduce guidance to employers and work permit holders about the definition of accommodation that supports health and wellbeing and set out the enforcement mechanisms in place to ensure that work permit holders are ‘suitably accommodated’.	MHA MHC	Reject	<p>The responsibility for public health and safety of rented dwellings sits with the Minister for the Environment under the Public Health and Safety (Rented Dwellings) (Jersey) Law 2018. The scope is defined in Article 2, which includes staff accommodation.</p> <p>The enforcement mechanism is dependent on the approval in the States Assembly of P.40/2023. These Regulations, which were approved in principle on 18 July 2023, introduce a Rented Dwellings Licensing scheme.</p> <p>The second and third reading are due to take place on 28th November 2023. If adopted, the scheme will provide the</p>	N/A

<sup>14</sup> [Ibid](#)

				<p>enforcement team with the data they require in order to carry out inspections.</p> <p>The Minister for the Environment, in his response to the recommendations published by the Environment, Housing and Infrastructure Scrutiny Panel (P.40-2023(Com)), has given a commitment to publish a Code of Practice, ahead of enactment.</p>	
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**Purpose of the Recommendation and supporting evidence:**

The Work Permit Policy already sets out the expectation of the Minister for Home Affairs that all employees relocating to Jersey should “...live in accommodation of a standard that which supports their health and wellbeing...”. As this information is provided in the Work Permit Policy, the purpose of Recommendation 22 was to recommend that the Minister clarify this standard of accommodation, and the enforcement mechanisms in place to ensure work permit holders are suitably accommodated.

The Panel received evidence that indicated that employers sought clarity about the expectations of employers with regard to work permit holder accommodation, that some work permit holders had experienced problems with their accommodation and that whilst the accommodation provided must support the ‘health and wellbeing of work permit holders’, the enforcement mechanisms in place with regard to accommodation do not appear to be set out in guidance to work permit holders and employers:

<b>Recommendation 22: Stakeholders</b>	<b>Evidence considered</b>
Chamber of Commerce	<i>“It would be helpful to have further clarity/guidance as to the level of expectation of the employers’ responsibility in this area in a scenario where an employee chooses to seek their own accommodation.”<sup>15</sup></i>
Friends of Africa	<p><i>We also have incidents in health where people are living together but they are working different shifts. So some are night shift, some are day shift, some are coming in, so it is very difficult to even rest.</i></p> <p><i>... I think also just to add on to that, the fact that you have got complete strangers being asked to live in a hostel-style accommodation - professionals - is not quite appropriate.<sup>16</sup></i></p>

<sup>15</sup> [Submission - Chamber of Commerce](#)

<sup>16</sup> [Transcript – Public Hearing with Friends of Africa – 30 May 2023 p21](#)

<b>Recommendation 22: Stakeholders</b>	<b>Evidence considered</b>
Work Permit Holder feedback	<p><i>"Shared accommodation which was very expensive and there is no privacy for instance two people living in one room and each paying £150 every week whereas other people live in studio apartments each person with their room and they pay less amount".</i></p> <p><i>"I prefer to stay by myself for privacy reasons but there's no option but to stay with a colleague. Pretty uncomfortable".</i></p> <p><i>"I was not used to sharing my space but it's fairly ok considering what I earn especially since renting is very expensive in Jersey and where I stay the probability of getting anything that would fit into my earnings is close to none."</i></p>
Minister for Home Affairs	<p><i>"In short, we do not. We put into the work permit policy that, as I have said, accommodation must be provided, suitable accommodation that supports their health and wellbeing. Unsatisfactory accommodation over here is regulated by the Environment Department although what we will ensure is that obviously there is cross-departmental working. If we did become aware of an issue in accommodation because somebody made a complaint, the police, for example, might pay a visit for a particular reason and they could report back to Immigration. We would then report that to Environment for suitable enforcement."</i><sup>17</sup></p>

	<b>Recommendations</b>	<b>To</b>	<b>Accept/Reject</b>	<b>Comments</b>	<b>Target date of action/ completion</b>
23	The Ministers for Social Security and Health and Social Services should introduce specific guidance to work permit holders that includes information about their rights to healthcare in Jersey.	MSS MHSS	Accept & Complete	This requirement was already identified by the Population and Skills Ministerial Group in Q4 2022, following engagement with employers and operational groups. The 'Your rights' advice leaflet has already been distributed for employees coming to live and work in Jersey. It is available in online form and in various relevant languages. This is a joint effort between departments and representatives from the various employment sectors in the Island. The leaflet includes information about healthcare services.	N/A

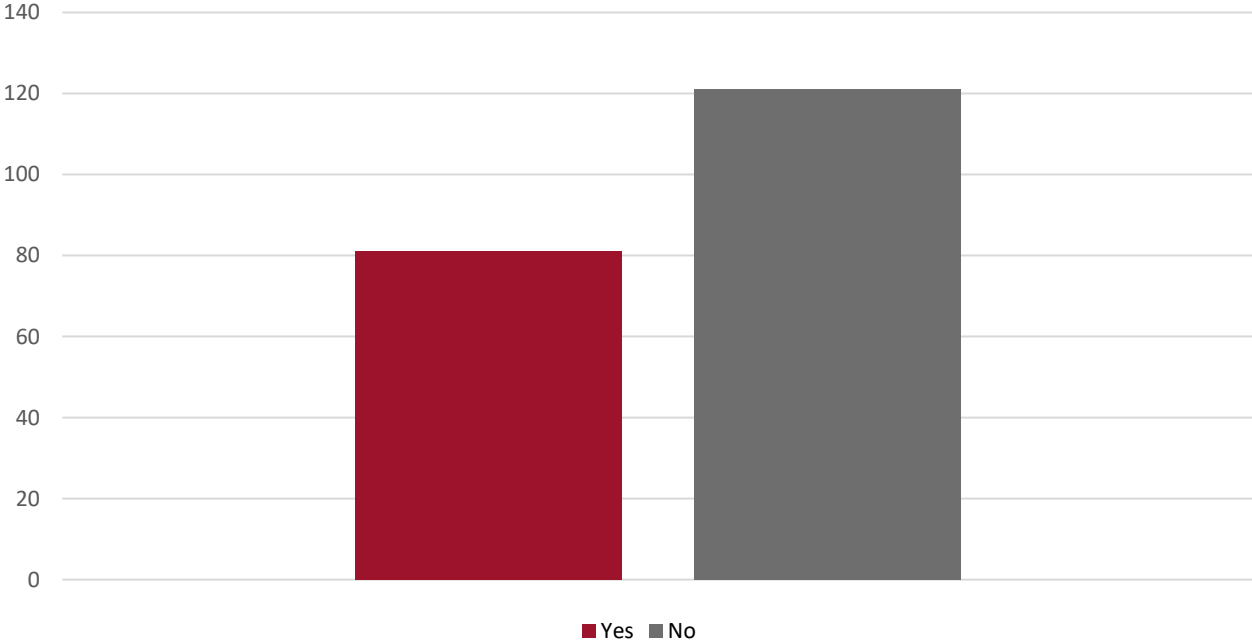
<sup>17</sup> [Transcript – Public Hearing with the Minister for Home Affairs – 7 June 2023 – p4](#)

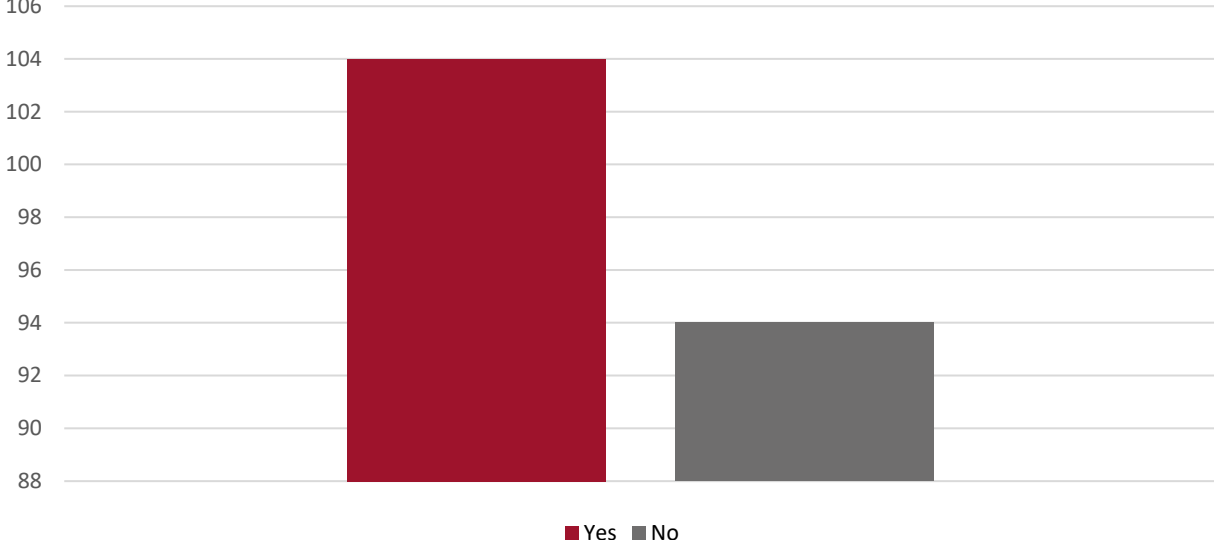


**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 23 was to recommend that specific guidance is introduced for work permit holders to include information about their rights to healthcare in Jersey, as this is not provided for in the Work Permit Policy. However, the Panel has not received evidence that indicates guidance or information is provided to work permit holders about healthcare services in Jersey through a ‘Your rights advice leaflet’.

The Panel received evidence during its review that indicated that most work permit holders who responded to the Panel’s Work Permit Holder Survey, were not aware of how the healthcare system operates in Jersey prior to their arrival, whilst most work permit holders who responded to the Panel’s survey also indicated that they needed to access healthcare at some point during their time living and working in Jersey:

Recommendation 23: Stakeholders	Evidence considered						
Work Permit Holder Survey	<p data-bbox="958 576 1951 643"><b>Were you made aware of how the healthcare system operates in Jersey prior to your arrival?</b></p>  <p>The bar chart displays the number of respondents for two categories: 'Yes' and 'No'. The y-axis represents the number of respondents, ranging from 0 to 140 in increments of 20. The 'Yes' bar is dark red and reaches the 80 mark. The 'No' bar is grey and reaches the 120 mark. A legend at the bottom indicates that the dark red square represents 'Yes' and the grey square represents 'No'.</p> <table border="1"><thead><tr><th>Response</th><th>Count</th></tr></thead><tbody><tr><td>Yes</td><td>80</td></tr><tr><td>No</td><td>120</td></tr></tbody></table>	Response	Count	Yes	80	No	120
Response	Count						
Yes	80						
No	120						

Recommendation 23: Stakeholders	Evidence considered						
Work Permit Holder Survey	<p style="text-align: center;"><b>During your time living and working in Jersey, did you need to access healthcare?</b></p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Response</th> <th>Count</th> </tr> </thead> <tbody> <tr> <td>Yes</td> <td>104</td> </tr> <tr> <td>No</td> <td>94</td> </tr> </tbody> </table>	Response	Count	Yes	104	No	94
Response	Count						
Yes	104						
No	94						

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
24	The Minister for Home Affairs should introduce a requirement to the Work Permit Policy to ensure that all work permit holders are covered by an appropriate travel insurance policy during the first six months of living and working	MHA	Reject	<p>It is not clear whether travel insurance would provide the cover required/envisaged by the Panel.</p> <p>Equally, whilst the intent is understood and supported, it is not considered that this would be something for the MHA to mandate.</p>	

	in Jersey, and that the costs associated with this travel insurance requirement are met by the employer.				
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**Purpose of the Recommendation and supporting evidence:**

The purpose of Recommendation 24 was to ensure that work permit holders arrive on-Island protected from some of the significant risks of travelling abroad, and therefore provide the cover that work permit holders might need whilst living and working in Jersey. With regard to the responsibility for this recommendation, the Panel provided the Ministerial Response template to the Ministers for Health and Social Services, Social Security, Housing and Communities, External Relations and Economic Development, Tourism, Sport and Culture to coordinate this response.

The Panel considered evidence in relation to the coverage provided by travel insurance, and these were stated in the Panel’s Report, which highlighted that travel insurance can insure against accidents, illness, missed flights, lost baggage, theft, terrorism and death while abroad. The Panel also considered evidence in relation to reciprocal health agreements, and that these generally only cover the cost of urgent or emergency treatment and should not be a replacement for health insurance and that the responses from work permit holders to the Panel’s Work Permit Holder Survey indicated that most work permit holders were not advised to take out health insurance prior to their arrival in Jersey:

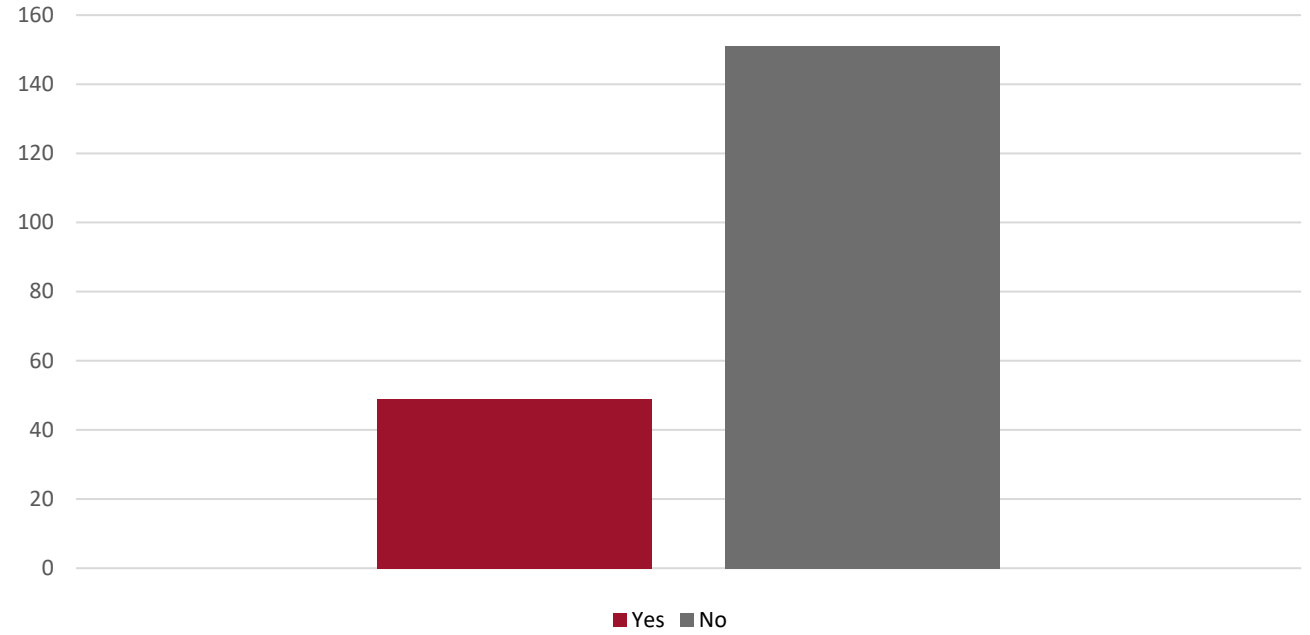
<b>Recommendation 24: Stakeholders</b>	<b>Evidence considered</b>
When do I need travel insurance? – Citizens Advice Bureau New Zealand	<i>“You can get travel insurance coverage to minimise the considerable financial risks of travelling: accidents, illness, missed flights, cancelled tours, lost baggage, theft, terrorism, travel-company bankruptcies, emergency evacuation, and even death while abroad.”</i>
Government of Jersey – Health agreements between Jersey and other countries	<i>Therefore, agreements cannot take the place of health travel insurance and you are advised to have insurance cover to meet the cost of any health care costs when travelling outside Jersey.</i>

**Recommendation 24: Stakeholders**

Work Permit Holder Survey

**Evidence considered**

**Were you advised to take out health insurance prior to your arrival in Jersey?**



	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
25	<p>The Minister for Health and Social Services and the Minister for External Relations should work with the Minister for Economic Development, Tourism, Sport and Culture to ensure that reciprocal health agreements are made with countries where formal arrangements have been established by the Government of Jersey regarding the employment of work permit holders in Jersey.</p>	<p>MHSS MER EDTSC</p>	<p>Reject</p>	<p>Reciprocal Health Agreements (RHAs) by their nature require all jurisdictions involved to benefit from the agreement. For those agreements in which the Island is a signatory in its own right (rather than by extension through the UK) this is the case. The UK RHA benefits both UK and Jersey residents as there is tourism and working between both jurisdictions.</p> <p>The Island would not necessarily benefit from a blanket approach of introducing RHAs with all jurisdictions where formal arrangements have been established. The numbers of individuals from X jurisdiction travelling to the Island for work/tourism purposes is likely to be greater than the number of Islanders travelling to X jurisdictions and therefore reciprocity is limited.</p> <p>The absence of an RHA does not prevent individuals accessing healthcare on the Island; however, it is recognised that accessing healthcare may incur a cost. Costs can be met through private insurance where people are in Jersey for an extended period for the purposes of work, and through most standard travel insurance policies for tourism purposes.</p>	<p>N/A</p>

### **Purpose of the Recommendation and supporting evidence:**

Whilst the Panel was pleased to learn about changes to the Residents and Non-Residents Charging Policy for returning work permit holders, the purpose of Recommendation 25 was to negate the potential costs of healthcare treatment, and generally improve access to healthcare for work permit holders.

The Panel considered evidence from key stakeholders that highlighted the importance of access to healthcare, and the amendment to the Residents and Non-Residents Charging Policy:

<b>Recommendation 25: Stakeholders</b>	<b>Evidence considered</b>
Friends of Africa	<i>"I think access to healthcare is a fundamental issue that we have been pushing. You have got people who are on 9-month visas who have been coming to the Island year-on-year for the last 20 years but every time they come back they have to start from zero to get that 6-month point where they can get subsidised healthcare in terms of accessing G.P.s (general practitioners)."</i>
Kenyan Jersey Committee	<i>"Yes, but you could be coming here for 20 years and every year they treat you as somebody new. The usual system - and correct me if I am wrong - is if you are a new arrival to Jersey you have to contribute for 6 months before you can access government services like healthcare and what have 22 you. So there are people who have been coming here for 20 years on a 9-month permit and they only have healthcare for 3 months of the year because every year they are treated as somebody new for the first 6 months."</i>
Ministerial Decision (Minister for Health and Social Services) - Residents and Non-Residents Charging Policy: Amendment – 22 <sup>nd</sup> August 2022	<i>"remove the requirement for returning persons who are in possession of a 9-month work permit and who have completed the required 6-month qualification period to re-complete that 6-month qualification period before being eligible for access to non-emergency health care provided that person returns to Jersey within three years;"</i>