

STATES OF JERSEY



DRAFT CONTROL OF HOUSING AND WORK (JERSEY) LAW 201- (P.37/2011): AMENDMENT (P.37/2011 Amd.) – COMMENTS

**Presented to the States on 4th July 2011
by the Chief Minister**

STATES GREFFE

COMMENTS

Achieving the Assembly's immigration targets, protecting local jobs, and controlling the ability of migrants to work in the Island has to be managed with due care and attention. While these decisions are inherently difficult, they are made with fairness and the overall needs of the Island community in mind.

However, we do need a new Law which removes the weaknesses of the Regulation of Undertakings Law and the complexities of the Housing Law. A new Law that radically improves our enforcement powers and that provides much more information to identify and address non compliance. At the same time, the new Law will also reduce costs by reducing red tape.

As to comparisons between jurisdictions, Jersey, Guernsey and the Isle of Man all control the ability of individual businesses to engage migrant labour while exempting very short-term workers, and each permits British and European Economic Area nationals to live in the Island without any permission (although Jersey and Guernsey restrict access to housing). Indeed, the Islands have experienced similar levels of population growth over recent years.¹ The lessons that can be gained by observing our neighbouring islands are that each Island faces similar difficulties, and no solution fits all. As to Jersey, our immediate task is to considerably improve what we have, in the most cost-effective manner.

As to who is responsible for these decisions, in 2005 the Assembly overwhelmingly approved a proposition directing that the Chief Minister should be responsible, having firmly rejected alternative propositions to appoint the Minister for Housing and the Minister for Economic Development (and Committees). The reasons were simple; decisions should not be directed by any single need alone, whether the economy, housing, or any other matter, rather, the balanced needs of the Island as a whole should prevail. This is best done by the Chief Minister, as elected by the Assembly, on the basis that he or she will have to follow the States immigration and population targets as set by the Strategic Plan. Indeed, it is one of the functions of the Assembly to hold the Chief Minister to account.

By way of comparison, it is questionable whether the Minister for Housing should be making decisions on every application from business for staff, or whether the Minister for Economic Development or the Minister for Social Security should determine housing categories. Instead, the Law proposes that an Assistant Minister should focus on these matters by chairing an advisory group, supported by the Ministers for Housing and Economic Development, and other nominated persons. This will provide an expert lead politician who will benefit from a wide range of advice and scrutiny when making decisions to achieve States' objectives. In this way, a decision-making process is in a place which will have to take a balanced view of all States policies.

As to when a person needs to register, all persons who start work of any kind will need to register under the Law, thus capturing migrants who come to obtain jobs. As for people who do not work, they have 3 months to register. This means that it is clear that short-term visitors are not captured, and we keep the Register up-to-date. I appreciate the concerns of some Members over short-term immigrant labour. However, by

¹ The Islands have experienced population growth of between 4–6% over the last decade, with Guernsey's population growing by 4%, the Isle of Man by 5%, and Jersey by 6%.

introducing a 7 day rule, we simply create more uncertainty, more enquiries, more administration, and more non-compliance, and for very limited apparent benefit.

Members are recommended to reject this amendment.