

STATES OF JERSEY



ENTITLEMENT TO WORK – REDUCTION IN RESIDENCY REQUIREMENT

Lodged au Greffe on 27th June 2023
by Deputy R.S. Kovacs of St. Saviour
Earliest date for debate: 18th July 2023

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Chief Minister –

- (a) in light of the current difficulties in recruitment of staff, to implement a temporary scheme by September 2023, further to which any Registered individual who has been continuously ordinarily resident in the Island since 31st December 2020 will be eligible for Entitled to Work status until December 2025, or such time as they attain five-year residency;
- (b) to extend the scheme detailed in paragraph (a) to the spouse, civil partner or eligible partner of an individual eligible for the scheme identified in paragraph (a), provided the spouse or partner is also ordinarily resident in Jersey; and
- (c) to investigate the implications of a reduction in the five-year residency requirement to receive Entitled to Work status, and to report back to the Assembly on the feasibility of such a reduction by 30th June 2024.

DEPUTY R.S. KOVACS OF ST. SAVIOUR

REPORT

The current market for employment in the Island is changing. Over the last three years or so there has been a shift from an employers' market to a position where we have the lowest rates of unemployment since 2011 and employers in a variety of sectors are having difficulty recruiting staff. The Government regulation of employment needs to change in response to this changed situation.

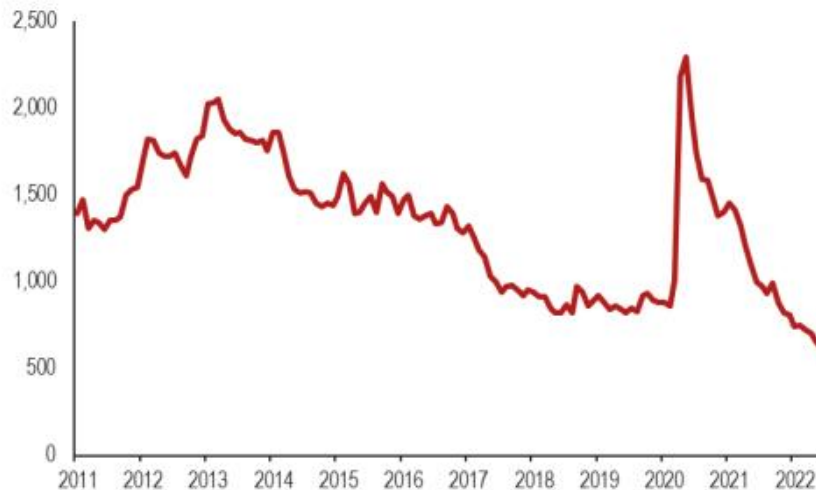


Figure 2: Actively Seeking Work (non-seasonally adjusted). Source: Statistics Jersey

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The changes I am seeking to the Regulations will enable people who are already living in Jersey to take up employment mainly in sectors of the economy, such as hospitality, retail, construction and care, where there are known to be shortages of workers.

Under the current regulations people who have lived in Jersey for less than five years, are prevented from taking up work in many of the roles for which employers are finding it difficult to recruit staff.

The changes proposed here, like those accepted in P.20/2023 relating to unmarried partners, concern only proposed employment status and not residential status or access to the housing market or to benefits. They therefore have the benefit to the economy of increasing the supply of workers available for roles that are currently restricted to those with 'Entitled to Work,' status without increasing the island's population.

The rationale behind this proposition was to identify how we can make better and quicker use of the workforce already available in the Island. One of the categories that could be used straight away given their status, are those with pre settled status, who are already verified and have been granted permission to remain and gain their five-year residential status, provided there are no substantial breaks in residency.

¹<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/Government%20Plan%202023%20to%202026.pdf>

The reason behind the period included within the Proposition (Dec 2020 to 2025) is to simplify any administrative process and allow immediate effect, based on everyone that has been here during the same period that would cover the pre-settled category, given that those with pre settled status would mostly have existing documentation to prove residency and get the related card straight away.

This proposition does not set forward wholesale change – it instead proposes a temporary scheme whereby those who have already been here for a set amount of time will receive their Entitled to Work status. Not only will this provide a bridging resource to start addressing current issues, but it will provide valuable data on what ‘Entitled to Work’ posts are filled by these people.

Table 3.5: Residential / employment status of residents

	Persons	Percent
Entitled	74,681	86
Licensed	2,106	2
Entitled for work	5,454	6
Registered	4,550	5
Total	86,791	100

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As can be seen within the above 2021 census data on population under 5 years residency, then -which would now be lower-, the number impacted are not huge, but will be a step towards filling employment gaps and contributing more to the Island economy. As this is a test scheme, this also shows that any risk would be mitigated by the low numbers impacted.

We are often told in this Assembly that the propositions under discussion cannot be agreed because there is no evidence or there is not enough evidence – the Government needs to gather evidence. This proposition seeks to enable Government to collect evidence and demonstrate the delivery statement in the [Common Strategic Policy 2023-2026](#) –

Being evidence-based

We will take decisions based on the collection and rigorous analysis of evidence and data. We will look outward to learn from elsewhere, while delivering solutions tailored for Jersey.

It is difficult to see how the Government can make such evidence-based decisions without the data on which to base them. This proposition for temporary changes will provide useful data to inform future decision making.

²<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/R%20CensusFinalReport%2020221213%20SJ.pdf>

Part (b)

Part (b) of the proposition is included for essentially the same reasons as in the recently approved Draft Control of Housing and Work ([Residential and Employment status \(Amendment No.2\) \(Jersey\) Regulations 202-](#)), except that in this instance it applies to both married and unmarried partners –

There is potential for a more effective use of the skills and experience of unmarried partners who move to the Island with a partner with Entitled status, Licensed status or Entitled for Work Only CHWL status. This change will give them greater access to vacant roles. An improved use of those persons already on Island, as partners of current workers, will assist the supply of workers in all areas of the economy and help to reduce labour shortages.

Further to this proposition, the period which partners would need to qualify would be significantly reduced – if a partner moves to the island, they would only benefit from this scheme until such time as their partner gains five years – at which point the Draft [Control of Housing and Work \(Residential and Employment status\) \(Amendment No.2\) \(Jersey\) Regulations 202-](#) would come into play.

In the Comments from Corporate services panel to the [Control of Housing and Work \(Residential and Employment Status\) \(Jersey\) Regulations 2013](#) (‘the principal Regulations’), the States Assembly recognised that “*unmarried partners did not acquire any residential and employment status from their partner and were classified under the “Registered” Status. The changes approved provide unmarried partners with identical employment rights currently available to married and civil partners. Therefore, the status of those unmarried partners would change from “Registered” to “Entitled to work”. This would automatically provide unmarried partners with access to the local labour market without requiring further permission.*”

Regarding the above Comments paper from scrutiny, the following was highlighted:

“7. It was expressed that Jersey’s current framework does not provide the same level of opportunity offered by other jurisdictions, which unnecessarily limits access to the local labour market.

8. It was further clarified that amending regulations is a more efficient process than amending the Law, whilst providing the same outcome.

9. The Panel was informed that adopting the draft Regulations removed unnecessary restrictions on unmarried partners and aligned the CHWL consistently with Immigration Rules, which already allow for an unmarried partner to accompany a migrant worker to Jersey when certain conditions are met. It was explained that, following Brexit, immigration controls had taken advanced importance in controlling the movement of workers into Jersey.

10. The Panel understood that the proposed changes would assist in alleviating the labour and skills shortages that Jersey is experiencing by enabling unmarried partners to access all employment opportunities akin to married and civil partners. Thereby, Jersey would be able to benefit from its total resident population and this would assist the supply of labour in all areas of the economy”

Part (c)

As noted above, this proposition is not asking for a permanent change. It is asking for temporary scheme – and then for Officers to investigate the implications of a reduction in the five-year requirement to receive Entitled to Work status. They will be aided in this by the data generated from the temporary scheme.

Conclusion

I would like to remind Members that this is not an out of the blue proposition – that this is seeking to build on work that we understand is already under consideration by Government, as this extract from the sitting of the [Assembly on 13th June 2023](#) shows –

7.1.8 Deputy R.S. Kovacs:

Has any consideration been given to give more freedom of work to the under-5 years' resident already here to help with staff shortages and have additional contributions to the fund that we see are already ending at some point?

Deputy K.L. Moore:

So when I spoke about some of our migration controls, that is very much the nature of our considerations. We have already begun to consider how our current rules impact upon people and their ability to work. Just at the last sitting Members thankfully unanimously supported the proposition to encourage unmarried partners or to allow unmarried partners to seek work in the Island whereas they would only be able to access a restricted pool of work, therefore prohibiting some people from being able to use the very skills that they had spent their working careers training for to that point. I think that shows an example of the tangible difference that we are trying to make.

And above all, Members should remember that this is a temporary scheme designed to fill the employment gaps as soon as possible, in different industries, using the resources already available to the Island. This is also a temporary scheme, which mitigates the long term impacts, but will provide important data for future policy development based on evidence.

The changes proposed would also motivate those already resident to stay on the Island, allowing them to access roles that suit their skills and lifestyle, creating a happier and more engaged workforce.

Financial and manpower implications

Costs would include the manpower required to process applications, through verification of existing residency since the end of December 2020.

Outside of those needing to prove residency, those with existing pre-settled status would cost no more than any other islander applying for a new entitled to work card – for instance, those partners who are now applying for their card under the [Draft Control of Housing and Work \(Residential and Employment status\) \(Amendment No.2\) \(Jersey\) Regulations 202-](#)