



22 February 2023

Scrutiny Office  
States Greffe  
Morier House  
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(via email [a.thorne2@gov.je](mailto:a.thorne2@gov.je))

Dear Deputy Porée

### Work Permit Holder Welfare Review Panel

Thank you for the opportunity to participate in this review, below I have responded to the questions posed in your letter of 14 February 2023:

1. Are you aware that the 'Disputes' section of the WPP makes specific reference to JACS in the event that a work permit holder enters into a dispute with their employer?  
**Yes, JACS is mentioned twice in the WWP, which has been read and commented upon for future updates; and has formed part of our work with JCIS.**
2. Do you feel that JACS is able to provide advice to work permit holders specifically in relation to the WPP?  
**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. The paragraphs in the WPP are about employment/work which JCIS do not advise on (as expressed in the document), and type of contract an employee is on does not change the advice JACS give. Those employees on Island via a Work Permit are on fixed term contracts (just as non-Work Permit employees may be), therefore the advice given and the rights under the legislation are the same. JCIS and JACS will work together in order to assist those with Work Permits and we have recently agreed that if an employee is happy for JCIS to attend a meeting with JACS (either in person or by some other route) we should be able to cover all the relevant areas/concerns the employee may have.**
3. What processes do you think a Work Permit Holder should follow in the event that they have a concern or a dispute with their employer?  
**Contact JACS and we can advise either in person, via email or on the telephone. If it is a matter that JACS are tasked to deal with eg payment of wages/acts of discrimination (along with many others) we will assist. If the questions then move towards extending/moving their work permits JACS will advise that this is not something we can advise on and this would fall under JCIS. At this point we would ask if they wish to arrange a meeting with JCIS and JACS together to move forward more swiftly.**

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a. Do you have data about the numbers of Work Permit Holders who have contacted JACS in relation to a dispute or complaint?  
**Until 2022 JACS received very few (possibly less than 3) queries a year, but this started to change around July 2022 – at this point any such contact was not recorded separately. From January 2023 we now have a separate category for Work Permits (covering all/any concerns). To date the overall number of people contacting JACS is 1211; queries directly about work permits (to date) is 8 (less than 1%). Below is an extract from our 2022 Annual Report (to be released once our audited accounts are available at the start of April 2023:**

**...‘A new trend in 2022 (from around July) was the number of queries in relation to Work Permits. Whilst JACS are not able to advise on work permits (this falls under Customs and Immigration) we are available to discuss employee issues that fall either under the Employment(Jersey) Law 2003 and/or The Discrimination (Jersey) Law 2013. The types of query we receive are around employers changing contracts once employees have arrived on the Island, deducting sums from wages that have not been agreed, acts of discrimination and harassment. Whilst generally employees cannot claim for unfair dismissal until they have been employed for 52 weeks, if the dismissal falls under a statutory breach or the discrimination legislation claims can be lodged for ‘auto-unfair’ dismissal. JACS have worked closely with Justice and Home Affairs (as well as Jersey Customs and Immigration Service and Customer and Local Services) to ensure that employees arriving to work in the Island have as much information about their employment rights from first day of working for their employer.’**

4. Have you received any further evidence related to concerns about the welfare of Work Permit holders in Jersey?  
**Yes, we have had some welfare concerns and we have supported employees as they have shared those with us and mapped out the steps they wish to take.**

If you have any further queries, please do not hesitate to contact me.

Yours sincerely



Patricia Rowan  
Director