

### **3.11 Deputy G.P. Southern of the Chief Minister regarding the role and importance of employment agencies in the Jersey economy:**

Will the Chief Minister explain to Members the role and importance of employment agencies in the Jersey economy, and in particular how they operate under the Control of Housing and Work Regulations 2013?

#### **Senator I.J. Gorst (The Chief Minister):**

Employment agencies have an important role to play in any economy as they offer flexibility to both employers and employees. Under the Control of Housing and Work Law, employment agencies are undertakings and need a licence to operate. This licence includes restrictions on the number of registered and licensed employees they can place. These restrictions are being kept under review with all licences due for review in April 2014. Agencies can place as many entitled and entitled to work employees as they wish.

#### **3.11.1 Deputy G.P. Southern:**

Is there anything in place in the Control of Housing and Work Regulations to prevent an employer having been refused permission to employ a licensed worker, from simply sourcing that licensed worker with the right skills from an agency and, thereby, avoiding the Control of Housing and Work Regulations?

[16:15]

#### **Senator I.J. Gorst:**

The Deputy seems to completely misunderstand how the law operates. They would not be avoiding the requirements of the Control of Housing and Work Regulations. The individual that the undertaking might take from the recruitment agency is part of a controlled number, and those agencies now for the first time have a number of registered staff that they are permitted to place. It would be the case that the law is working far better than in the past.

#### **3.11.2 Deputy M.R. Higgins:**

Just elaborating on the Chief Minister's last answer. Can he give us an indication of the numbers that each of the employment agencies do have so that we gauge the number of people that they are placing?

#### **Senator I.J. Gorst:**

I would not wish to give the individual numbers because that might mean that the agencies themselves were identifiable. But there are 15 agencies and the total registered staff permitted in total is 241. Of course, to use the old term "locally qualified" they can place as many as they wish.

#### **3.11.3 Deputy M. Tadier:**

Following on from the Chief Minister's last comments, would he agree that if it is the case that a small company which does not have a licence for what we will call - I use the old terminology - an unqualified worker who does not have the 5 years, can then employ the same person via an agency because the agency has the licence, does that not make a bit of a nonsense of the system and also provide unnecessary red tape and expense and inconvenience for both the employer and the worker?

#### **Senator I.J. Gorst:**

It sometimes seems to me that Members of this Assembly wish to have it both ways. They castigate the Chief Minister's Department for not being tough on immigration and not

controlling licence numbers and not reducing licence numbers, but the first time they get approached by an undertaking that would like to have a registered licence - or previously we knew them as non-local licences - they come out saying that they should be allowed. We are not controlling the number of registered licences that employment agencies will have. We are controlling the number of licences that undertakings have, and that is absolutely right and proper. What we are trying to do is not encourage - apart from in those areas that we wish to - new immigrants into Jersey. So Members cannot have it both ways. If Members feel that my department is now being too tough in regard to controlling immigration in certain sectors then they need to stand up and say so and not use the mechanisms that they appear to be doing so.

**3.11.4 Deputy M. Tadier:**

The Chief Minister is very obviously diverting because the question was: does he think it is acceptable essentially that an agency can be used as a proxy by which to circumvent any one given law, whether that be desirable or not that the individual be employed? The individual will end up being employed when the licence request has been refused from the business itself, but simply by using an agency it can be got around in that way. It is not a question of whether or not individual Members think they want more or less, or fewer immigrant workers, it is about whether or not the law should be circumvented in this way by agencies.

**Senator I.J. Gorst:**

The law is not being circumvented. I cannot say that clearly enough. The licences of the employment agencies are controlled, the licences of the undertakings are controlled. Of course, as the Deputy is saying, an undertaking could go, and any undertaking can go to an employment agency to fill a particular vacancy on a temporary basis. But once those licences are filled and reviewed - as I said, they are going to be reviewed again in April, they were provided on a short-term basis - once those licences are filled it means that others will not come and fill them. The Deputy is not correct in his assertion.

**Deputy G.P. Southern:**

I am trying to get my head around the logic of the Chief Minister and, quite frankly, I cannot.

**The Bailiff:**

Is that a question to yourself or to the Chief Minister? **[Laughter]**

**Senator I.J. Gorst:**

I thank the Deputy for his compliment. **[Laughter]**