



Economic and International Affairs Scrutiny Panel

Review of Seasonal Workers and the Rural Economy

Witness: Jersey Farmers' Union

Wednesday, 16th February 2022

Panel:

Deputy D. Johnson of St. Mary (Chair)

Deputy S.G. Luce of St. Martin

Senator S.W. Pallett

Witnesses:

Mr. P. Le Maistre, President, Jersey Farmers' Union

Mrs. J. Rueb, Secretary, Jersey Farmers' Union

[11:08]

Deputy D. Johnson of St. Mary (Chair):

Good morning, everyone, and welcome to this hearing of the Economic and International Affairs Scrutiny Panel. This is in connection with our review into seasonal workers and the rural economy and we have with us today members of the J.F.U. (Jersey Farmers' Union). I will begin by introducing the panel, which consists of myself, Deputy David Johnson, chair.

Deputy S.G. Luce of St. Martin:

Deputy Steve Luce of St. Martin.

Senator S.W. Pallett:

Senator Steve Pallett.

The Deputy of St. Mary:

We have with us from the J.F.U. ...

President, Jersey Farmers' Union:

Peter le Maistre, I am president of the Jersey Farmers' Union.

Secretary, Jersey Farmers' Union:

I am Jane Rueb, secretary of the Jersey Farmers' Union.

The Deputy of St. Mary:

Thank you both for coming. As you know, we are conducting a review into seasonal workers and particularly regarding rural economy, and we have a number of questions. I have a block to begin with in relation to visas. We understand that work visas are granted by the U.K. (United Kingdom) rather than Jersey. Can you confirm that is the case?

President, Jersey Farmers' Union:

Yes, I think this is really Jane's area of expertise and so I will let her for this first part perhaps answer all your questions.

The Deputy of St. Mary:

Okay. Thank you, Jane.

Secretary, Jersey Farmers' Union:

Yes, that is correct. First of all, the worker has to get a Jersey work permit before they can apply for their visa. The visas are done by the U.K. Government. Jersey Immigration have a very helpful sheet that they send out with the work permit, which helps the worker fill in the visa application because it is slightly different because they come into Jersey and not working in the U.K.

The Deputy of St. Mary:

I am trying to get at the relationship between yourselves and Jersey and the U.K. You are involved in the actual permit ...

Secretary, Jersey Farmers' Union:

No, we are not. The actual Jersey work permit we do on behalf of the employer for the worker. The actual U.K. visa is paid for by the worker, so they are the ones that fill in the application. For example, with our Filipino workers they come through an agency and it is the agents that help and would fill in that U.K. visa application.

The Deputy of St. Mary:

Okay. The agency are well enough informed to do it without your assistance, yes, very good.

Secretary, Jersey Farmers' Union:

Yes, we do not give any assistance in that at all.

The Deputy of St. Mary:

Again, just leading on from that, you obviously at that stage, therefore, have no input at that stage with U.K. Immigration itself.

Secretary, Jersey Farmers' Union:

No, we have absolutely no input in that side of things, in the visa side of things.

The Deputy of St. Mary:

Thanks for explaining that. My next question was to explain the process from the start of the application of working visas to the granting of working visas. I think I we have more or less dealt with that.

Secretary, Jersey Farmers' Union:

Yes, that is certainly a question that someone from Jersey Immigration would probably be able to help you with much better than us.

The Deputy of St. Mary:

Okay.

President, Jersey Farmers' Union:

If I could just clarify a point there, when we make an application for a work permit in Jersey there is a certain amount or a certain degree of questions that need to be answered by Jersey Immigration why you should bring this person in. But that tends to ... it is certainly in agriculture and I think it is the same for other industries. We have to show that those people have some skill in agriculture, have some agricultural background; that they are coming with a skill that we need. We managed to - really by chance to be honest - have a very good agent at the beginning and the confidence we get from them being a good agent is the fact that before we first engaged them, the labour attaché from the Philippines Embassy in London came to Jersey to meet us with the agent and we had to satisfy them that the Jersey Farmers' Union was a responsible body and our members were responsible employers. But also it gave us confidence that the Philippines Government recognised this agent in the Philippines because the work permit side we can do here and it is done very efficiently by Jersey Immigration. Once we send that back to the Philippines for the staff to fill in a visa, it has been quite complicated because, like me 3 years ago, you knew nothing about the Philippines. It is an archipelago of islands and one of the problems is that a lot of these people have

to travel to Manila to fill in a visa application, and with COVID that has been particularly difficult. There has been quite a time lag on the visas and Jersey and us have no control in the Philippines when they arrive in the U.K. and they then start the vetting process of individual applicants.

The Deputy of St. Mary:

Can I just go back on that then? I have tried to establish the relationship and the time factor between the visas and the work permits; are you saying that the visas are issued without any prospect of a job here or is there something ...

President, Jersey Farmers' Union:

No, the opposite way around. A grower, perhaps myself, will ask the union: "Jane, can you find me 2 staff?" The recruitment agency in the Philippines will find 2 suitable people for me. They then have to prove certain things to achieve a work permit for Jersey. Once they have done that we send that back to the Philippines and that is where the delay comes because it is completely out of our control. Those workers, the U.K. Visa Department, as we understand it, will take some notice that Jersey wants them but they will still go through the rigorous checks they would if they were working in the U.K., which is basically things like criminal checks, where they have to provide health status and all that sort of things. When that visa is granted then the person can come. It also is a problem - and we are going to come on to, I think, the 9-month scenario - but it does impact a little bit here, particularly at the moment with COVID because if you have got ... we are getting now repeat workers, as we always have done over the generations of Jersey farmers, so we have now got Filipinos who have done 9 months, been away for 3 and want to come back.

[11:15]

We are finding that we cannot apply for anything for them to come back until they have left. Then 3 months sounds quite a long time but in work permit/visa terms it is not, particularly, as I was saying, with COVID where at times the visa place in the Philippines has been closed, the visa office in the U.K. is probably like everyone else, has been short-staffed and things are taking a long time. The next problem is you cannot book a flight until you have got a visa.

The Deputy of St. Mary:

Going back to your central point, visas are issued without a work permit but ...

Secretary, Jersey Farmers' Union:

No, the work permit comes first.

The Deputy of St. Mary:

It does come first, which I ...

Secretary, Jersey Farmers' Union:

Yes, the work permit is the first thing and once the work permit is granted it gets sent off to the workers, whether it is the agency for the Filipino workers or another worker is coming and they cannot apply for their visa until they have got their Jersey work permits.

The Deputy of St. Mary:

Yes, that is very clear. Obviously work permits are issued separate to visas, effectively, are they not?

Secretary, Jersey Farmers' Union:

Yes.

The Deputy of St. Mary:

Yes, I am trying to get the batting order for ...

The Deputy of St. Martin:

Can I just ask about the visa, Jane: are there times on the visa, say, you are issued a visa, does it specifically go with the permit for 9 months?

Secretary, Jersey Farmers' Union:

Yes. The dates on the visa will exactly match the dates on the work permit.

The Deputy of St. Martin:

Could you, for example, apply for a visa for 5 years?

Secretary, Jersey Farmers' Union:

No, for our seasonal staff we have got a maximum of 9 months.

The Deputy of St. Martin:

On the basis that the visa and the permit are separate pieces of paper, could you ...

Secretary, Jersey Farmers' Union:

No, they have to mirror each other ...

The Deputy of St. Martin:

They have to mirror each other. I think what I am trying to get at is if you applied for a long visa, knowing that they have to go back in after 9 months because that is what the permit says but they still have not done any visa to come back.

Secretary, Jersey Farmers' Union:

There are different types of visas, so our workers apply for a tier 5 visa.

The Deputy of St. Martin:

Sorry?

Secretary, Jersey Farmers' Union:

A tier 5 visa, so I think that is like a temporary work visa and the cost of that is £244. I think Jersey Immigration, I understand, spoke to the U.K. Immigration and agreed that our 9-month work permits would fit in the tier 5, which kept the cost of the actual visa down.

President, Jersey Farmers' Union:

Yes, the first people we brought in were paying a lot more than that. You did get that sorted.

Secretary, Jersey Farmers' Union:

Yes.

President, Jersey Farmers' Union:

We have been moved, I think, is it either from tier 4 to ...

Secretary, Jersey Farmers' Union:

Tier 2 to tier 5, I think.

President, Jersey Farmers' Union:

That is right, yes, because I think we were paying £600 originally.

The Deputy of St. Mary:

Picking up on Steve's point there, that it would seem you might be able to separate the 2 but you are saying the visas are only going to be a maximum period to meet the visa work permit.

Secretary, Jersey Farmers' Union:

Yes, that is right.

President, Jersey Farmers' Union:

Will only be given the work permit for 9 months, so we had to get the visa.

The Deputy of St. Mary:

One question in this area is - and you have touched on it - the time factor; you are giving a work permit, will it be 9 months from the date rather than a fixed date with perceived delays occurring and ...

President, Jersey Farmers' Union:

No, the visa is issued and then if you cannot get flights you start losing time, so you have to try to pitch.

Secretary, Jersey Farmers' Union:

It is a bit of guess work, educated guess work.

President, Jersey Farmers' Union:

Yes, exactly. In a situation in which many times we would be in, I do not want to go into what we will be saying later, but you have to try and pitch that you have got people going back and you want them in 3 months and you have got to get on it straightaway to try and get that. But when you have done the work permit and it has taken a few weeks to do that by the time the staff have been recruited or they come back, sorry, so that can be done quite quickly. If the visa takes a long time and then you cannot get flights, you will find you might have lost a week in your visa because you did not have the flights ...

The Deputy of St. Mary:

You have got to do the guesswork at your end because you ...

Secretary, Jersey Farmers' Union:

We do.

President, Jersey Farmers' Union:

That is right. As I say, you cannot book a flight until ... when we first looked at this, which was 2019, when we looked at the Philippines, obviously it was a different world and there were lots of flights and you could get a flight sort of next week if you paid a lot or two weeks later if you pay less and really you got a very good deal. That is not the situation at the moment because of COVID, as we all know, the number of flights has been reduced greatly. We have had people coming in from all sorts of weird places because they do not fly direct.

The Deputy of St. Mary:

Leading on from that - 2 questions really - how long does it take to get a visa normally, but you might say that is very open but is there an average lead-in time you build into your permit?

Secretary, Jersey Farmers' Union:

I advise the growers they need to try and work to 3 months but, for example, we had one group of workers, I did the work permit application at the beginning of November and the workers arrived on time in the second week of December. Apart from one of them, whose visa did not come through until the beginning of January; it was almost a month behind the others. There was no rhyme or reason to it, so it varies. But I would say the majority of work permits get sent off, we need a 4 or 5-week lead time and then the workers do arrive on time.

The Deputy of St. Mary:

The other workers then, the preparation, subsequently they need time to sort themselves out but that is a reasonable time all round I take it, is it, 4 weeks, 5 weeks?

Secretary, Jersey Farmers' Union:

I believe about 6 weeks, that is probably ...

Senator S.W. Pallett:

Has the cost of flights gone up? Has that become ...

President, Jersey Farmers' Union:

Yes. As I say, in 2019 when we were looking at it and seeing whether it was feasible, it was quite easy to be able to book in advance, where you could quite easily get sort of £850 return from Manila to Jersey and ...

Secretary, Jersey Farmers' Union:

We are talking up to £1,100 to £1,300 return now.

Senator S.W. Pallett:

Just to be clear, who picks up the cost of that?

President, Jersey Farmers' Union:

The grower.

Senator S.W. Pallett:

The grower.

President, Jersey Farmers' Union:

The grower pays and that was one of the non-negotiables with the Philippines Embassy; it is the way they do things from the Philippines. It is for them to answer why they do. It would seem to be it gives them some certainty that the people are returning to the Philippines.

Secretary, Jersey Farmers' Union:

Part of the Philippines labour laws.

President, Jersey Farmers' Union:

Yes, and I would guess that there is some sort of measure of anti-slavery that they know that you are not going to pay that sort of money.

Senator S.W. Pallett:

That is a non-recoverable cost for the grower; that is just an upfront cost.

President, Jersey Farmers' Union:

Yes.

The Deputy of St. Mary:

Sorry, I will just feed off that. It is a return ticket presumably and the ...

President, Jersey Farmers' Union:

It has to be a return ticket, yes. It has to be a return ticket and so we have had to be a bit flexible because then flights cancelled left, right and centre and so occasionally you have done singles, just to get them in on one flight. But the rules really are that it is a return ticket.

The Deputy of St. Mary:

Is there much exposure? Are there times when for whatever reason the employee does not turn up and you have wasted your money?

President, Jersey Farmers' Union:

No, we have not had that and, again, that is some of the confidence that we needed in that because the Philippines Government is, in effect, recommending this agency or at least standing by it, it gives us the confidence that they are going to do good recruitment. To this point all the staff we have had, I think apart from one that a grower has said: "They were okay but I would not have them back next year." Generally, we have been satisfied with the standard of recruitment. They have got agents in London; for example, they were here in December. Yes, so we are in regular contact and the latest thing - that, yes, we may touch on later - they came because we are very satisfied with the general

recruitment of seasonal staff or what I call the ordinary jobs on the farm, like planting potatoes and lifting potatoes and packhouse work. But we see going forward most of the drivers on our farms are Eastern European or Portuguese and we see a shortage and it will rise in the next few years and we are talking to the Philippines about whether there are skilled drivers.

Senator S.W. Pallett:

Are there any other underlying costs for the grower? Obviously the flights, what about the agency fees and things like that?

President, Jersey Farmers' Union:

There is an agency fee but the agency fee is pretty small for the grower. The staff have to pay, again, this is all regulated by the Philippines; they pay the agent. The only other cost that, again, I think we are going to go on to is we are having to pay some insurance and so is the agent because, as we have made aware to you before, we are very disappointed that now we have 9-month permits and we cannot build up social security contributions within the first 6 months; they are really only covered for basic accidents and nothing else.

The Deputy of St. Martin:

Before we leave visas and work permits and things and trying to ... I will just ask about the inability to apply for a new visa until the employee has returned, is that the legislation that you cannot apply for the visa?

Secretary, Jersey Farmers' Union:

I think it is part of probably maybe U.K. legislation. I am not sure but it is certainly we cannot apply for a work permit until 3 months before they want to arrive here.

The Deputy of St. Martin:

That is local.

Secretary, Jersey Farmers' Union:

That is local and because we have to start with a work permit, which then gets sent on for the visa, we are stuck with that and ...

The Deputy of St. Martin:

Have you approached anybody about varying these rules?

Secretary, Jersey Farmers' Union:

One of the problems is that the workers have to go back to Manila, we are talking about Philippine workers because they have to get new Criminal Record Bureau checks but they also have to have a T.B. (tuberculosis) test because they are from the Philippines and that is one of the requirements for the U.K. visa, a clear T.B. test. They have to have that done in Manila and the agency sorts all that out.

The Deputy of St. Martin:

I am just trying to find ways that if that is an issue for you and you cannot apply for the visa until the workers are back there and he has to go back because of the permit, I am just trying to find ways of taking out these various small problems that you have to iron out things for people right on top of the timeline. So that is certainly something that I would consider if the local permit situation does not allow you to apply for a new permit. I touched on something that I just want to ask about, are you saying that when the worker does their 9 months and returns, they have to then start the whole process again?

Secretary, Jersey Farmers' Union:

Yes.

The Deputy of St. Martin:

There is nothing that they can use from the previous process that says I have had my criminal records checking, my time ...

Secretary, Jersey Farmers' Union:

No, they start all again, so the agency goes through the whole set of paperwork again. Obviously they have probably got the copy of the passport on file, they have got a copy of the birth certificates, marriage certificates on the file.

The Deputy of St. Martin:

Is that the same for the visa application in the U.K.?

Secretary, Jersey Farmers' Union:

Yes, the visa application has to be done again.

The Deputy of St. Martin:

It is treated as an absolutely new visa application.

Secretary, Jersey Farmers' Union:

That is correct.

The Deputy of St. Martin:

In fact that at first you had a visa 12 months previously and must ...

Secretary, Jersey Farmers' Union:

No, in fact the example I gave whereby one worker was lagging behind to his colleagues, he was a returnee; he was coming back for the third time but his visa delayed by a month for some reason.

The Deputy of St. Martin:

Thank you.

The Deputy of St. Mary:

Before I hand over to Senator Steve Pallett on other areas, you have referred to the situation with the Filipino workers and the Government involvement in the visas. You also touched on the fact that maybe drivers, et cetera, come from Eastern Europe, so I appreciate that you might not be getting the same number of people from Eastern Europe but obviously no visa problem with that, is there?

President, Jersey Farmers' Union:

No, because the vast majority of the drivers are people who started as ... most of them would have started as just potato pickers and they shared some interest and said: "I have got a farm in Poland and I can drive a tractor" and they work their way up. The vast majority, and I would say nearly everyone are people with pre-settled status, so there is no visa for them at all and they can just come to Jersey. Do you want to touch on the 6 months, which is ...

Secretary, Jersey Farmers' Union:

Yes. Quite interestingly, if you do not need a visa to come to the U.K., say for a holiday, so that includes European countries and some other countries, including Brazil, you can get a Jersey work permit for 6 months without having to get a U.K. visa to come and work here. That is a bit of a gamechanger for some people, so we have had some growers who want to employ European people and they have employed them on a 6-month work permit because it saves that worker having to go and get a U.K. visa, so it saves the cost and the hassle. If, say, they are from Poland they would have to go to Warsaw to the U.K. Visa Centre and Poland is a large country and people really do not want the expense of travelling 4 hours to go and get a visa. They can come here for 6 months, on a 6-month work permit without getting a visa.

The Deputy of St. Mary:

That is written in the legislation. The 6 months was originally designed for tourists but we are not bending the law by doing that, that is legitimate.

President, Jersey Farmers' Union:

No.

Secretary, Jersey Farmers' Union:

Yes.

The Deputy of St. Martin:

To be clear, most people need a permit.

Secretary, Jersey Farmers' Union:

They need a work permit, yes, if they have not already worked here before and got settled or pre-settled status.

The Deputy of St. Martin:

If they have. Yes, okay, so I am with you, so there is no ...

Secretary, Jersey Farmers' Union:

It is the brand new people.

The Deputy of St. Martin:

Does anybody check if they go home after 6 months? Maybe I should not ask that question.

Secretary, Jersey Farmers' Union:

No, what I do is I keep a record, very strict records of everyone that comes in and as soon as people arrive I notify Immigration that they have arrived in the Island. I have got all of the dates on a spreadsheet and I keep a note and remind the growers that their workers' work permits are due to run out and then get the growers to confirm to me that they have left and let Immigration know.

[11:30]

The Deputy of St. Martin:

In that circumstance, what is the timeline before they are allowed to come back again on a 6-month permit?

Secretary, Jersey Farmers' Union:

That is a 3-month away from the Island, which is the same as the 9-month work permit.

The Deputy of St. Martin:

They could do 6 months, 3 months away, 6 months, 3 months away, absolutely and two-thirds of their time in Jersey, as the other scheme would be that they spend three-quarters of their time in Jersey but with visas.

President, Jersey Farmers' Union:

Yes. The good thing about the 6-month is that there are a small number but the real problem for our industry is there is not a great ... I would say there is a reluctance of Europeans now to come and work in Jersey in our industry.

The Deputy of St. Mary:

Again, refer the question, going back to the 9-month situation, and I understand exactly what you are saying about the Filipino workers and the health problems, et cetera, but is there a possibility of flexibility there, as far as E.U. (European Union) people settled status? It would not require them to go back and maybe could they apply for ... they do not need to apply for a visa, do they?

Secretary, Jersey Farmers' Union:

If they have got settled status they can stay here.

The Deputy of St. Mary:

Yes.

Secretary, Jersey Farmers' Union:

Quite a few, whether they are Portuguese, Eastern European that live in Jersey more or less permanently, they might go home for a month when it is quiet. If they work on a potato farm they will go home mid-August to the end of September for 6 weeks, back to their home country, but then they can come and go as they wish because they have got their pre-settled or settled status.

The Deputy of St. Mary:

Yes, the word flexibility, that is, essentially, a Jersey-based thing; they do not need to go back to the U.K. Home Office?

President, Jersey Farmers' Union:

No, the danger is those people are all people who have been in Jersey a number of years. Some, as Jane says, will stay probably until retirement and then go back to their home country with a Jersey pension. Others are people who are working perhaps, I would say, until they are roughly about 40

and they have done well enough in Jersey to have bought their own house in Poland, perhaps a little business or built up their own farm. I think certainly we see looking around there are a number of those I think will retire or leave the Island in the next 5 years, and we are going to be looking out for a supply of skilled tractor drivers, herdsman, that sort of thing.

The Deputy of St. Mary:

Okay. If the idea is to prevent people like that from getting housing qualifications, that is what the 9-month permits are doing; that is an internal problem which can be ...

President, Jersey Farmers' Union:

Yes, and the only way round that is going to be ... because some of those people, if you take particularly a herdsman, you do not want them on 9 months, you want them probably on 10½, as Jane has said, or perhaps 11. I think one of the gaps in the skills law, which is the sort of bible in which industries can bring in people, and most of these people would meet salary requirements but they are not in the skills list. We think - and we have said all along - that herdsman and tractor drivers should be counted. If you drive a tractor and trailer around Jersey it is not the same as driving in the fens where the roads are 20-foot wide. It is a very skilled job, as you know, living practically in the country. I think we need skilled tractor drivers, we need skilled herdsman and I think it is one of the gaps in the skills list that those 2 occupations are not on.

The Deputy of St. Mary:

Yes. I will leave it to you now; do you want to take work permits further forward? We have addressed a few points and they have gone away.

Senator S.W. Pallett:

Yes, there is all the questions that came out in even that section I think that we will need to cover. Going on to work permits. Under which regulations are the seasonal work permits allocated? I presume that is something through Home Affairs, I think.

President, Jersey Farmers' Union:

It is, it is Immigration.

Secretary, Jersey Farmers' Union:

Yes. There is a work permit policy, which is a document that I use fairly frequently. Basically it sets out how you can apply and who and what the eligibility criteria are and what you have to make sure ... the paperwork that you have to have in place.

The Deputy of St. Martin:

It is not quoted in law that documentation.

Secretary, Jersey Farmers' Union:

No, it does not, no.

The Deputy of St. Martin:

With that time ...

Secretary, Jersey Farmers' Union:

No, it does not, it does not.

Senator S.W. Pallett:

Could you explain the rationale for setting the work permit at 9 months? What were the original rationale at that point, just for those that are listening? I think we probably know but ...

President, Jersey Farmers' Union:

Our understanding is it is to do with settled status, if people come for 9 months and they go home for 3, that they do not build up housing qualifications. That is my understanding of the reasons why we are now given 9 months ...

Secretary, Jersey Farmers' Union:

They are classed as temporary workers.

Senator S.W. Pallett:

Before I ask the question around Control of Housing and Work Law, this is the big question, does the timeframe work for your industry; agriculture industry?

President, Jersey Farmers' Union:

Ideally, no. But I mean we are learning to live with it but every grower now is ... I will give you an example, we are talking about the length of the visas, we are on our own with the farm and we work mostly ... we work 12 months of the year because we have got a mixed farm. We are trying to get our staff into 4 lots of 9 months to make a 3-year policy. We literally consult a 3-year calendar and this year we had to send 3 people who are excellent home a month early because we can manage in March, this month in March, but we are erately needing them on 25th April when we are digging potatoes and planting courgettes and all the other jobs we do. That is not sort of a mistake we made, it is just that we have got to get the whole of our farm into this, as I say, 4 lots of 9 months to make 3 years and I think every grower is working. Certainly we have had a lot of people come in this year in sort of mid-November, which is really a bit late for the standing but growers are saying:

“No, okay, I will lose a bit of early standing”, this is standing of potatoes for those who are listening: “But it takes the realm of the 9 months to the end of the lifting of the seed.” We are all having to work to it really.

Senator S.W. Pallett:

Have you had any discussions around how that might work better for you and who have you had those discussions with? I am just thinking about extending it, like you say, to 10½, 11 months.

President, Jersey Farmers' Union:

We have met with Deputy Huelin on migration and population and all those things that they are talking and I think that is really where I got the information that the sort of 9 months, it had to be settled status.

Senator S.W. Pallett:

Because they do not want people to build up with essential staff.

President, Jersey Farmers' Union:

That is what we understand.

Senator S.W. Pallett:

Have you discussed the potential issue around maybe shortening the period that people have to be off Island, for example? Because what we do not want ...

President, Jersey Farmers' Union:

I think those are all in the rules, I am just looking that we had ...

Senator S.W. Pallett:

Three months is in there I think ...

President, Jersey Farmers' Union:

Yes, I think it is. I think it is going to be about 3 months. I think the 3 months is almost as important as the 9 because, as Jane says, when you do a 6 month you do still need 3 months away.

Senator S.W. Pallett:

Can you just give us your understanding of the relationship because it is one that I find confusing at times, the relationship between the work permits that Home Affairs ... you have to apply for and the Control of Housing and Work Law and some of the rules that you have to abide by under that? How does that work or not work for you or how clear is your understanding of that?

President, Jersey Farmers' Union:

I think that the Control of Housing and Work Law has not been a problem really for our industry. The reason for that is that our productivity has increased dramatically over the last 10 years and so where many industries are always banging on the door saying: "Can we have 3 or 4 more permits?" I think you will find that as a total industry, we have certainly lost something like 25 per cent of our staff in the last 10 years by mechanisation and productivity ...

Secretary, Jersey Farmers' Union:

Growers retiring.

President, Jersey Farmers' Union:

Yes, so one grower handling more staff. I do not think we have quite been in that battle that other industries have been.

Senator S.W. Pallett:

Talking about other industries, we know the hospitality industry, for example, they can extend from 9 to 12 months, is that something that you have spoken to or spoken about?

President, Jersey Farmers' Union:

I am not quite sure but my understanding is they can go from 9 to 12, they will also be based on 9 to 18. I understood that if you go to 12 months staff might have go away for a year.

Senator S.W. Pallett:

I think you still have got to break your ...

President, Jersey Farmers' Union:

Yes, and I thought it was a longer break and I think that would be even worse for us because we would be losing a skillset for a year.

Senator S.W. Pallett:

Okay, all right. I have come to the end of the ones I was asking, if Deputy Luce could pick them up from there.

The Deputy of St. Martin:

Thank you. Thank you, Senator. I think we are just extending the question in 2, the next question I have got here I think you have just answered. Are there any options to you to extend to 12 months or further if they are required but that is not something you really looked at?

President, Jersey Farmers' Union:

Not really. As I say, I think the only thing we have tried a couple of times is to look at the skillsets about getting tractor drivers and herdsman on to the skills list, so that they will come out and you get bigger options if you can go up to 4 years, for example, and if there is security you might be able to keep them longer still. I think that is the only avenue we have tried to explore.

The Deputy of St. Martin:

Just finishing off with the hospitality industry and your understanding of their 12-month permit. So just to be clear, it is not something you are particularly envious of inasmuch as you understand that a 12-month permit may well come with having to spend 12 months off the Island.

President, Jersey Farmers' Union:

That is right, certainly it does with other industries.

The Deputy of St. Martin:

Just going back to the permits themselves, we have spoken about the timelines for visa applications, how long does it take you to get your permits processed?

Secretary, Jersey Farmers' Union:

The work permits are processed here in Jersey by Immigration and they turn around very quickly, they are very efficient. It can be anything between a day or 10 hours but it is that quick and it is very helpful and ...

The Deputy of St. Martin:

It is a matter of days and not weeks and months.

Secretary, Jersey Farmers' Union:

Definitely, yes. If we have a query they always come back very quickly with answers.

The Deputy of St. Martin:

Do you have a relationship with an officer or specific officers inside Home Affairs or Immigration to deal with that?

Secretary, Jersey Farmers' Union:

Yes, we have had several meetings with Luke Goddard. All of the officers are always very helpful there when we have got a query.

President, Jersey Farmers' Union:

They make it very clear in their own thing and so it is out to all the employers who are interested. They make it very clear that if you have got a very robust recruitment process it speeds up your work permit applications. Apart from being very strict, Jane has made sure that our applications are robust when they go in.

The Deputy of St. Martin:

It is a relationship which works well together and as they set the rules you know what you have got to do with both sides abiding by that, you can work together and you have got a good rapport with them.

President, Jersey Farmers' Union:

That is right and they have been very helpful all the way through the thing, not just in processing work permits but in things like this where they explain to employers what we need to do, what we need to improve on and then they can work more quickly. The relationship has been excellent.

The Deputy of St. Martin:

Okay, final question in this little section then: do you know if they have a relationship with the U.K. visa or whichever authority in the U.K. is the visa ...

Secretary, Jersey Farmers' Union:

I think they do because, from what I understand, once the work permit application has been sent to the worker and the worker applies for their U.K. visa, the U.K. visa people, when they process it, they refer back to Jersey. I do not know at what stage that happens but I know they do have a relationship with U.K. visa people.

President, Jersey Farmers' Union:

I am just quoting from the letter because we saw that might be one of your questions and we asked, and Jersey is referred to as part of the decision-making process; this normally happens towards the end of the 3-week processing period. At the end of it they sort of get a phone call to say, is this a worker? That is what we have to count.

The Deputy of St. Martin:

Thank you. Yes, I just wanted to make sure that there was a working relationship between Immigration in Jersey and visa ...

President, Jersey Farmers' Union:

Yes.

Secretary, Jersey Farmers' Union:

We understand there is.

The Deputy of St. Mary:

Before I go on to the next section, can I get back to a very basic point? The work permits, they are issued obviously to the worker, is there any specification there as to who he might work for?

Secretary, Jersey Farmers' Union:

The work permits are issued in the name of the grower or the employer and it is the employer that pays for the work permits. Once a work permit has been issued in the name of that employer, that worker has to come and work for that person.

The Deputy of St. Mary:

That is what it came round to, certainly is it the individual grower that does all the work or he does it through the J.F.U.?

[11:45]

President, Jersey Farmers' Union:

Yes, usually with us, the union does it.

The Deputy of St. Mary:

Yes. If the grower to whom the application is being granted does not need him, for whatever reason, and is there scope to transfer?

President, Jersey Farmers' Union:

No. There would be a little scope if there were extraordinary circumstances but because of the sums of money involved with their person and everything else, we make the grower pay a deposit and deposits always help people to make sure they make the right decision before they ask, so that is the way we work.

The Deputy of St. Mary:

Okay, all right, that is ...

President, Jersey Farmers' Union:

I mean there could be extraordinary circumstances, God forbid that the grower could pass away while they have got staff and then someone else would take it on. Immigration, I think, would be

fairly flexible to saying in this: "We can move this." I think certainly in the hospitality industry they let them move between different businesses; that is in the rules. We have never yet had that situation, so that is the answer to your question.

Senator S.W. Pallett:

Where is your understanding of where the necessity for 3 months to leave comes from? Is that an international or national standard or is it purely a thing that is local?

President, Jersey Farmers' Union:

I have got a feeling it is to do with the local population and migration ...

Senator S.W. Pallett:

It is something we have got in our own ...

President, Jersey Farmers' Union:

I think so. The U.K. scheme for agricultural workers is totally different. They have what they call at the moment a seasonal and agricultural workers scheme where they decide on a figure, and I think last year it was like 27,000 or something and it is a sort of free-for-all to be on the list, the first of the 27,000 people.

Senator S.W. Pallett:

Are agricultural workers in the U.K. allowed to build up residential status or are they limited as well?

President, Jersey Farmers' Union:

No idea.

Secretary, Jersey Farmers' Union:

I think they are limited as well. I am not sure if it is not 6 months and then they have to go away for a certain amount of time if they are on the agricultural workers scheme.

Senator S.W. Pallett:

That would have come about through Brexit presumably because previously ...

President, Jersey Farmers' Union:

Yes, that is right but the seasonal agricultural workers scheme existed pre-E.U. You have got to go back to sort of 1970 and then disappeared really I think after a few years with the European Union and Britain joined again, then it disappeared and now it has come back.

Senator S.W. Pallett:

Yes. Your understanding is there is a mechanism in that that ensures ...

President, Jersey Farmers' Union:

My understanding is they are literally coming in for agriculture and then they leave and that is it. I do not know what the timescales are and the only other thing that is a little bit odd about this scheme, it is only for fruit and vegetables.

Secretary, Jersey Farmers' Union:

They have just extended it for ornamentals.

President, Jersey Farmers' Union:

There were problems last year because daffodil growers, for example, could not find anyone to pick their daffodils. Even if they had them on that scheme they were not allowed to pick daffodils, they could pick cauliflowers, not daffodils.

Senator S.W. Pallett:

Very strange.

The Deputy of St. Martin:

Could have a different strain of cauliflower which are ...

President, Jersey Farmers' Union:

When they are yellow.

Secretary, Jersey Farmers' Union:

Yes.

The Deputy of St. Martin:

Just carrying on with the U.K., are you aware, Peter, you mentioned the reluctance of European workers to come back to Jersey; is that a problem that they are also facing in the United Kingdom?

President, Jersey Farmers' Union:

I do not know. I think they are getting more than us but I think one of the reasons for that is it is much cheaper at the current time, say Poland to London than it is to come here. They fly, they have got to fly, flights.

The Deputy of St. Martin:

Before we go off the permits and visas, to salary and accommodation, can I just ask one final question, and that is to do with the naming of the person on the permit and the workings of the union. I do not want to put words in your mouth but I am presuming that the fact that the worker has a name and has to go and work for somebody in agriculture is a real benefit to you and gives you some security and confident that that person does not turn up and then find themselves working in another sector of Jersey economy?

President, Jersey Farmers' Union:

Very much so, that is one of the positive points of having work permits is that the grower has the name of the worker who is coming can only work for that grower and that means they cannot move; that is one of the real positives.

The Deputy of St. Martin:

All right. We are going to move tack a little bit now and move on to the other elements that we want to speak to you about this morning, that is salary, accommodation and social security contributions. My first couple of questions are quite obvious ones that are for the benefit of those people watching and listening, is this: do you have onsite accommodation for your agricultural workers?

President, Jersey Farmers' Union:

All seasonal workers have agricultural accommodation. When you say onsite some of it is not onsite. The situation in Jersey is that if a grower retires or has staff accommodation, it has to go for staff accommodation for the farm who has taken over the land, in theory, but it does not go into general housing stock. So when you say onsite, I can think of one Parish unit I had last year and he has let his land to a company and the company have taken his staff accommodation; so they are on that site. The answer to your question is that 100 per cent of the seasonal staff, they come in and the vast majority of, I believe, seasonal staff are in our own accommodation.

The Deputy of St. Martin:

What is the demand like? I know you have said we have had a reduction in staff in the last 10 years; on that basis I am presuming there is enough staff accommodation on the farm.

President, Jersey Farmers' Union:

There is but I think, as you know, that the standards of accommodation have had to improve. The days when there were lots and lots of Portacabins all around the Island, there are still some but most of those have disappeared. As you are bound to do, we have lost some staff accommodation because, again, some of it was probably 20 years ago was pretty small, did not have their own facilities. Now I would say most accommodation, not all, sort of have en suite facilities. I think our

housing in the Island stock has gone down a little bit because of the improvements made to the accommodation.

The Deputy of St. Martin:

Getting down to the nub of this section, how much are you allowed to offset in salary for the provision of the accommodation?

President, Jersey Farmers' Union:

We are allowed to offset £91 a week maximum.

The Deputy of St. Martin:

Do you have any input into how that number is reached?

President, Jersey Farmers' Union:

No. As I have made public in the last 6 months, we are very disappointed because the offset was started when the Island moved on to a minimum wage and one of the factors in the original minimum wage when it was set was that for our industry and other industries which provide accommodation, an offset could be charged by the business owner to offset the accommodation that he was providing. From 2005, was it, the minimum wage ...

Secretary, Jersey Farmers' Union:

Yes.

President, Jersey Farmers' Union:

Until this year, every time the minimum wage has gone up by 3 per cent or 4 per cent, whatever it is, the offset has gone up at the same rate. For some reason the offset on the minimum wage jumped nearly £1 last October, which then we are now paid on 1st January 2022. The offset remained at £91 and did not go up.

The Deputy of St. Martin:

I presume you inquired as to why that was.

President, Jersey Farmers' Union:

We inquired a number of times and the Minister does not seem willing to put it up.

The Deputy of St. Martin:

Is it at the behest of the Minister to raise that offset?

President, Jersey Farmers' Union:

It was in the last case because it was under emergency powers she just announced it. There was no consultation with the Employment Forum or industries.

The Deputy of St. Martin:

Has the Minister indicated why it has not increased in previous years?

President, Jersey Farmers' Union:

I think the only evidence in the survey that was done earlier on, the consultation survey on minimum wage and other factors, was the fact that not all employers charge the full amount. We have made the case, that is true, but it is also true that a number of employers do charge the full amount and, to give the example I just mentioned before, when growers either have to upgrade their accommodation, which they have to do and spend a lot of money, and you have to rent accommodation from retired growers, you need to charge the full amount of the offset, so we have been pretty disappointed with the response in this.

The Deputy of St. Martin:

It was certainly last year the only time the offset has not become upgraded since it first came off, so it is the first time that has happened.

President, Jersey Farmers' Union:

It is the first time it has ever happened and the first time, certainly since I have been involved in the Farmers' Union for about 10 years in an officer role, we have not had an Employment Forum and consultation.

The Deputy of St. Martin:

It is fair to say, notwithstanding the fact that this year it did not get put up by inflation.

President, Jersey Farmers' Union:

Inflation would make a difference.

The Deputy of St. Martin:

I am not trying to put words in your mouth, if we assume we started this in 2005, I presume the level and quality of accommodation given to seasonal workers in the last 15-plus years, the quality of it has improved dramatically in that time.

President, Jersey Farmers' Union:

I would say it has improved. It is still quite difficult, certainly in the last 5 or 6 years, things have not been great in terms of financial returns and I think growers have done their best in improving accommodation. Where we have good accommodation and when we put a letter in to the Minister regarding this subject, they have done some work on rentals in the Island and the cheapest rental you could get was probably £160 or £170 a week for something very similar to what we are offering on the farm and we are getting £90.

Secretary, Jersey Farmers' Union:

Also, the accommodation provided by farmers and growers is fully furnished and it has the cutlery, plates, all the white goods. Literally, the workers just turn up with their clothes and just have to buy their food, so they do not have any of these other expenses to furnish the accommodation themselves.

The Deputy of St. Martin:

Time to push the reset button on the idea of accommodation, then?

President, Jersey Farmers' Union:

I do not know because at the end of the day we also have to balance it out, we have to attract people to come and work for us and it would be fine charging £200 a week but it is pointless if it then comes off their bottom line so they will not be attracted to come. What is wrong is if you put the minimum wage up you do not then raise the offset. That really is exacerbating the problem of price because the minimum wage has jumped but the offset did not.

Senator S.W. Pallett:

Can I touch on the next level up from that; the living wage? Presumably, your offset was reasonably balanced or considered. Would you view that probably you are already paying the living wage?

President, Jersey Farmers' Union:

There is certainly another £1 something of accommodation value. You have to remember, if you are working on a farm, it is not just the accommodation. We provide the transport to work if you are not on the farm. Most of our staff go to the shop or they get the van at the weekend and they go and do a big shop, so there are lots of perks. There is no parking. All these little things. Some of them have cars. Having accommodation provided for them is quite a big help to their income.

The Deputy of St. Martin:

Can I take you back to the skilled worker situation? If you had a tractor driver who is not on the minimum wage, is he still subject to the same level? I presume he would have accommodation just

like his next-door neighbour. He would just be doing a different job. So, he might be, for example, getting paid a little bit more but he is subject to same offset.

President, Jersey Farmers' Union:

Yes. If you have someone earning £12 an hour and someone earning £9.22, they all pay the same.

The Deputy of St. Mary:

To drill down on this, last year was the first time the offset was not increased. I was trying to establish whether that is the Minister for Social Security's sole responsibility or does she rely on the Employment Forum to put in a bid?

[12:00]

President, Jersey Farmers' Union:

Normally the Employment Forum is consulted and it recommends the minimum wage but this did not happen. Obviously, some of that is to do with COVID-19 and meetings could not be held.

The Deputy of St. Mary:

I see, so it is a lack of consultation.

President, Jersey Farmers' Union:

I think it is that, yes. I think it is the lack of consultation.

The Deputy of St. Martin:

How was the original number reached for the level of offset for accommodation back in 2005? Was there a formula?

President, Jersey Farmers' Union:

I do not know. I am guessing it was something to do with the fact of where the agricultural wage was and the society wage at that time and people said: "Yes, put the wage up as a minimum wage but we are providing this accommodation." You know from back then, all accommodation was free. All the accommodation provided was free, so that had to be factored in on the wage rates.

The Deputy of St. Martin:

We will move on to social security now, Peter, but before we do I will ask a question. We spoke and mentioned the living wage and certainly in my time in Government we recognised that is somewhere we wanted to go to. We want everybody to be paid properly, but we were equally very aware that farming was one of the, if not the, main industry hugely adversely affected by having to pay living

wages and we would have to find ways to help you through that. What in your mind would be the best or easiest way to help you pay the living wage while still remaining profitable as an industry?

President, Jersey Farmers' Union:

I think we are talking about £2 difference, on the 2022 level. I believe we still have got, and we are, as a union, we are involved with a project on mechanising for the planting of potatoes, for example. In the potato crop itself I see further mechanisation. I think in the dairy industry you may see a bit more. But when it comes to vegetables, we do not really see at the moment ... there is no mechanisation on the farm and, like everyone else, I heard the comments made this morning about the prices of food rising and if you were to immediately put the living wage upon us, I think the price of fruit and vegetables locally would have to go up an awful lot and if they did not I think people would be bankrupt because they could not manage to do so.

Senator S.W. Pallett:

The price increases that were very much the talk on media this morning, is that filtering down to the industry? A lot of it was around the cost of milk this morning.

President, Jersey Farmers' Union:

The milk has just gone up so that is the easiest because it is an Island situation. I made it very clear last year at the farming conference and all my figures I gave, for example, wages we know have gone up 13 per cent, but the other figures I gave sound remarkable. Fertiliser was 100 per cent. It has gone up more than that. Chemicals, that I said would be 20 per cent; the price of one chemical has doubled in price.

Senator S.W. Pallett:

How much of those increases have you been able to pass on?

President, Jersey Farmers' Union:

At the moment, none, because the vast majority of the growers' income in Jersey, other than the dairy industry, is the potato industry and the situation there is that we will not know for another 3 months to see all the marketing companies in Jersey, and not just in Jersey because these companies, and they are subsidiaries of U.K. companies, are all asking for more money for potatoes because these increases you cannot carry. The fuel at the conference I was working on was \$80 a barrel because everyone said: "It will not go above that." Now we are coming close to \$100, it seems.

The Deputy of St. Martin:

We can carry on asking questions about the price of fuel, the effects of what is happening in the Ukraine at the moment. Obviously, the Ukraine has a massive output when it comes to agriculture and feeding the population. You need to get on to social security contributions. One last question I will put to you: we have seen on the news the increase in the price of milk locally and we also see in those press releases that the smaller dairy farms will continue to lose money. I know you are not able to put forward the dairy view but from the growers, how is profitability on the farm or the smaller farm?

President, Jersey Farmers' Union:

I would say profitability for all farms has been very tough for the last 3 years and the dairy industry is the one that the price of milk is important for everyone every day, so it is what hits the headlines when it goes up. The good news for the producer is the vast majority of that money is going to the producer, not to the Dairy. The Dairy has increased costs also and is going to take some of that extra, but a lot of it is going to the producer. The small producer is struggling and I am pleased that the rural economy team, a lot of the things we have done in the last 3 months, the productivity fund has grown and it will be more geared to smaller grants so it will get a bigger percentage of it. Hopefully that will help people who would not normally want to invest £20,000 or £30,000. With help from the productivity fund, they will do so and get the same benefits as larger farm.

The Deputy of St. Martin:

When it comes to growing we have seen some major strides in productivity in the way we stand, where we plant potatoes, the way we harvest potatoes, but how much further do you think we can go with employers?

President, Jersey Farmers' Union:

We have a project going to build a robot to plant potatoes. That is how much further we can go. It is quite a serious point because once you have the robotic skill to be able to pick up a Royal and put it in the ground, it does not take a lot to have a robotic arm that will pick up a clod on the harvester and take that up. It is 3-year project.

The Deputy of St. Martin:

That may be for another day.

President, Jersey Farmers' Union:

Hopefully I last that long.

The Deputy of St. Mary:

No, I am not complaining. I am going to go before now. Before we go back on to social security contributions, can I go back to the accommodation aspect? You referred earlier on to the fact that through mechanisation, et cetera, your productivity has improved and you do not use as many workers. Has it reached a stage where you have excess staff accommodation?

President, Jersey Farmers' Union:

No. On our farm the oldest worker accommodation was for 2 people in a room and most of the time they were single people in there and they make very nice one-person flats. In mine I have 2 drivers in there and that encourages them, because they go in the last room, so I think those are the things that are going on.

The Deputy of St. Mary:

You do not envisage a situation of ever having accommodation that you could let out more commercially.

President, Jersey Farmers' Union:

No. It might be tempting, but not at the moment.

The Deputy of St. Mary:

Social security; we had a private hearing before and we understand the situation that anyone coming to the Island cannot claim social security in the first 6 months and you have the same thing. Do I understand you to say that to cover that aspect you have insurance?

President, Jersey Farmers' Union:

That is right. We have a private insurance scheme and to be fair, I personally can understand the logic in that first 6 months. My criticism arises when we now have people returning and it seems very unfair if you worked in Jersey for 9 months and you pay into the system for 9 months, you have only been able to claim for 3. You have to go away. There is no choice. Those are the Jersey rules. Then, when you come back you start paying into the system again and you do not, and that is what I think is fundamentally unfair. As I understand it, you can pay a fee upfront and in the UK you are covered from day one. That is okay but once you have paid in for 9 months and you are coming back to work in Jersey, it seems morally wrong that you are not covered by our social security. When it comes to permits and visas, these people are not medical tourists. They have had medical checks. They are not coming with any obvious illnesses. They are not bringing dependants, so it seems very unfair. What has happened, I know one particular case where someone has done something to their fingers or something and it stopped bleeding, but the next day they need an operation so they are charged at the second half of what I think was an accident

and emergency. Those things are wrong and at the moment we are basically having to foot the bill for them.

The Deputy of St. Mary:

I am aware that was your grievance. The insurance you provide for that first 6 months is simply a lookalike to the health insurance.

President, Jersey Farmers' Union:

It is a medical health insurance through the agent. That is how we get it, so they are covered with that.

The Deputy of St. Mary:

Basically, it does expire after 6 months.

President, Jersey Farmers' Union:

Yes, it does. They are covered then for the next three.

The Deputy of St. Mary:

Yes, sure. The premium is geared for that.

President, Jersey Farmers' Union:

As I say, when they come back in they will pay it again. It has changed from when we had Eastern Europeans come in for a few months and then go back, but before Brexit they could stay as long as they wanted. It was up to them to choose if they went home. There is no choice here. They have to go back and then they have to start paying.

The Deputy of St. Martin:

I am presuming those that come on the 6-month settled status, under the settled heading and then go home in 6 months. If they were reaching that on an annual basis then they would qualify, would they?

Secretary, Jersey Farmers' Union:

I do not know.

President, Jersey Farmers' Union:

I do not think settled status counts. It is to do with paying social security.

Secretary, Jersey Farmers' Union:

It is to do with the contributions you make every quarter.

The Deputy of St. Martin:

They may not even get the 3 months benefit.

President, Jersey Farmers' Union:

That is certainly true. If you come for 5 months and you pay in, that is it. It is slightly different in Europe. I am not an expert in this area because some countries have reciprocal arrangements anyway, do they not? I do not know what happens if you are working. I do not want to comment on that. I do not know.

The Deputy of St. Martin:

Have you taken up this issue? I presume it is the Minister for Social Security. Have you spoken to officers about how we might try to resolve this?

President, Jersey Farmers' Union:

We approached it through the Minister for Health and Social Services and that was because of this query about the hospital but never had much of a reply, have we?

Secretary, Jersey Farmers' Union:

No.

The Deputy of St. Mary:

If there is an accident, God forbid, in that first 6 months, A and E will treat them.

President, Jersey Farmers' Union:

A and E will treat them. That is not the problem. It is just if they need physiotherapy, for example, that is what we have to bear.

The Deputy of St. Mary:

So, A and E will treat them for the actual emergency.

President, Jersey Farmers' Union:

Yes. The emergency.

The Deputy of St. Mary:

The follow-up, after-sales service would be down to you.

President, Jersey Farmers' Union:

Yes.

The Deputy of St. Mary:

This has been aired but not sufficiently.

President, Jersey Farmers' Union:

No.

The Deputy of St. Martin:

Do you have any idea what the financial impact on business is? Do you average a cost per worker in order to take out that insurance?

President, Jersey Farmers' Union:

Yes and no. We do it, so it is common to charge, the union charges.

The Deputy of St. Martin:

So, the Farmers' Union take out insurance.

President, Jersey Farmers' Union:

Yes, well, the grower pays us, per person.

The Deputy of St. Martin:

Per person.

President, Jersey Farmers' Union:

Yes.

The Deputy of St. Martin:

It is done on a pro rata per person or do you have a block?

President, Jersey Farmers' Union:

I think it works through the agents. They have credentials.

Secretary, Jersey Farmers' Union:

And the worker also pays part of it as well.

President, Jersey Farmers' Union:

It is about £150.

The Deputy of St. Martin:

It is another £150 on top of the cost of the flight.

President, Jersey Farmers' Union:

Yes.

[12:15]

The Deputy of St. Martin:

Do you have a round number for the cost to the farm of employing a person from the moment you pick the phone up and ask for a permit to the time once they have done their first month or so? These small numbers all seem to add up to a much larger number so do you have a figure in your head about how much it costs.

President, Jersey Farmers' Union:

About £1,800.

The Deputy of St. Martin:

£1,800.

The Deputy of St. Mary:

That covers flights?

President, Jersey Farmers' Union:

Yes. The flights are expensive. It should be less than that if the flights go back.

The Deputy of St. Mary:

That is assuming they are Filipino.

President, Jersey Farmers' Union:

Yes. There are cheaper options. Obviously it is much cheaper to go to Europe. There are a small number of Kenyans in agriculture, slightly less, and there are small number of Brazilians which we have done, but they are less.

The Deputy of St. Mary:

That figure is a repeat one if they come back after a 3-month break.

President, Jersey Farmers' Union:

Yes. It is not an insignificant cost to the farm.

The Deputy of St. Mary:

No. Unless they are on social security and stay in other areas, there is time to spread further. Is there anything you want to say?

Secretary, Jersey Farmers' Union:

I worked out that from the start of employing Filipinos, the amount of work permits we have done it has cost the industry £30,000; that is just on work permits without anything else.

The Deputy of St. Mary:

How many employees is that?

Secretary, Jersey Farmers' Union:

In total we have brought in, there are some repeats, just over 200 workers, Filipino workers.

The Deputy of St. Martin:

I just have a couple of questions for any other business. The first one is what would be your ideal length of work permit? As you explained, Jane, working within the law and having 3 months which you decide is non-negotiable, 9 months works quite well for you, better than 12 months.

Secretary, Jersey Farmers' Union:

Yes.

President, Jersey Farmers' Union:

Certainly, better than 12 months and that is going way forward. Nine months is okay. It is the 3 months away.

The Deputy of St. Martin:

The only other question I have is a reasonably general question. If you have a list of the challenges when it comes to permits and visas, what is the biggest, the top of the list of challenges? One thing that would make life so much easier.

Secretary, Jersey Farmers' Union:

I think it is the unpredictability of the visa process and how long it takes. It is very difficult for our agents to contact the visa centre in Manila. There is no way to contact them and get answers on specific visas. All they are told is: "Your visa is being processed." That is the most difficult challenge.

The Deputy of St. Martin:

The visa application disappears into the visa centre in the U.K. and nothing is heard until it comes back.

Secretary, Jersey Farmers' Union:

Yes. We are very lucky here because we have such a good working relationship with Jersey Immigration, but if the same thing happened here, there was one instance last summer when there were a lot of work permits being processed and one had not come back for 3 or 4 days. I sent an email and sure enough within an hour it popped into my email inbox. We get a really good service here with Jersey Immigration.

The Deputy of St. Mary:

Back to Steve's main point, the U.K. Home Office, once the application is in, that is it. You have to sit and wait.

Secretary, Jersey Farmers' Union:

Yes, sit and wait, and that can be the difficult thing because there is no rhyme or reason from where we sit or can see when there possibly is in the background as to why a visa is delayed. The example I gave at the start of the meeting where one worker's visa was delayed a month after the other 8.

The Deputy of St. Mary:

Given the good relationship you have with the Jersey end, does the Jersey side of things, whether at the Home Office level, have any input? Could they have?

Secretary, Jersey Farmers' Union:

I do not know. You would need to speak to Jersey Immigration and ask them.

The Deputy of St. Martin:

That is my question plan exhausted, Chair.

Senator S.W. Pallett:

I have one that goes off at a tangent but I am just interested. We had a case around rented dwellings the other day. In terms of regulation of your accommodation, is there any cost to that to you at the

current time and are you worried about any future potential cost that might be brought on to the industry? Is that something you have been keeping an eye on?

President, Jersey Farmers' Union:

I mentioned at the beginning when we started the exercise with the Filipinos, they sent over their labour attaché and the first 7 growers who had staff, she visited all the accommodation before we were allowed to bring anyone in. I think most growers are well aware of their legal requirements. Certainly, we have set them out, anything that has ever come through about having demands, testing for electrical faults, et cetera. The industry is well aware of what its legal responsibilities are and I cannot say more than that. I am not sure where more regulation would lead us to. The only thing I have sometimes thought is whether, even though it is called agricultural accommodation, if it gave us more flexibility on the 9 months and the 3 months away, you could say that person is not in a property that is building up complications and we might be able to have a more flexible system. That is a bit off the top of my head.

The Deputy of St. Mary:

Was your question more geared to the fact that it might involve a fee?

Senator S.W. Pallett:

I am thinking about whether agricultural accommodation could get dragged into that system.

President, Jersey Farmers' Union:

That would be a worry if we started paying fees and, in effect, we are not letting a property as such.

Secretary, Jersey Farmers' Union:

Certainly not let at market rents.

President, Jersey Farmers' Union:

No, and if we started having to pay a fee every year, it would be considerable.

The Deputy of St. Mary:

That is a good point. It has not been reached yet, has it?

Senator S.W. Pallett:

It has not, but I can imagine it could end up.

President, Jersey Farmers' Union:

The first time it came up, which is some years ago, I think you wrote to the Union to say: "Look, this is our decision, how much accommodation do we have?" The other thing with our accommodation like this, many of the problems are potato farms and the staff are not there for 12 months of the year. There would be a reduced rate if you have a block of accommodation. Those are the sort of things we were negotiating but nothing really happened.

Senator S.W. Pallett:

At the end of the day, you would need some light touch regulation or checks.

President, Jersey Farmers' Union:

Certainly, on the cost of it. Not so worried about the checks. It is the cost of having to have it done.

Senator S.W. Pallett:

It does not worry you when we were discussing about which types of accommodation would be pulled into this in terms of although you are not renting it, the accommodation you are offering to all workers, I suppose it is what you class it as.

President, Jersey Farmers' Union:

I was talking to a few growers in the last few days about coming here and I said: "What do you think, if you want to keep attracting people, what do we need to do?" One of the things is I.T.I.S. (Income Tax Instalment Scheme). There are a few bugbears with I.T.I.S. Firstly, one summer we had been to the Tax Department a number of times about, you could fill in 2 forms exactly the same and then one person comes back and the I.T.I.S. rate is 2 per cent and one comes back with 10. We have never understood that. The point I wanted to make is most of us are old enough to remember the old tax system pre-I.T.I.S. It was basically, if you earned £10,000 it was £10,000 for a year, whether you worked in January or whether you worked, or £12,000 you earned £1,000 a month. With I.T.I.S. it is basically per month and if you take somebody like our seasonal workers who come here because there is no employment in their own country, they work very hard. The minimum wage is going up so their tax is going up and it has only been taken over the 9 months period. But the other 3 months is simply out doing nothing, not in this country. This grower said to me: "Do you not think it is unfair? Why could their income not be taken over the 12-month if they are returning to the Island?" I thought it did not sound unreasonable. You can see my point that if you earn £21,000 or whatever over 9 months you can pay a lot of tax if you are a single person. If you average that out over the 12 months, which is his work, he does not work when he goes back, it is a much fairer system. It is one thing I wanted to bring up because it was brought up.

The Deputy of St. Martin:

You could understand their grievance, especially on the basis that they are being told by Government that they have to go home for 3 months. They do not have the ability to work in that time. Twelve months being attributed to a 12-month period, your tax assessment is for year 2021, year 2019, whatever, it is a 12-month tax assessment or that is what it should be. I take your point.

The Deputy of St. Mary:

That is something we can pursue. Thank you for attending. It has been very useful as far as the panel is concerned and you are the first public hearing we have. We have others lined up and we will aim to get our review out by the end of March. Thank you both for attending.

[12:26]