

**WRITTEN QUESTION TO THE MINISTER FOR HOME AFFAIRS
BY DEPUTY R.J. WARD OF ST. HELIER CENTRAL
QUESTION SUBMITTED ON MONDAY 18TH JULY 2022
ANSWER TO BE TABLED ON MONDAY 25TH JULY 2022**

Question

“Will the Minister –

- (a) state whether there are any records of staff, in any sector, who are working on a visa being employed on a zero-hour contract and, if so, how many such staff there are; and
- (b) advise how data regarding the employment of immigrant workers are collected and how the work arrangements for such workers are monitored?”

Answer

- (a) The Jersey Customs & Immigration Service (JCIS) administer the issuance of work permits in the Island. The Work Permit Policy is in place to offer a level of protection to employers, migrant employees and the Island. It is a stipulation of the Work Permit Policy that employers cannot employ migrant workers on zero hours contracts and must be employed for a minimum of 40 hours a week for the period of the work permit.

In May 2022 JCIS were made aware of an employer in the hospitality sector that was employing approximately 15 migrant workers on zero hours contracts. JCIS approached the establishment and made them aware they were operating outside the conditions of the work permit policy. The employer immediately adjusted all the zero hour contracts to full-time contracts. The employer explained this was an oversight as it was their standard employment model to use zero hour contracts.

JCIS is unaware of any other migrant worker currently employed on a zero hour contracts.

- (b) The application process for a work permit requires the employer to declare that the employer has the necessary capacity on the business licence to employ their prospective employee and that the contract of employment is compliant with both the Work Permit Policy and the Employment (Jersey) Law 2003. Employers must also provide any supporting documentation to show this level of compliance. Since May 2022 it is compulsory for employers to provide a copy of the contract of employment along with the application.

Employers declare on their application that they will be compliant with the below conditions of the Work Permit Policy: -

- *Robust and tested recruitment processes are followed to ensure, as reasonably practicable, only genuine migrant workers are recruited with appropriate vetting taking place.*
- *A genuine vacancy exists meeting the skills for the role. Roles must not be created to solely facilitate immigration of a specific migrant to Jersey*
- *Migrant workers must possess the necessary experience/qualifications to be employed within the relevant industry*
- *Overseas criminal record certificates are obtained from every country where the employee has been resident for more than 1 year in the last 10 years. Any prospective employee who has an adverse criminal history must be referred to JCIS*

- *All migrant workers must be aged 18 or over on the date of application.*
- *Employer must pay no less than the 'going rate' for the full-time role based on an employee working 40-hours per week and must do so for the validity of the work permit. Evidence of this must be provided in the form of a contract*
- *Employer to ensure that the migrant worker is adequately accommodated meeting the minimum standards required which supports their health and wellbeing*
- *JCIS to be notified if the migrant worker does not arrive or depart as planned or if employment is terminated early*

JCIS will investigate any circumstances where an employer is found to be non-compliant with the above conditions. Employers who have been found to be non-compliant risk having existing and future work permit applications either refused or being subject to an enhanced level of scrutiny.

Due to the huge increase in the use of work permits, JCIS are now exploring options to introduce further checks during the period of work permits to ensure compliance.