



Work Permit Holder Welfare Review Panel

Work Permit Holder Welfare

Witness: Friends of Africa Jersey C.I.

Tuesday, 30th May 2023

Panel:

Deputy B.B. de S.DV.M Porée of St. Helier South (Chair)

Deputy M. Tadier of St. Brelade

Deputy L.V. Feltham of St. Helier Central

Witnesses:

Ms. L. Mereki-Penttila, Founder, Friends of Africa Jersey C.I.

Mr. W. Gwatidzo, Chair, Friends of Africa Jersey C.I.

Ms. L. Katsande, Volunteer, Friends of Africa Jersey C.I.

Mr. A. Kembo, Associate, Friends of Africa Jersey C.I.

[14:03]

Deputy B.B. de S.DV.M Porée of St. Helier South (Chair):

Good afternoon, everyone. I am going to share a few words which is welcome to this review hearing of the Work Permit Holder Welfare Review Panel. I would like to draw your attention to the following. This hearing will be filmed and streamed live. The recording and script will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched off or in silent. For the purpose of the recording and the transcript, I would be grateful if everyone who speaks could ensure that you state your name and role. If we can just start by doing that, introduce ourselves, and then we will carry on. Obviously I already mentioned we are going to have one hour for this hearing. Unfortunately sometimes we tend to keep it longer but we have got 2 hearings today back-to-back, so we are going to stick to it. If there are any further questions we would like to ask and we have not had the opportunity perhaps we could contact you by letter and ask any further questions, if you are happy with that.

Chair, Friends of Africa Jersey C.I.:

Of course.

Deputy B.B. de S.DV.M Porée:

So by starting with myself. My name is Beatriz Porée. I am St. Helier South Deputy and the chair of this panel.

Deputy L.V. Feltham of St. Helier Central:

I am Lyndsay Feltham. I am Deputy of St. Helier Central and I am a member of this panel.

Deputy M. Tadier of St. Brelade:

I am Deputy Monty Tadier. I am a Deputy for the constituency of St. Brelade and a member of the panel.

Research and Project Officer Jersey C.I.:

Ben Walker, research and project officer, supporting the panel.

Founder, Friends of Africa Jersey C.I.:

I am Lainah Mereki-Penttila, founder of Friends of Africa Jersey C.I. (Channel Islands) and a member of Friends of Africa Jersey C.I.

Chair, Friends of Africa Jersey C.I.:

I am Washington Gwatidzo, the chair of Friends of Africa.

Volunteer, Friends of Africa Jersey C.I.:

I am Lesley Katsande, and I am a volunteer for Friends of Africa.

Deputy B.B. de S.DV.M Porée:

I will take this opportunity also to say that our panel has 2 other members; one unfortunately cannot be here today due to other priorities so it will be the 3 of us just for today. The question is for anyone. I will be looking at the chair but anyone of you should feel free to answer. Please can you describe how Friends of Africa provide support to the work permit holder community in Jersey?

Chair, Friends of Africa Jersey C.I.:

Friends of Africa is a charity. Like I said, we are volunteers. We do work with a lot of people who are work permit holders, generally mostly from Africa and the Caribbeans. Those are people who are mostly work permit holders either short-term ones, which are usually 9 months for those who

are working in the tourism industry and those who sometimes I employ through finance, and I think most recently through health and social services in the community. The support that we provide is to help them initially when they arrive on the Island. We do find that we become an initial point of contact by virtue of our members being from African and Caribbean origin. I think people find it easier to approach us if there is no understanding around either the systems, processes, how to access services. Any challenges that they might have with services, I think some of them are travelling from very long distances and at times do not have a clear picture of what life is like in Jersey. So they do tend to arrive with very little information or information that they have on paper and the reality may be quite different and some of the nuances around the Island, which are not easy to find or accessible online. So we know that there are massive pieces of information online but when you are trying to travel to a new location it is very difficult to be able to take in all that information. So when they do find challenges accessing the system or the services we do support them to navigate the systems, whether it is accessing healthcare, being able to register with the tax services, even when they do have challenges with their employer, which does happen at times, their expectations may be different. But because they have given such a massive commitment to be able to relocate to Jersey, turning around within a month or 2 or even less, it is not an option at that particular point in time. They have put in a lot of resources to be able just to relocate. So we do support them to settle into the community, try and get them to settle in with access to the right services, as mentioned earlier on, whether it is health or others. We try and help them with sometimes communication barriers. Communication barriers between employers and themselves due to either cultural differences and even sometimes when they do try and access services, sometimes because of communication barriers due to cultural or language barriers, we do sometimes support them to navigate those systems as well and be able to articulate their needs. Aside from that, it is for us to get them to link into the local community that they might belong, in terms of they belong from a certain tribe or certain country we link them in all those relevant partners and those people in the community so that they make their ability to settle on the Island much smoother, support them in things in terms of family life, in terms of cost of living, just in terms of advice, in terms of which are the right services, which are the right shops to access in recognising the economic and social backgrounds that they will be coming from. So as Friends of Africa, we try and navigate that space for them. It is also for the employers as well sometimes who might be feeling ... which may present as challenging and might not have that cultural intelligence. We are also available for employers. We have had some employers approaching us just to give them some intelligence around how their staff settle in.

Deputy B.B. de S.DV.M Porée:

It looks like the support you provide is quite extensive and varied. Thank you for that. I am going to follow with another question but probably only it is a yes or no because you branched out quite a

lot. Do you feel that work permit holders who are new to the Island are well-informed about life in Jersey prior to their arrival?

Chair, Friends of Africa Jersey C.I.:

No.

Deputy B.B. de S.DV.M Porée:

Okay, thank you for that. On that note, what suggestions would you have to improve the information provided to work permit holders? How would you like to see that happen?

Volunteer, Friends of Africa Jersey C.I.:

I think it should start with the way the jobs are advertised in the place of a region. As soon as they have a job, the potential employer should probably send a link, which will probably be States designed with all the information for them from cost of living, cost of rent, average tax, social security, long-term care, every deduction mentioned in clear writing. As well, as these people are not bringing their family, a rough guide of the social economic cost of Jersey is very high and if they calculate that in comparison with their pay it would help a potential work permit holder to make the right decision. We find a lot of people once they get into Jersey and they realise that it is not cost effective, they are caught between a rock and a hard place. Going home is not an option anymore because they have invested. However staying in Jersey is also not an option resulting in a lot of mental health challenges, especially of late.

Chair, Friends of Africa Jersey C.I.:

Just to add to that in terms of even the government website in itself, absolutely it has information around tax but when you are ... and I think it was designed for a certain market which, was potentially the U.K. (United Kingdom) and comparative western countries. The Island is resorting to go further afield in regards to who they are employing in terms of Africa and the Caribbean and probably in India and Asia. So the information available should definitely be different for those cohorts. Putting in something like: "It is comparative to London in terms of cost of living" does not mean anything to somebody who is coming from India or Zimbabwe or the Caribbean. They cannot make the comparator. Somebody living in the U.K. they can make the comparator, so I think the information even just online, has to be different for those areas as well.

Deputy B.B. de S.DV.M Porée:

That are targeted. Thank you for that.

Volunteer, Friends of Africa Jersey C.I.:

It needs to sync as well because if you go on a different page that leads you to social security it is a completely different explanation and if you take the one that leads you to tax, completely ... so as a foreigner you do not know which one will help you because remember the work permit says: "No recourse to public funds" but because of the mixed signals, mixed messages, a lot of permit holders will just say: "If you are in doubt do not do it." By not accessing those services we have had near life incidents where people did not use the right section to find out the right information for work permit holders.

Deputy B.B. de S.DV.M Porée:

Because they did not know what was the right information.

Volunteer, Friends of Africa Jersey C.I.:

Yes, it is their visa that allows them to be here and if they are in doubt normally they do not access the service.

Deputy B.B. de S.DV.M Porée:

Thank you, I appreciate it. As Washington explained before, the support you have been giving to people is very varied, but just so we can have some sort of theme. What common issues or concerns do you hear from permit holders about their experiences? What are the most common themes that if we were to kind of ...?

Founder, Friends of Africa Jersey C.I.:

I can give one example. For example, they go to Social Security, from the last time they do not get enough information or they get brushed off and feel intimidated. So what they do get there is not enough support on that side. If they leave that side and go to the Citizens Advice Bureau, again no lack of support, and that is one area where we all seek advice or we need advice. So those experiences people are getting that. They do end up getting back to Immigration and from there things got worse and nobody takes the time to finding out from A what has happened, what do you need?

[14:15]

It all ends up to Z; the A has been skipped. So it is just taking time and patience with people when they do come and seek advice.

Volunteer, Friends of Africa Jersey C.I.:

There is not a centralised place where a work permit holder can go and seek the right information and get the right advice because their visa supersedes ... the visa legislation supersedes everything.

So if it is a social security issue, if it is your employment law issue, if it is a human rights issue, if it is a discrimination issue or your employer issue, it supersedes everything, hence when anybody here is a work permit holder or visa holder right away they tend to go to ... everybody would go to Immigration.

Deputy B.B. de S.DV.M Porée:

I do like the point you made of having a centralised point where people can access that support rather than accessing different. On that note, what would you say have been positive comments, just so we can balance a little bit more on this particular note? That you may have been given feedback from people?

Chair, Friends of Africa Jersey C.I.:

Before I give the positive, one of the themes that really did come through, as Lesley said, is employee and employer relationships, and sometimes because they do not know where to then seek the right support when they go to other services, who might not have an understanding, and the first thing they say is: "Well, my visa is at risk." They are sent to Immigration and Immigration will say: "We do not deal with employer/employee relationships" so there is communication around services. The positive thing that we think has taken place over the last 12 to 18 months is through part of our work, I think. We have worked much closer with the Immigration Department and sometimes Citizens Advice in terms of them to understand the nuances around this targeted population and their needs and their requirements. Making sure that that cultural intelligence, that they do have it and become much more understanding. They have approached us every now and again to say: "Right, we have these issues, how do we best articulate ... how do we best deal with them." So I think that is a positive, that some of the services are becoming much more aware. I think, like I said, some organisations are approaching us as well in terms of how they work with their staff.

Volunteer, Friends of Africa Jersey C.I.:

The Work Permit Review Panel itself has given a lot of people some hope; so that is a positive. The International Cultural Centre, which we are hoping will be up and running very soon, is something that everybody ... they have a nickname for it. They are saying it is our own.

Deputy B.B. de S.DV.M Porée:

I suppose the positives is not so much from the feedback from the individuals but the organisations wanting to step up and maybe make a difference.

Chair, Friends of Africa Jersey C.I.:

From individuals, some people have ... we have supported quite a lot of individuals through the systems. We have had very good feedback around the fact that we have either supported them through really difficult times when they have felt completely alone and completely lost. As a charity we have made a massive difference to their lives being able to, if it is employment issues, even just being able to sit with their employer and manage that communication that might have broken down. So I think there has been a lot of positive feedback, even from the individuals as well.

Deputy B.B. de S.DV.M Porée:

That is good to hear. Support from one human being to the other. That is great, thank you.

Deputy M. Tadier:

In order to make sure that people are more informed when they come to work in Jersey as permit holders we were told a couple of weeks back that Immigration have put together an information pack to give to workers, which they will email. Are you aware of that or have you been made aware of it?

Volunteer, Friends of Africa Jersey C.I.:

We were made aware that it is being done but we were not made aware that it is now out; if it is. However, we have not looked at it and for me, personally, with the first-lived experience that we have, I think it would be useful to have people who have walked the walk to probably have a look at it before it is published. Which is something we find very common, that decisions are made or something is published and we have to follow up and say: "This does not work, this does not work" and that is taxpayers' money.

Deputy M. Tadier:

Because it is early days we are not necessarily familiar with the pack. I think when it comes through it would be helpful if you could maybe give us some feedback and then we can look at who is the person to issue it and what the content is. But thank you for that. I will pass back to Beatriz for the next few questions.

Deputy B.B. de S.DV.M Porée:

So my next question to you is: has Friends of Africa been made aware of the Employers Standards Oversight board? If yes ... you have not?

Chair, Friends of Africa Jersey C.I.:

No.

Volunteer, Friends of Africa Jersey C.I.:

No.

Deputy B.B. de S.DV.M Porée:

Okay. So no one has ... So we leave this one as it is. The no is good enough, thank you. Please can you describe are work permit holders typically accessing support if they have a grievance or dispute with their employers, in your understanding?

Chair, Friends of Africa Jersey C.I.:

In our understanding, in terms of when we have been working with J.A.C.S. (Jersey Advisory and Conciliation Service) over the last few years we understand that for them they are legally bound to support people who have been in employment for 52 continuous weeks, which automatically excludes anyone on a 9-month visa. So that leaves those people who are work permit holders of 9 months or under 12 months without a leg to stand on when they are in a difficult position. For those who are on longer, which is probably the 3 years, yes, there is an opportunity to utilise J.A.C.S. when there are employment issues. Unfortunately because of that ... times when people who are on 9-month visas have got issues with their employer they are forced to fill in a section of discrimination, which does not accurately reflect the actual situation because to be given the support under 52 weeks it is either racial discrimination or a disability, an unfair dismissal sometimes which are very complex to argue;; particularly racial discrimination. We know that the cases of being able to evidence that is very difficult. It leaves people who are work permit holders in a very difficult position.

Founder, Friends of Africa Jersey C.I.:

On top of that, if they have resigned they do not have enough time to fill out the paperwork to get it all done and send it away. It is left to Friends of Africa Jersey to be able to support that person while they are off the Island.

Deputy B.B. de S.DV.M Porée:

I had a question which was going to be around how difficult it is for a work permit holder to access support, but you are already telling me that it is extremely difficult.

Volunteer, Friends of Africa Jersey C.I.:

It is.

Deputy B.B. de S.DV.M Porée:

Would you just, for the purpose of the room, state your name please?

Associate, Friends of Africa Jersey C.I.:

I am Arthur Kembo. I am an associate of Friends of Africa. I thought it was important to come and lend my voice as a previous work permit holder. It is not an issue that just affects people that are maybe seasonal workers, people like that. It is something that affects everyone that is on a work

permit regardless of the length of the work permit. I have had people that have, for whatever the situation, maybe have not passed probation and as a result of that their work permit situation is now in question. Unfortunately we find that here it is very unforgiving in terms of what their work permit is revoked the amount of time that you have to vacate the Island. There is no time even to get your head around the fact that you have lost your job before you have to leave the Island. In terms of remediation of that process, in all honesty there is no right of recourse. So you find you have lost your job, you have to leave the Island. You have to pack up everything and, in some instances, people have left the Island without being able to pack up their things. They have had to have people pack those things for them. So there is no remediation process for us that we have, in honesty. This J.A.C.S. thing that you speak of, I guess that is maybe something that is an option but realistically you will not even have time to be able to do that before you actually have to leave for you not to be in breach of your work permit.

Deputy M. Tadier:

I was just going to ask specifically about the ... if there were other statutory breaches of employment law which are clearcut, so for example, if a worker does not have a contract and hypothetically if they were not being paid the minimum wage and it is something which is clearcut, certainly the contract, at the moment what kind of recourse typically would they have for that?

Volunteer, Friends of Africa Jersey C.I.:

The thing about the immigration legislation, there are some parts of it that do not cover what England has and what we have here. We had an incident whereby people did not have a contract and were on a work permit, of which Immigration did confirm that it did happen at a certain hotel. In England, being in breach of such policy immigration legislation you would be fined. However, with the Jersey policies, Ministerial rule and possibly legislation, nothing happened to the hotel. However, this affected a lot of people in that hotel when it came to the way they were treated, they harboured a lot of emotions for a very long time and we, as Friends of Africa, had to support them. When it did come out this is what this hotel had done, some of the persons would put their head above the parapet, their permits were not renewed. This is another fear, is when you are on a 9-months visa or you are now maybe the one year to 3-year visa, if you put your head above the parapet you will not come back for the next season. Immigration does not have a way of asking the employer why are you getting someone new? There should also be a process whereby when you are leaving to go back to the Caribbean, Asia and Africa you should at least leave with your job unless the hotel cannot afford to bring you back. Or if you have done a lot of gross misconduct. But a lot of people will not use all these resources, no matter how much they are paid, because they are not empowered to stand up for themselves because legislation, policy and Ministerial rules do not support them. Even Employment Law, it does not support them as well.

Deputy M. Tadier:

The last question from me on this: would you like to see the Social Security Department and maybe Economic Development be more directly proactive rather than always needing Immigration to try and resolve issues?

Chair, Friends of Africa Jersey C.I.:

Absolutely. I think particularly Economic Development. They are the ones who are the ambassadors of the Island, going to different countries brokering deals for people to be coming over. So I think it is not just about what they do outside of the Island, it is about the staff when they are here, how do they proactively support them to make sure the economy of the Island is sustainable. I think it does not benefit anyone to constantly have new staff come in every 9 months to start getting trained, start getting upskilled by the time they get to their third, fourth month and only be productive. I think even for the employers themselves it does not make any sense to be training new people every season. I think even for those who have been on a permit or the 3-year visas, I think it is all of those aspects together. If there is a real human element of not looking at people as numbers but as people who are inputting to the sustainability of the Island, all of those departments should be working closely together.

Deputy B.B. de S.DV.M Porée:

My next question is with regards to organisations. Do you know which government services or independent organisations are most often contacted by work permit holders for support?

Founder, Friends of Africa Jersey C.I.:

Friends of Africa.

Chair, Friends of Africa Jersey C.I.:

Yes, absolutely ourselves. We are becoming ...

Deputy B.B. de S.DV.M Porée:

And outside yourselves?

Chair, Friends of Africa Jersey C.I.:

Outside ourselves obviously Social Security but Social Security, for most cases, will say: "You are not entitled to any recourse because that is the system." They will ask the Tax Department, Immigration, definitely, and probably health services.

Deputy B.B. de S.DV.M Porée:

So it kind of echoes it. Thank you for that. As a group and as a result of your conversations with work permit holders, do you think that the work permit policy provides sufficient protection to employees against exploitation?

Volunteer, Friends of Africa Jersey C.I.:

No.

Deputy B.B. de S.DV.M Porée:

Would you like to tell us why not?

Volunteer, Friends of Africa Jersey C.I.:

If I speak of finance. Finance they have a cap of £40,000 a year minimum that somebody who is coming on a finance visa is. That cap has been there since pre-Covid. It has not moved up with inflation. Again, if a potential auditor is being brought to Jersey to them £40,000 is a lot of money but they do not have enough information of how much a 2-bedroom house is, and £20,000 of that is going to be going to rent and they are going to leave their family for 6 months. So the policy itself does not protect.

[14:30

Chair, Friends of Africa Jersey C.I.:

To add to that in terms of the work permit policy itself, it talks about modern day slavery but that as an Island we have not defined modern day slavery within law. In terms of if it is going to be one of the principles of that policy, what are we hanging that policy on? How do we challenge employers? It is left to the individual to try and evidence what modern day slavery is or that they have been exploited when there are no mechanisms or anything that they can base it on in terms of the Island. In terms of as a policy it is an absolute start. We are happy that we are starting to have the conversation but, at the moment, it does not really protect the individual. I think it also has to go in tandem with some of the laws, like Lesley has pointed out, in terms of immigration so that if the employer breaches that policy, at the moment the way it is written it is also dependent on the employer reporting themselves that they have breached it, which we know that nobody is going to mark their own homework and tell you that they have it wrong. So I think in terms of that policy itself there has to be a mechanism where there are checks and balances for the employers themselves.

Deputy B.B. de S.DV.M Porée:

Following on that, when do you feel the balance is right between the needs of the employers and the welfare of the employees?

Chair, Friends of Africa Jersey C.I.:

Not yet.

Associate, Friends of Africa Jersey C.I.:

I would like to add specifically on that point. You find as a work permit holder your rights as an employee are completely different to the rights of someone who is not a work permit holder, and it is simply because you are a work permit holder. For example, you go into employment, once you have a work permit you are tied to that employer for a year regardless of how that employer treats you, regardless of what happens within that year you cannot leave employment. If you leave employment you are leaving the Island. So unfortunately that means that the balance lies heavily with the employer. As an employee, you have no rights. You have no right of recourse. You cannot do anything from that perspective in terms of how do you put your head above water to say that I am being treated unfairly by the employer, when the employer can simply state ... maybe you have not passed probation, whatever the case may be. Once that happens your permit is revoked. You have to leave the Island. So when we talk about modern day slavery I do not see what the difference is between what you face as a work permit holder and slavery, as it is defined in other places. You are literally here to work at the behest of the employer and you basically have no rights as an employee.

Deputy B.B. de S.DV.M Porée:

Thank you, that was a very good explanation why you feel the balance is not right.

Deputy M. Tadier:

I was just going to say, because I think 10 follows on from what we are talking about, we can go back to 8, if that is all right. If you have covered all this already then feel free to say so, but it is on the specific question of work permit policy and immigration rules. There are effectively 2 lots of rules. You have the requirements of the Common Travel Area and then you have got work permit holders being subject to Jersey immigration rules as well. So the first question is a yes and no. Do you feel that the impact of immigration policy is clearly communicated to employers and employees?

Chair, Friends of Africa Jersey C.I.:

No.

Deputy M. Tadier:

The other one is: what impact do Jersey immigration rules and the Common Travel Area requirements have on work permit holders? You may have touched on it already.

Chair, Friends of Africa Jersey C.I.:

Lesley, do you want to touch on what the employer can do of being fined?

Volunteer, Friends of Africa Jersey C.I.:

The employer is not answerable to anyone unless it is Tax and Social Security. Or in other cases if it has been unfair dismissal you have to put discrimination, and you have to go with discrimination at tribunal. But as we all know, regardless of where you are from, discrimination is very difficult to tackle. So you will find that the employer, they know you cannot go anywhere for a year. You cannot go anywhere for the duration of the employment if you are a seasonal holder. If you are in finance or in health you cannot do anything for a year. Even if they mistreat you there is no penalty for that mistreatment. For example, if you do win at tribunal, there is no way of Immigration knowing what has happened and there is no way for Immigration to hold them to account. Yes, they will be answerable to employment law but not answerable to immigration law, even though the 2 are linked by virtue of the work permit holder's rights have been infringed on, on both sides, and they have had to leave without any preparation in 7 days.

Deputy L.V. Feltham:

You have talked about potential infringements by employers. Do you know if any of those infringements have been reported to Customs and Immigration?

Chair, Friends of Africa Jersey C.I.:

Yes, we have. So we have had, as far as our understanding, when somebody is coming in for a 9-month contract, for example, for them to be given that licence they have to guarantee that they are offering that individual 40 hours' worth of work a week. We have employers who have then put people on zero-hour contracts when they have been here, and they will tell the staff: "I cannot guarantee you the 40 hours a week so whatever hours you work that week because it might get quiet at some point." So in those cases we have reported those to Immigration. I think those are the cases that Lesley ...

Volunteer, Friends of Africa Jersey C.I.:

Especially October and November, the hours drop significantly and they are told: "You made up that time in the summer." So people can work as little as 15 hours and get a pay slip with a minus after their rent having been taken out.

Deputy M. Tadier:

Do you find it strange that Immigration have to effectively regulate something that is an employment matter? Would you be comfortable with it being a different department?

Chair, Friends of Africa Jersey C.I.:

I think, by virtue of employers having to apply to Immigration to say that: "I would like to employ this person and guarantee them 40 hours a week", then in terms of if they are assuring Immigration that they are giving them 40 hours a week it then should be binding in terms of the individual's work permit, which says 40 hours to the employer who said that they are guaranteeing 40 hours, I think. Because it is very difficult for us in terms of us navigating and supporting people. We found working between different departments within government has been very complex in terms of bringing Immigration or Social Security together or even the Tax Department because of confidentiality. It becomes very difficult. It just adds another layer of a department that you need to address. I think, as we have pointed out, in mainland U.K. if an employer breaches that contract they are equally fined. They are fined as well.

Deputy M. Tadier:

What does Immigration do then if you draw attention to the fact that somebody is not getting ...

Chair, Friends of Africa Jersey C.I.:

They require the individual to report it. Arthur said that for people putting their head above the parapet that is quite a scary thing to do in terms of: "I am reporting my employer." If they do come, let us say that employer is employing 5 people so it has to be one of 5 people who have either reported them.

Deputy M. Tadier:

What would the sanction be? If Immigration said: "We are going to withdraw your permit" that ultimately has an impact on the employee, does it not?

Chair, Friends of Africa Jersey C.I.:

It does, absolutely. But of no fault of their own as the employee.

Founder, Friends of Africa Jersey C.I.:

Just to add to that as well, if they do leave the Island, given it is not their fault, they can never come back so we have had some who have applied to come back for a different company, which she was told: "You can leave the Island and apply for another hotel" but their visa was not acknowledged. So basically they are now blackmarked. They can never come back because they have made a complaint. That is where the scary is. It then channels, everybody is told: "Do not make a complaint because if you want to come back you will not come back."

Deputy B.B. de S.DV.M Porée:

This is where we can hear those fears of people complaining and as I find, as the chair of this review, there is a big discrepancy what organisations and stakeholders feel about how the permit workers

have been addressed in Jersey and about the permit workers themselves. Because obviously unless there are a lot of issues where people have that fear that they cannot go and complain, so a lot of the unhappiness and issues are left underground and then organisations, like yourself, tend to pick up people and try and fight for them within a system that is not there to take that issue to the very end in a way that is respectful and balanced. So there is no balance. Thank you for that. I must admit we are aware of the time. We have 20 minutes left so we are going to try and go through ... I am going to try and ask one or 2 more questions and then my colleagues will carry on. This one is maybe towards more yourself as an organisation. Can you please inform the panel about why Friends of Africa was established and what roles did you intend the group to play initially? Did you think we are going to set up so we can protect our fellow Africans against maybe work disputes in Jersey?

Chair, Friends of Africa Jersey C.I.:

No, as a charity we were set up to celebrate diversity and inclusion. That was the primary role of the charity being set up. Celebrate diversity and inclusion, celebrate the different cultures on the Island; whether Jersey or Caribbean or African and just kind of celebrate that. That was the initial aim of the charity.

Deputy B.B. de S.DV.M Porée:

But you still do a lot of it.

Chair, Friends of Africa Jersey C.I.:

We do still do a lot of it.

Deputy B.B. de S.DV.M Porée:

But obviously there is another side of it that you did not pre-empt and is it fair to say it is taking quite a lot of your own time?

Chair, Friends of Africa Jersey C.I.:

It has taken up more of our time now in terms of what we do.

Volunteer, Friends of Africa Jersey C.I.:

Last year 800 hours.

Chair, Friends of Africa Jersey C.I.:

Over 800 hours invested in the last 12 months supporting people who are ... advocating for people who are really struggling either accessing services, going through difficulties with employers.

Deputy B.B. de S.DV.M Porée:

Just before I pass it on to my colleagues, would you be able to tell us in terms of numbers how many people ... what is your portfolio of people you have been supporting with immigration issues?

Volunteer, Friends of Africa Jersey C.I.:

In hospitality it is so far 76 and in finance it is 43.

Deputy B.B. de S.DV.M Porée:

Thank you so much. I am going to hand it over now.

Deputy M. Tadier:

We have done the section about work permit policy. What I was going to suggest, Chair, if you are happy, is to skip over accommodation and come back to it if we have got time.

Deputy B.B. de S.DV.M Porée:

Yes.

Deputy M. Tadier:

Then move on to our question 16.

Deputy L.V. Feltham:

With regard to working conditions for work permit holders in Jersey, we have covered some of this already, what feedback have you received about working conditions, in particular?

Volunteer, Friends of Africa Jersey C.I.:

They vary. You do find very good employers who, even when their workers are going back home, if they have other locals who are here, they will collect clothes, they will make sure that their return ticket is bought before they have left. Those are the good ones, especially the old school ones. They are really good. They have employers who have been coming back to them for 15, 16, 20 years. However that is a very small fraction. The bigger fraction is we are now more geared to a lot of turnover in the hotels themselves. Even in finance there is a very high turnover in finance. A lot of it is because of pay. The pay is really poor. You find that someone who comes from finance who was nearing or was an associated director they are brought in as an associate junior. An associate director in finance can be anything over £70,000 but they do take advantage of that person not having enough information and they are on £40,000. To me that is a form of slavery because when they are at £40,000, they know the job that they are doing and they are very experienced so they end up carrying everybody else in their team but the pay does not reflect. The very same person after a year, I have 3 examples, they left one of the audit firms, they got a job as a director

in a really big private firm that is not one of the big 4s. Again in that year you cannot complain, you cannot argue it because you signed a contract for the £40,000. You cannot start collecting data that you are overworking and your portfolio is holding 6 other members; again data protection is being hammered to you a lot.

[14:45]

But a lot of people feel the way data protection is being fed to us is like: "Say anything and we will do you for data breach." So a lot of people in finance you only get them to talk especially when maybe ... Lainah has done a makeup for them for an interview and there is just the 2 of them, they start asking questions, then they start talking. Because in our countries that we come from, working in finance is supposedly a respected high-up job. You should not be having such problems. But they do come in and we are talking by the year end most people have come across ... mental health challenges are starting to creep in.

Deputy L.V. Feltham:

There are a couple of things there that I wanted to go into in a bit more detail, time willing as well. You mentioned the cap earlier, can you explain a bit more about, because you mentioned £40,000. Is my understanding correct that that is the ... they have to pay more than that in order to bring people in on a permit?

Volunteer, Friends of Africa Jersey C.I.:

£40,000 or more.

Deputy L.V. Feltham:

What I think I have just heard you say is that almost the cap is operating in an opposite way and that people are pegging this area at £40,000 and using that as a benchmark. Their colleagues that are not on work permits doing the same work as them what I have heard you say, and I just want to check my understanding is correct, they are getting paid more?

Chair, Friends of Africa Jersey C.I.:

So for someone who has the same experience they are being paid significantly more.

Volunteer, Friends of Africa Jersey C.I.:

Or if you are paid the same amount because you are more experienced your portfolio will be bigger than everybody in your team because you are experienced enough to be a senior manager. The same person you are on £40,000 with, they are probably training or just qualified a year ago, so you

are teaching them because you already know your job but earning the same amount of money or you are holding a bigger portfolio.

Deputy L.V. Feltham:

The other thing that you mentioned in your answer was with regard to moving employer within the 12-month period. What is the reason that somebody cannot move the employer within that 12-month period?

Volunteer, Friends of Africa Jersey C.I.:

Policy.

Deputy L.V. Feltham:

Whose policy?

Volunteer, Friends of Africa Jersey C.I.:

Immigration policy.

Deputy L.V. Feltham:

Thank you.

Founder, Friends of Africa Jersey C.I.:

And if you do you are asked to write ... the employer must write a letter to agree for you to move out.

Volunteer, Friends of Africa Jersey C.I.:

On why they are releasing you.

Founder, Friends of Africa Jersey C.I.:

Who is going to write you a letter to let you move?

Deputy B.B. de S.DV.M Porée:

Within finance?

Founder, Friends of Africa Jersey C.I.:

On health.

Volunteer, Friends of Africa Jersey C.I.:

Immigration says under extenuating circumstances it will allow a move. But that circumstance includes your employer writing a letter saying: "We are okay to release you." But who is willing to

release anyone? We hardly ever find anybody releasing anybody. You are being released by being fired most of the time.

Deputy L.V. Feltham:

I will treat this one as a yes or no question. In your experience are there adequate processes in place to ensure that work permit holders are treated equally under Jersey's employment and discrimination laws?

Volunteer, Friends of Africa Jersey C.I.:

No.

Deputy L.V. Feltham:

And we discussed earlier, you mentioned modern day slavery. The work permit policy states that its purpose is to protect people from modern day slavery. Do you feel that it achieves this goal in line with international definitions of that term?

Founder, Friends of Africa Jersey C.I.:

No.

Volunteer, Friends of Africa Jersey C.I.:

We do not even have a modern slavery law in Jersey. So how can we execute something we do not have? My guess is we are probably using the English modern slavery legislation but how does it hold water in Jersey courts?

Deputy L.V. Feltham:

In your view from what you know is happening, do you think there are instances where those international definitions and international laws are being breached?

Chair, Friends of Africa Jersey C.I.:

Absolutely.

Volunteer, Friends of Africa Jersey C.I.:

Yes. It becomes very difficult, especially in hospitality, because there are some memoranda of understanding that are signed between Governments. For example, Bermuda; it is an understanding between the Bermuda Government and Jersey Government and Rwanda is an understanding between Rwanda and the Rwandese Government. If you are here you are not only working for your family but you are also here representing your country. If I am going to be mistreated and it is going to be plastered around the papers, if I do decide to stand up for myself,

having come from Rwanda, how is that going to sit with the Minister for Tourism in Rwanda or Bermuda when I get back home?

Deputy L.V. Feltham:

Have you seen the memorandum of understanding? Is that something that has ...

Volunteer, Friends of Africa Jersey C.I.:

I have just been told but I have never seen anywhere. We have looked. We have even called the States Greffe here. We have never seen one.

Chair, Friends of Africa Jersey C.I.:

It is mentioned in the *J.E.P. (Jersey Evening Post)*, in the newspapers, that there is a memorandum of understanding but we have never seen it.

Volunteer, Friends of Africa Jersey C.I.:

We have never seen one.

Deputy M. Tadier:

We will fire through these, it is not an ideal situation but if I keep the questions short; it does not undermine the importance of the area. So we are going to talk about accommodation in Jersey. Do you know what type of accommodation is most often used by work permit holders for the different scenarios?

Founder, Friends of Africa Jersey C.I.:

At the moment, for example, without mentioning the name of the hotel, I have been in Jersey since I was 18 years old. I know that accommodation very well and 4 men will be in one room, bigger than this room.

Deputy M. Tadier:

What is the industry?

Founder, Friends of Africa Jersey C.I.:

Catering, pub, yes.

Volunteer, Friends of Africa Jersey C.I.:

We also have incidents in health where people are living together but they are working different shifts. So some are night shift, some are day shift, some are coming in, so it is very difficult to even rest.

Deputy M. Tadier:

We are talking about hot-bedding it sometimes, referred to as when people share the same bed at different times?

Chair, Friends of Africa Jersey C.I.:

No, not in the strictest sense. I think it is sharing the same room and the fact that if you have got people working shifts, somebody walking in while you are half asleep.

Deputy M. Tadier:

So it might be bunkbeds?

Chair, Friends of Africa Jersey C.I.:

Yes, it may be disturbed sleep. I think also just to add on to that, the fact that you have got complete strangers being asked to live in a hostel-style accommodation - professionals - is not quite appropriate.

Founder, Friends of Africa Jersey C.I.:

And not having good cooking facilities coming from a country where you are eating all kind of fruit to then living on microwaved food only.

Volunteer, Friends of Africa Jersey C.I.:

Because in most accommodation you are not allowed to cook so you have to eat at the hotel but the hotels they only offer one to 2 meals a day, so where are you going to have your third one? It will have to be microwaved and most, especially hospitality, and they just come in care visas, their wages are not even enough to take care of their families at home. A takeaway as a third meal is hardly an option.

Deputy M. Tadier:

Can I ask about transport between work where they do not live on site? Are there any difficulties that you have had reported to you about transport, about paying for transport between accommodation and the job?

Founder, Friends of Africa Jersey C.I.:

We have got one as an example. A young lady who used to work until maybe 1.00 a.m., working in hotel work. and she would walk from here all the way to First Tower, and you can imagine being a woman walking on your own. If she does catch a taxi the company will not pay for the taxi. We have had a few taxi drivers who have given their time to basically 2 women to drive them home after

work, and the employer do not pay the taxi. They always say they used to walk at their home so what is the difference walking from here. So being an example where home you know your home, you know what areas you can walk safe. Jersey is not their home.

Deputy M. Tadier:

I think that is probably ... we can leave those questions there for now.

Volunteer, Friends of Africa Jersey C.I.:

In terms of transport, when you are in the care sector you are given the car to use, however if you are not on shift you cannot even go to the shop to go get yourself something to eat with the company car. It is only between clients and you pay for that as well. We find that a lot of carers are having money docked off their payslips to pay for using the company car.

Founder, Friends of Africa Jersey C.I.:

To go and see the patients.

Volunteer, Friends of Africa Jersey C.I.:

To go and see the patients.

Deputy M. Tadier:

I suppose I will finish this section, if that is all right, about if you are aware of any permit holders who have needed or who have changed accommodation during their time in Jersey and whether that is something that they can do easily?

Chair, Friends of Africa Jersey C.I.:

It is not something that they can do easily because of the housing licence. So it is not something that they can easily do. I think as a charity we have had to support a few people to find alternative accommodation either because they have moved job roles and there is no accommodation attached to it. So there are incidents but it is not easy.

Volunteer, Friends of Africa Jersey C.I.:

Sometimes the contract itself ties you to the accommodation, so if you do say you want to leave you already signed a contract before you come here. So you cannot move.

Deputy M. Tadier:

Thank you.

Deputy B.B. de S.DV.M Porée:

That is quite sobering information you have given us but we do appreciate that. It is important for the review panel. I do not know if Lindsay wants to finish with anything you have not had a chance to touch yet.

Deputy L.V. Feltham:

I think we have covered tax and social security and the information. There was just one question we might well follow up in writing about access to healthcare.

Deputy M. Tadier:

It might be worth getting that on the record.

Chair, Friends of Africa Jersey C.I.:

Absolutely. I think access to healthcare is a fundamental issue that we have been pushing. You have got people who are on 9-month visas who have been coming to the Island year-on-year for the last 20 years but every time they come back they have to start from zero to get that 6-month point where they can get subsidised healthcare in terms of accessing G.P.s (general practitioners). So I think for somebody who was contributing to tax pretty much combined 15 years in a space of 20 years because they are here 9 months of each year, the fact that their previous time here does not contribute to the next season that they come back is very difficult. You have people who are then not taking care of their health. That by the time they need to access health services they are more complex, more expensive, much more difficult to support and at that point, even when that coming over ... if they are going through medical investigations, if they are coming at the end of their 9 months the health system will say: "Actually you are not supposed to be living on the Island." We had somebody who was on a waiting list for an operation but at the end of the 9 months they had to go and they missed out in terms of having an operation because they were off-Island and there was no further way of communicating with them. I think it is a very shameful space to be that as an Island we have people who are contributing to this system pretty much 9 months of the year and not contributing tax to their country of origin, but when they become unwell the health system on the Island will say: "No, we do not want to take care of you. You need to go back to your home country" where you have not paid tax for sometimes 15, 20 years, and then be expected to be taken care of in your home country. I personally think that is an unfortunate space to be, where we should be treating people having access to health. People are avoiding accessing primary care and then they are festering conditions and we are potentially having a cohort of people who might have developed long-term conditions yet we could have had access to preventative healthcare while on the Island.

Volunteer, Friends of Africa Jersey C.I.:

Another example I could give you is people who come in on mental health medication. If you go and see your G.P., your G.P. might find that the very same mental health medication has been

discontinued here in Jersey so they have to start you on new mental health medication. Potentially you need to see your G.P. every week. You have just arrived, for example, from Kenya, you have spent £2,000 to get here, and the chances of you having £75 a week to pay for your G.P. is very difficult. So you find people who just start taking the medication they brought from Africa with them and, with the stresses that are already coming from different angles, mental health quickly deteriorates. When it does, again they cannot afford to go their G.P., they are put in the mental health community services but we do not have a lot of cultural intelligence among that, and we all know that our mental health services are really stressed with the lack ... with the poor working hours, because the hours are very difficult when you work, especially in hotel and in the farming and fisheries. To top it up with stress and the wrong medication we are breeding a potential mental health disaster in a lot of work permit holders. We have seen a lot of mental health victims.

[15:00]

Deputy B.B. de S.DV.M Porée:

Okay. Thank you. When you did say “shameful” I did resonate with that word because I shared those comments with Monty before, in terms of contributions and what workers can access after their contributions are paid, is making vulnerable people even more vulnerable. That strongly resonates with me as well as everything else, and the rest of the panel. Thank you very much. I think we may just finish here, if everyone is happy with that. Your contributions have been very welcome, thank you. Thank you for attending our hearing today and for addressing the panel questions. Thank you for all the members involved and for anyone hearing this public hearing. Thank you very much.

[15:00]