

2015.11.17

**3.1 Deputy G.P. Southern of St. Helier of the Minister for Social Security regarding the Social Security Department's use of staff employed through an agency on zero hours contracts:**

There might be no questions from Reform Jersey today if I do not get rid of this frog. Right, I think that is a dead frog. Does the Minister consider that the Social Security Department's use of some 40 staff employed through an agency on zero-hours' contracts breaches the guidelines laid out by the Jersey Advisory and Conciliation Service and sets a poor standard for other employers and if not, why not?

**Deputy S.J. Pinel of St. Clement (The Minister for Social Security):**

I must clarify that the department does not employ any individuals on zero-hours' contracts. In the case of temporary agency staff the agency is the employer and the terms of employment are between the agency and the agency's employee. In deciding what type of contract to use the J.A.C.S. (Jersey Advisory and Conciliation Services) advises an employer to think about using an agency rather than a zero-hours' contract for work that is regular but is initially expected to be for a short period of time. It is my understanding that this is the position for the temporary agency staff within my department. The use of temporary agency staff to deal with fluctuations in work, short-time assignments and new initiatives helps our department to maintain a good standard of customer service and respond quickly to short-term pressures. Negative publicity around zero-hours' contracts has stemmed from the U.K. (United Kingdom) position. Recruitment agencies in Jersey are good employers and are well aware of their obligations under the Employment Law.

**3.1.1 Deputy G.P. Southern:**

Is it not the case that the use of these agency workers suits the management down to the ground - they have flexibility - but is not balanced by a fair treatment of these workers, some of whom have been with the department for 12 months continuously, all of whom work regular hours, 9.00 to 5.00, and yet are not eligible for pension arrangements and have different sick leave arrangements.

[9:45]

Is that not the case that these contracts work entirely to the advantage of the management and not to the employee?

**Deputy S.J. Pinel:**

Temporary agency staff allow the department to deal with urgent and unexpected work and react to short-term pressures, the alternatives for the department either not being able to respond appropriately or being over staffed. An example is a current initiative by the Back to Work team, the JobsFest, which is an 8-week initiative that includes a focused diary of daily training and events for all job seekers throughout October and November. Over 60 events and venues were booked and over 800 bookings have been taken from job seekers. A temporary agency provided a member of staff to consolidate this. While the period of the

initiative is time limited, fixed-term contracts issued by the States of Jersey tend to apply fixed terms and working hours. An initiative such as this has a number of unknowns in terms of the working hours, e.g. unsociable hours, level of take up and success rates. So temporary agency work provides a flexible arrangement that suits the requirements of the short-term role. Holiday pay is incorporated as zero-hours' contracts. Sickness and pension schemes are not statutory in any contract.

**Deputy G.P. Southern:**

Nonetheless does the Minister accept that these employees work under different conditions and lose out in terms of pension rights and especially those who have been there for more than 12 months who should be on a full-time contract? Does the Minister not think her treatment is not setting a good example for the use of zero hours to other employers?

**Deputy S.J. Pinel:**

Of the 260 full-time equivalent posts at Social Security one in 4 of the current staffing levels are from temporary agency staff who have become permanent members of the staff team. I think that is showing a very good example to other employers.

**3.1.2 Deputy M. Tadier:**

Is it reasonable to suggest or to ask the Minister whether if the department knows that there is going to be work going on perhaps in the short term or 6 months a year or even a 2-year period, that rather than employ people via an agency on zero hour contracts it is also possible to issue them with a fixed-term contract with fixed hours for that period? Is that not something which the department would prefer and which the employees could expect?

**Deputy S.J. Pinel:**

Yes, of course, it is. Out of the one in 4 that have been taken on from agency staff to become permanent employees the others are. It is when we have assignments like dealing with the freedom of information when that came in, the implementation of records management of that was a short-term project and quite often one project will follow another. A temporary agency staff member, if they are pertinent to the requirements and have the skillset, will move from one project to another.

**3.1.3 Deputy G.P. Southern:**

Is it not the case that the recommendation from J.A.C.S. is that contracts should be reviewed by the employer, with the employee, after 6 months at least? Is it not the case that for some 11 of these workers they have been employed for 12 months and obviously have not had their contracts renewed? They appear to be permanent workers but they do not have the same terms and conditions as people working alongside them who are on proper contracts whereas they are not. Is this not, I repeat again, is this not a poor example to set to the rest of the Island's employers?

**Deputy S.J. Pinel:**

Despite being part of an ongoing Scrutiny review into the zero hours' contracts in Jersey the Deputy's question, which refers to staff employed through an agency, indicates that he is still unclear on the difference between staff being directly employed by a business under a zero

hours' contract and employers using temporary agency staff where the agency is the employer. J.A.C.S. will be able to provide further advice to the Deputy if required.

**Deputy G.P. Southern:**

Does the Minister not agree that this is mere sophistry and not reality?

**3.1.4 The Bailiff:**

Deputy, I think we have tended in the last few meetings to get to the point where a final supplementary is then followed by one or more other questions, and that was the final supplementary. We come to question 2 which Deputy Mézec was to ask and Deputy Tadier can you please repeat your request to me?

**Deputy M. Tadier:**

It was simply to ask the Assembly whether they would be happy to move this question to the end of the question time, after question number 10.

**The Bailiff:**

Do we know why Deputy Mézec is not here?

**Deputy M. Tadier:**

I do not have any other information. I do know he is in the Island but he is not here to ...

**The Bailiff:**

The question of order of questions is they are dealt with by Standing Order 14. It is a matter for the Bailiff to decide whether a request given to him by 5.00 p.m. on the working day before the meeting day to move the order of questions is justified and clearly I have not received any such request now. It is really a matter for the Bailiff but I would say that my instinct would be that if we start moving orders of questions round to suit the convenience of Members in no time at all we will not know where we are so it is not a particularly good practice, but on the other hand I am in the hands of Members. If Members think that today we ought to allow Deputy Mézec to put his question later then I will certainly do so. Members in favour of allowing him to put the question later kindly show. Those against? Very well we will put the question further down the list.