

4.9 Deputy M. Tadier of the Minister for Health and Social Services regarding the Minister's assessment of the appropriateness of the use of zero-hours contracts and of payment only for contact time for care workers employed by providers on the Approved Provider Framework: [1(331)]

What is the Minister's assessment of the appropriateness of the use of zero-hours contracts and of payment only for contact time and not travel time for care workers employed by providers on the approved provider framework?

Senator A.K.F. Green (The Minister for Health and Social Services):

I have said on many occasions it is not for me to comment on the appropriateness of the use of zero-hour contracts or the payment of travel time in the home sector or any other sector for that matter. Zero-hours contracts are used in many sectors and are used in the care sector as well, for example, where we have bank nurses to cover unforeseen circumstances such as ill health. I do, however, support the J.A.C.S. (Jersey Advisory and Conciliatory Service) recommendation that businesses should review the terms set out in zero-hour contracts on a regular basis and check that the working arrangements in practice are as casual as the contract indicates and that the hours not become regular. Moving on to the second question, in terms of travel time, I note that the Health and Social Security Scrutiny Panel last month published a number of written submissions on the issue of travel time which showed a wide variation in the treatment of travel time and mileage.

4.9.1 Deputy M. Tadier:

Specifically talking now about travel time: is the Minister interested in what the effective hourly rate is for care providers across the board? Specifically, would he be concerned if in reality when you take into account driving time that individuals may be paid less than the minimum wage? Is that a concern to the Minister?

Senator A.K.F. Green:

I would not want to be seeing people being paid less than the minimum wage, but as we saw in the Scrutiny report there is a whole range of different packages, which include payments for time to allow for travel. It is up to the employer. The better employers will find it easier to recruit staff.

4.9.2 Deputy G.P. Southern:

Once again, the Minister for Health and Social Services is denying all sorts of responsibility. Let us try and establish where he does feel that he has responsibility. Is he responsible for the approved provider framework and ensuring that standards and qualities are met in the delivery of home care and, if so, does he accept that zero-hours contracts routinely used and no payment for travel time are not the way to deliver appropriate care in the household?

Senator A.K.F. Green:

Taking the last part first, I have already said that I agree with the recommendations of J.A.C.S. that businesses should regularly review their zero-hour contracts to ensure that such arrangements are as casual as the contract indicates, a direct quote from J.A.C.S. There is no evidence in Jersey, as the Deputy portrays, that agencies who have staff on zero-hour contracts provide a less better service, an inferior service. There is absolutely no evidence to support that; in fact, quite the contrary. I know that all the workers in the sector are properly qualified, properly vetted and doing a good job for their patients.

4.9.3 Deputy G.P. Southern:

There is evidence in the Scrutiny report that zero-hours contracts are routinely used and that payment for travel time is not paid. Does the Minister consider that that is not an appropriate responsibility for him to ensure that approved providers do, in fact, review their policies and are properly using zero-hours contracts?

Senator A.K.F. Green:

I do not know how many more times I can say zero-hour contracts are not illegal. They are a matter for the employer. They should be used responsibly. That is a matter for the employer, not for myself. As I said before on travel time, it all depends on the package that people put together. The Social Security Panel showed that there were different packages which covered for travel time in some circumstances.

[11:00]

London terrorist attack – minute’s silence

The Deputy Bailiff:

If Members would now like to stand and observe a minute’s silence. [**One-minute silence observed**]

The Deputy Bailiff:

Very well, we have the Deputy of St. Ouen wishing to ask, Deputy Mézec, and then a final supplementary on this question.

4.9.4 The Deputy of St. Ouen:

How would the Minister intervene if it could be shown that the pressures on care workers affects the safety of the service being delivered to clients who might be in receipt of commissioned services from his department?

Senator A.K.F. Green:

That is a hypothetical question. There is absolutely no evidence to suggest that members of staff on zero-hour contracts are providing an inferior service. It is totally hypothetical and, therefore, not possible to answer.

4.9.5 The Deputy of St. Ouen:

Supplementary? Given findings in the U.K., well reported in government investigations, that such a scenario has arisen in the U.K. jurisdiction, is the Minister not at all concerned to ensure that the similar system we have in Jersey would not develop with those ramifications?

Senator A.K.F. Green:

First of all, we are not part of the U.K. Part of the problem in the U.K. is the total removal of funding for care in the community in some councils’ cases. We have a Regulation of Care Law and the Commission ensures that all providers provide good care standards. Of course, the Chief Minister recently announced the appointment of a regulator. So I am confident we have the right systems in place and we are going to strengthen them, and zero-hour contracts, there is absolutely no evidence to suggest that people working them provide inferior care. In fact, many people choose to do that because that fits in with their flexible family arrangements.

Deputy G.P. Southern:

The evidence for that is?

4.9.6 Deputy S.Y. Mézec:

I do not know if the Minister will be aware but the U.K. Home Care Association wrote to the Prime Minister of the U.K. in April this year where they did attribute deteriorating levels of care to the fact that workers in that profession are seeing their working conditions absolutely slashed there with travel time being cut from their pay, zero-hours contracts, longer shifts and all that goes along with it. Does he really expect us to believe that if you put a care worker in an insecure job with lower pay and force them to work harder for longer that that is going to have no impact on the standard of care that is given? Does he really expect us to believe something that is inherently so ridiculous?

Senator A.K.F. Green:

No, but I do expect the Members to look at what is happening in Jersey and not in the U.K., £30 million extra going into health and home care. So I cannot accept that what happens in the U.K. is going to happen here. A whole host of councils have removed masses of money to provide care in the community. We are investing in the community and it is appropriate that we do.

4.9.7 Deputy S.Y. Mézec:

A supplementary. The reason we look at the U.K. is because this is what the Minister is aiming to copy because he is doing nothing whatsoever to protect the working conditions of these care workers. My final question to him is: is the Minister going to attempt to do anything to stop the race to the bottom that these care workers are experiencing and will he be satisfied when this process reaches its natural conclusion and care workers begin to realise that their job simply is not worth it anymore and they leave the profession to go work somewhere where they will get treated better? Does he really think that is good for the people that he is mandated to look out for with the standard of care that they are getting mandated by the States?

Senator A.K.F. Green:

I do not recognise the situation that the Deputy describes. I know that we have a very good care sector. We are fortunate to have the long-term care scheme to help people afford to pay for that sector. We are debating another part of that today. So I do not recognise what the Deputy puts forward. This Government has invested more money in terms of P.82 in supporting people in the community. We have a Care Commission. We have appointed a Care Commissioner and we will ensure that we have a robust standard of care.

4.9.8 Deputy M. Tadier:

This is not about political point scoring. This is about real people who work in a vital industry in Jersey first of all being able to earn enough and having a stress-free enough job that they can remain safe, fit and healthy and pay the bills but also about the people that they care for. Will the Minister give an undertaking to break this deadlock and, if necessary, speak to the Minister for Social Security to look at basic work conditions - and I would question whether it is legal not to pay people for travel time; it is certainly not ethical - and to make sure that people are being attracted into this area of work and not put away from it and forced into other less stressful and more secure areas of work rather than maintaining a good expertise in this field? Would the Minister at least guarantee to meet with the Minister for Social Security to look at the appropriateness and, more importantly, the legality of these contracts to ensure they pay a minimum wage at least?

Senator A.K.F. Green:

I think it is a little disingenuous to say that people on zero-hour contracts do not provide good care.

The Deputy Bailiff:

Minister, you cannot say disingenuous.

Senator A.K.F. Green:

Sorry, Sir, I think it is unfortunate then. I withdraw the first comment. I think it is unfortunate that it is implied that people working zero-hour contracts are providing less appropriate care. But we did give a commitment, the Chief Minister, myself and other Ministers, to review a care charter and that is as far as I am prepared to go at this stage.