

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 25th NOVEMBER 2014**

Question

Will the Minister advise –

- (a) What mechanisms, if any, are in place to check that employers are paying at least the minimum wage and what conditions apply in order to engage such mechanisms?
- (b) On how many occasions, if any, have employers been investigated for allegedly failing to pay the minimum wage and in how many cases have prosecutions taken place?
- (c) Whether any complaint has been registered on behalf of Gigabit Field Force (GFF) employees relating to the conditions placed on hours worked on Gigabit Jersey by CH2M, with only hours worked on successfully completed connections being registered for payment, and how this relates to the application of minimum wage requirements?

Answer

- (a) The Employment (Jersey) Law 2003 provides that the Minister for Social Security may appoint officers or assign responsibility to officers to act for the purposes of the Law. The powers of the assigned officers of the Social Security Department's Contributions and Enforcement team include the power to visit premises to inspect and require an explanation of records kept in relation to the Employment Law, and to require the production of any other information that might reasonably be required in order to establish whether the Law has been complied with. The exercise of these powers may be triggered by an affected employee or any third party advising the Social Security Department of a suspected breach of the minimum wage provisions. Officers would take into account any information provided and consider whether to undertake an inspection of that business.

An enforcement officer may visit a company and ask to inspect the employer's wage records or require them to be produced on reasonable notice. An employer who fails to comply with the minimum wage provisions may be served with an enforcement notice requiring that the Law be complied with. In accordance with the Department's Business Plan, employer surveys are also carried out routinely for new employers that registered in the last 12 to 18 months to check that all documents are in order.

Social Security Enforcement officers and officers of the Jersey Advisory and Conciliation Service (JACS) routinely advise employers of their obligations under the Employment Law. If an employee who is not being paid the minimum wage makes contact with JACS, JACS officers will support the employee to make enquiries of the employer and to assert their right to the correct wage, or, with the permission of the employee, JACS officers will contact the employer directly to provide advice on the correct wage and how to calculate it.

The Employment Law also provides that, if an employee has reasonable grounds to believe that he or she has not been paid the minimum wage, the employee has a right, following reasonable notice to the employer in writing, to inspect and to copy relevant employment records. If the employer does not allow access to records within 14 days, the employee may lodge a complaint with the Tribunal. If the Tribunal upholds the complaint, it may instruct the employer to pay the

employee the minimum wage pay that is owed as well as a sum up to 80 times the current minimum hourly wage.

- (b) During 2013, a total of 372 employers were surveyed. Of these, 5 employers were found to have not paid the correct minimum wage to a total of 5 employees. An enforcement notice was issued to one of the employers. All minimum wage issues were resolved.

During 2014, a total of 339 employers have been surveyed to date. Of these, 7 employers were found to have an issue relating to the minimum wage in respect of a total of 19 employees. All issues have been resolved without the need for an enforcement notice.

Since the Employment Law came into force in 2005, there have been no prosecutions in relation to non-payment of the minimum wage.

- (c) If the Social Security Department receives a complaint about the employment practices of a particular business, officers will consider whether to undertake an inspection. The Minister cannot report to the States Assembly as to whether a complaint has been received or whether any particular business has been inspected.