



JERSEY
Chamber of Commerce

Chamber House, 25 Pier Road, St. Helier, Jersey, Channel Islands, JE2 4XW.

Tel: 01534 724536

E-mail: admin@jerseychamber.com

Website: www.jerseychamber.com

Work Permit Policy Review. 24th May 2023

Chamber has requested detailed points on Work Permit Staff Welfare to be submitted separately by individual businesses, as the specifics will vary on the business size and sector.

Considerations of the wording within the Work Permit Policy

- Throughout the WPP22 It needs to be reworded and cleaned up of grammatical errors – many areas are poorly worded an either lack or use capital letters where not required and other areas simply lack clarity and are prone to misinterpretations by the employer or the employee.
- The Table of Contents: **It would be helpful for the table of contents to be set in a way that allows users to click and go directly to their chosen section, rather than having to scroll through pages.**

There are specific examples below of comments made by Chamber members.

- Where the WPP22 states: 'The Minister expects employers holding work permits to take reasonable steps to ensure that their employees and their employees' dependents are suitably accommodated.' **Chamber comments: It would be helpful to have further clarity/guidance as to the level of expectation of the employers' responsibility in this area in a scenario where an employee chooses to seek their own accommodation.**
- Where the WPP22 states: 'The 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 – preferably signed by the employee' **Chamber comments: It would be helpful to clearly stipulate whether or not the employee must work 40 hours per week, or if this is just a guide for calculating the 'going rate'. Can they work less or more and therefore be paid less or more? This is not clear, and this comment applies to each type of permit.**
- Where the WPP22 states: 'those granted permission to work in this category, they will be unable to switch employment for the first 12 months of their work permit period. During this period, should a migrant worker fail their probationary period or have their employment terminated prematurely, they will not be able to switch employer, they; will have their leave to enter/remain cancelled, and they will be required to leave the CTA.' **Chamber comments: Does this include a scenario where the employee chooses to leave their employment or is**

dismissed within their first 12 months? It would be helpful to update this wording for more clarity.

- For ease of multiple corrections, the English noun is dependant – not dependent which is an American-English spelling.
- Where the WPP22 states: 'Migrant workers who are joined by their dependents during any probationary period of their employment must be aware that their immigration permission, and that of their dependents, is based entirely around successfully passing their probation. During this period, should a migrant worker fail their probationary period or have their employment terminated prematurely, they and their dependants will have their leave to enter / remain cancelled and will be required to leave the CTA. Dependants may work permit- free subject to any restrictions under the Control of Housing and Work (Jersey) Law 2012.' Chamber comments: Does this mean remaining in employment for 12 months rather than just the probationary period (the length of which will vary among employers) to align with the above? Does this mean their probationary period, the first 12 months, or before the end of the work permit? To avoid employers making assumptions, it would be helpful to tighten this wording. Whilst some of us will understand what this means, many employers won't, as work permits, and registered permissions often get confused. It would be helpful for this sentence to be expanded/rephrased to explain this in simple language.
- Where the WPP22 states: 'Dependents of Skilled Work Permit Holders Dependents for the purpose of the work permit policy are defined as the spouse, partner, and children of the work permit holder. Chamber comments: Is the 'permit holder' the employer or the employee? The policy document refers to both the employer and employee as the permit holders which I am assuming will not be possible.
- 'Migrants employed on a skilled work permit for 12 months or more can bring their dependants with them. However their permissions to be in Jersey are directly linked to that of the work permit holder' Chamber comments: Below, within the "Dependants cannot" box, it states that they cannot join a work permit holder who holds a skilled work permit issued for 12 months or less. There clearly is a contradiction here. If the work permit is for 12 months exactly, can or can't the migrant bring a dependant with them?
- 'The work permit holder must ensure that they can adequately accommodate and maintain their dependants without recourse to public funds. A work permit holder must consider the impact that moving a family to Jersey will have, including being aware of limited housing stock and high rental prices.' Chamber comments: How does this fit with the employer's responsibility referred to within other parts of the policy? Again, who is the 'work permit holder'? Is it the employer's responsibility to make them aware?

Chamber would be happy for both the Employment and Skills Committee and the Tourism, Venues and Attractions Group at Chamber to answer questions from the Scrutiny Panel.

Regards Murray Norton

CEO Jersey Chamber of Commerce

