



# **Children, Education and Home Affairs Scrutiny Panel**

## **Work Permit Policy**

### **Witness: The Minister for Justice and Home Affairs, The Minister for Social Security and The Minister for the Environment**

Thursday, 16th October 2025

#### **Panel:**

Deputy C.D. Curtis of St. Helier Central (Chair)

Connétable M. Labey of Grouville (Vice Chair)

Deputy H.M. Miles of St. Brelade

#### **Witnesses:**

Deputy M.R. Le Hegarat of St. Helier North, Minister for Justice and Home Affairs

Deputy L.V. Feltham of St. Helier Central, Minister for Social Security

Deputy S.G. Luce of Grouville and St. Martin, Minister for the Environment

Ms. R. Small, Head of Service, Jersey Customs and Immigration

Mr. W. Horsfall, Senior Manager, Jersey Customs and Immigration

[12:30]

#### **Deputy C.D. Curtis of St. Helier Central (Chair):**

Welcome to this public hearing on the 16th of the Children, Education and Home Affairs Scrutiny Panel. This is a special hearing about the Work Permit Policy. I would like to draw everyone's attention to the following. The hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched to silent. I would ask that any members of the public who have

joined us in the room today do not interfere in the proceedings and as soon as the hearing is closed, please leave quietly. So for introductions, I am Deputy Catherine Curtis, the Chair of the panel.

**Deputy H.M. Miles of St. Brelade:**

I am Deputy Helen Miles, member of the panel.

**Deputy C.D. Curtis:**

Our Vice-Chair, Connétable Mark Labey, is on his way. He will be here at any minute now.

**The Minister for Justice and Home Affairs:**

Deputy Mary Le Hegarat, Minister for Justice and Home Affairs.

**The Minister for Social Security:**

Deputy Lyndsey Feltham, Minister for Social Security.

**The Minister for the Environment:**

Deputy Steve Luce, Minister for the Environment.

**Head of Service, Customs and Immigration:**

Rhiannon Small, Head of Service, Customs and Immigration.

**Senior Manager, Customs and Immigration:**

Warrick Horsfall, Senior Manager, Customs and Immigration.

**Deputy C.D. Curtis:**

Okay, thank you everyone, and we have 1½ hours for this hearing, and I think all the panel really appreciates that all Ministers could come along so that we can try and get a clear picture of the Work Permit Policy. So, if I start with some questions, which is about numbers first. So, please can you confirm the number of work permits issued by the Jersey Customs and Immigration Service during 2024 and 2025?

**The Minister for Justice and Home Affairs:**

Basically, in 2024 temporary work permits, there was 2,432, skilled work permit 748. To the end of June this year were temporary 1,736 and skilled 431.

**Deputy C.D. Curtis:**

Okay, so I am just trying to compare that to the 800 per cent increase reported between 2019 and 2023. I am just wondering how that compares at the moment.

**The Minister for Justice and Home Affairs:**

I think I will ask Rhiannon because she has more percentages update to what this is.

**Head of Service, Customs and Immigration:**

Yes, so I can confirm that the different percentage rise between the figures for 2023 and 2024, we saw an increase of 7.5 per cent of temporary work permits and we saw a decrease of 2.6 per cent of skilled work permits from 2023 to 2024. The total change from 2019 to 2024, break down, temporary work permits, we have seen an increase of 3,528 per cent.

**Deputy C.D. Curtis:**

Per cent?

**Head of Service, Customs and Immigration:**

Per cent. So just give you the figures for that 2019 and this is for temporary, in 2019 we issued 67 temporary work permits. In 2024 we issued 2,432. Skilled work permits over the same period, we have seen an increase of 169.1 per cent. So that has gone from 278 issued in 2019 to 748 in 2024. So I think it is useful to give you a total overall percentage increase in 2019 to 2024 and that is 821.7 per cent.

**Deputy C.D. Curtis:**

Okay, because it was fairly low in 2019 compared to now and I am just trying to get it through my head, the last couple of years and how they compare as well.

**Head of Service, Customs and Immigration:**

Yes, so I can talk you through, if you want, either the total figures or just temporary?

**Deputy C.D. Curtis:**

Just temporary. Okay, so temporary 2019 we issued 67. 2020, 132; 2021, 931; 2022, 1,967; 2023, 2,263 and 2024, 2,432.

**Deputy C.D. Curtis:**

Okay, thank you for that. Okay, so can you tell us what are the current leading sectors in terms of work permit issuance? Is it still mostly in hospitality or?

**The Minister for Justice and Home Affairs:**

Just bear with me for a second. Okay, so in 2025, in the last 6 months, you have got agriculture, horticultural at 321, construction at 94, fishing, aquaculture is less than 5, hospitality 1,320, and skilled 427.

**Deputy C.D. Curtis:**

So where does the care sector come into that one?

**Head of Service, Customs and Immigration:**

Skilled.

**The Minister for Justice and Home Affairs:**

They are skilled.

**Deputy C.D. Curtis:**

That is all in skilled, is it? Okay. Right, okay, so has there been much change over the last few years in the sectors?

**Head of Service, Customs and Immigration:**

Do you want me to talk to that?

**The Minister for Justice and Home Affairs:**

Yes, I think that might be easier. I can give you the figures and all the percentages.

**Deputy C.D. Curtis:**

Just an idea I think at the moment.

**Head of Service, Customs and Immigration:**

Okay, in that case, bear with me, apologies. We are seeing an increase year on year, obviously taking 2025 out because we have only got partial data for 2025, we are seeing an increase year on year, so I will just give you the 2020 figures for agriculture and horticulture. 2020 we issued 55, 2024 it is up to 511. Construction we did not issued any work permits in 2020. 2024 we have issued 162. Fishing and aquaculture less than 5 in 2020 and it has gone to 18 in 2024. Hospitality in 2020 we issued 74, 2024 we have issued 1,741. So that is the biggest jump.

**Deputy C.D. Curtis:**

Yes, I see that. In 2019 was there anything in skilled?

**Head of Service, Customs and Immigration:**

I have not got the 2019 figures in front of me but I can get those to you.

**Deputy C.D. Curtis:**

It was not much compared to now, I suppose.

**The Minister for Justice and Home Affairs:**

2019, temporary work permits were 67, skilled work permits were 278.

**Deputy C.D. Curtis:**

Okay. All right, so that is interesting. So, are there emerging industries now relying more heavily on work permit holders as well?

**Head of Service, Customs and Immigration:**

I think from the data we have got in front of us, it is clear that hospitality has seen the biggest increase.

**Deputy C.D. Curtis:**

Hospitality more so then. I will quickly ask actually, are there any new industries coming into this sector? So I know there has been talk about whether nursery workers could be included?

**Head of Service, Customs and Immigration:**

If I can pass that down to Warrick, who is Senior Manager.

**Senior Manager, Customs and Immigration:**

We have seen increases across the board in all work permit routes. I think it was a couple of years ago we introduced the ability for nurseries to recruit skilled workers from overseas to fill vacancies. We have the health care sector as well, which I think are probably the 2 larger groups within the work permit policy that are growing. The care sector probably more so than any other sector.

**Deputy C.D. Curtis:**

So there are nursery workers already included?

**Senior Manager, Customs and Immigration:**

There are nursery workers, we have issued work permits to, and we still get applications for workers to come in under that route.

**Deputy C.D. Curtis:**

Maybe I am thinking about a possible expansion of it.

**The Minister for Justice and Home Affairs:**

I believe there was ... I saw some data recently from the Minister for Education and Lifelong Learning that that there might be 15 in the nursery facilities, I believe.

**Deputy H.M. Miles:**

Can I just ask a question? You have just referred to the skilled visas and the work permits. Just for the benefit of the public, can you just explain the difference between the 2?

**Senior Manager, Customs and Immigration:**

So the temporary work permits are issued for either periods of 9 months or 12 months. It is down to the business - i.e. hospitality, agriculture, construction, fishing - to determine at the outset whether they are going to recruit under the 9-month route or the 12-month route. The skilled work permit route can be applied for any period up to 3 years. There are certain criteria that must be met for a skilled work permit, including English language. It is a route that does lead to settlement.

**Deputy H.M. Miles:**

Thank you.

**Deputy C.D. Curtis:**

Thanks. So how effectively do you think the current Work Permit Policy aligns with the realities of Jersey's labour market? So, you know, are there any sectors where it feels out of step with their needs?

**The Minister for Justice and Home Affairs:**

I will go to Warrick afterwards but I sort of think that with Brexit and also COVID, the dynamics of our labour market changed anyway, because I think what we lost was the European community that were able to work and remain here. So I think that has had an impact in my view. I will also, as I said, ask Warrick to give a view from the customs perspective. But I also think that there was changes as well as a result of COVID where people wanted to leave the Island to go back to be closer to their families, which is what happened during the previous Government and people were aided and assisted to actually go back to their own countries. I think, as a result of that, as well as probably some of the European countries actually now working within their own communities ... so you have got probably a lot of the Polish will now work in Germany and they are still closer to their family. So I think that dynamic has had a change as well. I think from our perspective, that is why the work permits have probably rocketed to the level that they have. In relation to some of the industries, probably agriculture more so, you probably always did have work permit holders going back in history to when the French farm workers came to Jersey and then the Portuguese, and then

the Polish. So I think that is a different industry. Whereas, I think, probably more in the hospitality, you probably saw more Europeans that, of course, did not have to have work permits, certainly once all of those countries entered the E.U. (European Union) and I do not know whether Warrick or Rhiannon can ...

**Deputy C.D. Curtis:**

Yes, and also about how the people do fit into what industry needs as well.

**Senior Manager, Customs and Immigration:**

So the Work Permit Policy, we recognise, does not cover every occupation or every job type that there is in the Island. We have crafted the Work Permit Policy the best that we can with information that we have got. There is the ability for sectors to approach us and submit a business case as to why roles within their sector should be included within the Work Permit Policy. From time to time we get those business cases submitted and they are assessed on their merits. I think one thing that is really important about the Work Permit Policy, it is there to protect our local workforce, so it is to give our young people the opportunities to move into some of these sectors and we would encourage any business that is looking to enter into the work permit space to make sure that they have exhausted all local talent, recruitment and training before they look to the Work Permit Policy to solve some of their resourcing issues.

**Deputy C.D. Curtis:**

Okay, great. So on a slightly different matter now, one of the main areas for the review panel was about welfare of migrant workers, so how do you assess the balance between protecting worker welfare and meeting labour demands under this framework?

**The Minister for Justice and Home Affairs:**

I think it is essential for the Government of Jersey as a whole. There are obviously 3 Ministers here today but the Work Permit Policy comes under the remit really of all of the Government, but particularly things like health and others. What we have done, and as I said we have got a number of copies, et cetera, is that we felt that there was a need to be able to provide people coming to Jersey a full picture of what the salary is but, more important - and that is obviously not us that provides what the salary is going to be - the actual extractions from that, the deductions from those salaries, so that the tax and the social security, the long-term care, and in certain sectors obviously accommodation and food as well. I think it is exceptionally important that when people are coming to Jersey that they have a full picture of what they are going to receive at the end of it because I think for a lot of people it is of a reasonable cost for them to come here and, okay, some of the employers might pay those costs but you have the cost of flights, the costs of a visa alongside the

cost of a work permit. So I think all of that information, it is critical that it is available to those individuals really before they sign the contract to say that they are going to come here.

**Deputy C.D. Curtis:**

We have some more questions later about the details, information and accommodation and so on as well. Would you say that is one of the main things to focus on, the information that is available?

**The Minister for Justice and Home Affairs:**

I think that is a critical part of it because I think the thing is it if people do not have that information before they get here, they have arrived and their salary may not be up to what they can ... because you know there will be various communities that may be sending ... looking after families at home that will want to be sending money home, but they need to also be able to have a life while they are here, to be able to enjoy their stay while they are in Jersey as a worker and to have all of those community benefits.

[12:45]

So I think it is important from a welfare perspective that people are very clear as to what their expectations are and what they are actually going to get when they are here.

**Deputy C.D. Curtis:**

Okay, thank you.

**The Minister for Social Security:**

Sorry, can I just make a point as well around it being really important that people are aware of their rights and also aware that over here our Government is not corrupt, people can trust Government and they can report things that are wrong. So that is a conversation that is ongoing that I have with my communications team as well, about ensuring that we build that trust because people are coming from very different situations to the situation that we have got here and it is really important that people know that they are safe to speak up.

**The Minister for the Environment:**

Could I just add that on the other side of the coin in regard to welfare before people come, there is a permit process to go through and if you want your dependents to come with you, you have to be able to show or you should show that you are earning enough money to support them. I think that is quite important that people realise the requirements of the permit so they do not come here, find they have their dependents and then become incredibly dependent on charity and handouts to feed

their family. Because it does say in the permits you need to be able to support people you bring with you if you bring them with you.

**Deputy C.D. Curtis:**

That was part of my next question, which is about a brief overview of the changes in the most recently published version of the Work Permit Policy and I have got some context here which included that information people know if they are bringing children they have to be able to prove they have got sufficient income so that it is all clear to people before they come, and also what you are saying about the information of what it is like to live here. Is there anything else you wanted to add to that about the updates to the Work Permit Policy?

**The Minister for Justice and Home Affairs:**

Is there anything else?

**Senior Manager, Customs and Immigration:**

So we have taken on board the comments that are in the work permit review in 2023 and we have incorporated many of those into the Work Permit Policy that got published in December last year. Those include making information clearer within the policy about what people are to expect when they come into the Island. Particularly, as the Minister has mentioned, around dependents and make it clear that people understand that they are coming on a skilled work permit, it is not a guarantee that they will be able to bring their dependents with them. They have got to meet certain salary thresholds. It is more for us and welfare of children that we want to make sure that they are not disadvantaged by coming to the Island. The Work Permit Policy does try to put measures in place to prevent exploitation, enhance the well-being of those people that are coming to the Island. So we are looking for contracts of employment. We are looking for those employers to be complying with other legislation in the Island, like control of housing and work legislation, employment legislation, minimum wage and accommodation legislation that exists. So we are trying to do everything that we can from an immigration standpoint. We are aware that people do have problems in the Island and we would encourage them to come forward and speak to us. We will try and deal with any enquiries in a compassionate way that can be provided to us directly at Customs and Immigration, or they can go to the International Cultural Centre, or provide information confidentially through our intelligence lines.

**Deputy C.D. Curtis:**

Okay, thank you. I think that is it.

**Deputy H.M. Miles:**

Thank you. You have already answered some of the context around information and support and that has been really helpful. But what progress has been made in developing a centralised single document for outlining the key information for potential work permit holders?

**Head of Service, Customs and Immigration:**

Do you want me to take this one? So we have got some documents here to pass to the panel. These are 2 key documents. One is your rights as an employee working in Jersey and the other is seasonal and temporary worker's guide.

**Deputy H.M. Miles:**

Are those available through a portal? Are they on the website?

**Senior Manager, Customs and Immigration:**

So they are on the Moving to Jersey web pages on the Government website. When we send out work permits to employers, we also copy in the employee. We provide them with a notice that sets out immigration requirements and summarises some of the key points within the Work Permit Policy. It provides them with links to other information and to other Government agencies or charities that can provide assistance. We also include a copy of that top notice that you have got there, the temporary workers guidance, I think it is called ... your rights as an employee is included as a P.D.F. (Portable Document Format) with that information.

**Deputy H.M. Miles:**

That is really, really welcome to hear, because that was one of the key things that came out of the panel. It was just a case, I think, of trying to catch up, was it not? That is a massive step forward in comprehensive documents. Have you had any feedback from people who have been using these documents? Have you seen a dip in people coming or have you seen an increase or has it helped sort out difficulties when they come to you in immigration?

**Senior Manager, Customs and Immigration:**

That document is not produced by us, it is produced by another Government department. It was updated earlier this year to make sure it reflected what was happening in the Island in 2025. I think feedback from some support groups was fed into the document and various elements were included within that document to make it clear to those coming to work in the Island.

**Deputy H.M. Miles:**

Okay, and do you recommend that these documents are used by community support groups and other agencies when disseminating information?

**Senior Manager, Customs and Immigration:**

Yes.

**Deputy H.M. Miles:**

Okay, thank you.

**The Minister for Social Security:**

Can I just talk about some other work that is ongoing at the moment as well within the International Cultural Centre space?

**Deputy H.M. Miles:**

Please do.

**The Minister for Social Security:**

I know there is some work going on at the moment around like a welcome to Jersey event for people when they newly arrive in the Island. So that is a work stream of the International Cultural Centre so that not only do people get information prior to arriving, which is really essential because they need to make ... they are making a life-changing decision and they need the information before they make that life-changing decision, but also on arrival in the Island. It is really important that people have that touch point as well, so that they are introduced to their rights and responsibilities in the Island, but also those connection points as well. So that is a piece of work now that the International Cultural Centre is taking on the board. I do not have a date.

**Deputy H.M. Miles:**

I was just going to ask some timescales.

**The Minister for Social Security:**

I am just trying to think and if it is in the notes I will shout out, but that is definitely well underway.

**Deputy H.M. Miles:**

That is a work in progress. Again, that is very welcome, is it not? Because a lot of the things that we heard was about a lack of information and understanding of how things worked here. Has the Government taken any steps to publish clear guidance on the types and nature of salary deductions applicable to work permit holders prior to the contract signing?

**Senior Manager, Customs and Immigration:**

Do you want me to answer that? So there is legislation around minimum wage and within that documentation it talks about the maximum deductions that can be made from someone's salary

where accommodation or accommodation and food are provided. So we provide that information within our Work Permit Policy. It might even be in that notice as well. We try and make sure that people are not disadvantaged when they come here and they are not being ... not having bigger deductions than is absolutely necessary. The issue for us comes when people are not paid minimum wage and they are paid at a higher rate. There is no legislation then to protect them around deductions that can be made for accommodation or accommodation and food. We do put some guidance in the policy for employers that any deductions must be reasonable and proportionate. I think in 2024, I think it was 27 per cent ... when you calculated the minimum wage, it was 27 per cent of that individual salary could be deducted for accommodation. I think it was about 36 for accommodation and food. So we provided that as a bit of a guidance to employers.

**Deputy H.M. Miles:**

So at the moment then it is guidance as opposed to legislation. Are there any consequences for employers who over-deduct?

**The Minister for Social Security:**

This is something that I am keen to really work on. As was described, I think that there is what could be a loophole for employers who are paying above the minimum wage in relation to those deductions. I met with a union yesterday who was telling me that they thought that there may be that practice going on. I have asked them to give me some case studies so that then I can understand what that practice might look like and what we might be putting in ... what we might be able to then put in place with regard to ... because of course that would not only necessarily be happening with work permit holders, it could be happening to other minimum wage workers. So I am keen to understand that. If the panel hears of any of that practice happening, I would be keen to have that but that is certainly something that I am very aware of that could be a loophole. I have not seen evidence that suggests it is happening but, like I said, I had a conversation yesterday where it was suggested that potentially workers were being paid maybe above the minimum wage and deductions were taking them to below where the minimum wage threshold would be. If that was the case, my understanding is that within legislation, if there is a minimum wage breach, and this is where it comes down to real cross-Government collaboration and the need for Government to work together, because if there is a minimum wage breach, then my understanding is that that is at the point in time when Revenue Jersey could then step in and then investigate that possible breach.

**Deputy H.M. Miles:**

It all sounds like a bit of a grey area, does it not, really in terms of sort of enforcement and penalties and the like, but I guess if somebody complained that that was happening, am I right in saying that immigration could revoke the permit?

**Senior Manager, Customs and Immigration:**

Yes.

**Deputy H.M. Miles:**

So there is an enforcement ability in that if immigration is satisfied that proper processes and procedures and fairness have not been followed, you could revoke the permit and then allow that person to look for alternative employment that would meet the minimum standard?

**Senior Manager, Customs and Immigration:**

Yes, we would allow them to switch to other work permit employment and we would probably look to restrict issuing work permits to that employer.

**Deputy H.M. Miles:**

That person in the future, yes.

**Senior Manager, Customs and Immigration:**

So it would jeopardise their ability to function as a business if they are unable to rely on overseas resources.

**Deputy H.M. Miles:**

Thank you, and thank you, Minister, as well. It is comforting to know that that work is ongoing and being considered. Thank you.

**The Minister for Justice and Home Affairs:**

On what both Lyndsay and Warrick have said, I think it is important that people do actually report things because I think this is sometimes the issue that we have, and this was the issue that we had when the review was done, is that people will say that there is an issue but then it is quite difficult sometimes because somebody will not come and report it. I think what Lyndsay said at the start is that people need to be confident that they can come to Government to complain, whether that is to anybody ... well, there is 49 of us that sit in the Assembly, come and complain to somebody, but there is also States Departments and this is where I think we need to be encouraging people to go into the I.C.C. (International Cultural Centre) in Union Street and complain. Because if they do not, we cannot change things for the better.

**Deputy C.D. Curtis:**

Okay, just on that last point, if somebody who had been working for a couple of months with an employer realised that the deductions are bringing them far too low on what they should be earning,

would they actually come and report it? Because they might be worried that they are going to lose their jobs and they are not allowed to get another one.

**Senior Manager, Customs and Immigration:**

This is part of the myth that we need to try and dispel - that immigration are not going to cancel your immigration permissions if you have been treated unfairly. There is also the option for that individual to go to J.A.C.S. (Jersey Advisory and Conciliatory Service) and seek some advice through them as well.

**Deputy C.D. Curtis:**

Even if they have only been on the Island for a few months they can go to J.A.C.S.?

**Senior Manager, Customs and Immigration:**

Yes, if it is a breach of employment legislation I believe they can go to J.A.C.S.

**The Minister for Social Security:**

I would also reiterate again that this is the space that we have filled with the International Cultural Centre being a single point of contact for people to go and get help and advice, and signposting as well to the relevant departments. I think when we did the ... both Mary and I were on the panel and that was one thing that came up again and again, you will remember.

**The Minister for Justice and Home Affairs:**

It is a bit weird now, we are all reversed.

**The Minister for Social Security:**

Yes. People feeling that their only avenue was either J.A.C.S. and Tribunal Services or going to Customs and Immigration. So fairly shortly after we took office, because we wanted to respond to what we found, I had a senior officer which was working on some of the work permit cases, which has now led to inform some of the work that the International Cultural Centre are doing.

[13:00]

We now have case workers available in Union Street specifically to deal with these issues and help with signposting, and help with the things that people need doing, but I am certainly a lot more confident from the conversations that I have had both with the Minister for Justice and Home Affairs and the Head of Service that people who have come here and, even in those first few months, if they find themselves in a situation where their employer and their employment is not quite what they were expecting and it has fallen short, then there is help available. At the end of the day, we want

people to have a good life on the Island and we need to attract and retain skilled workers and workers for our key industries.

**Deputy C.D. Curtis:**

Okay, so they should not be scared of what they might have read about, you know: "You have got to be with your employer for 6 months." They should not be scared of that; they should know that if there is a problem, that they can go and ask for help.

**The Minister for Justice and Home Affairs:**

That is correct. Part of the thing that Lyndsay and I did was the fact that we could understand that people may not wish to go to what they perceive to be as people in authority, as in immigration or somewhere like the police. That is why we said that there needed to be a single point of contact, because they may not be quite so scared to go there. We need people to highlight these things, otherwise we cannot change it.

**Head of Service, Customs and Immigration:**

Could I add to that as well, just to confirm that the I.C.C. and the Immigration Service work very closely together. We have conversations at every level throughout the service, and there has been training delivered by the Immigration Service to the I.C.C. staff. While that is potentially a single point of contact, we feed into that very regularly and we work together.

**Deputy C.D. Curtis:**

Okay, good. I will just ask a few questions now about healthcare when people are here in Jersey. Is there enough information about how the Jersey healthcare system operates for people coming here, including links to relevant sources, so that people are properly informed?

**The Minister for Social Security:**

I am going to be quite honest here, because it is complicated with the primary and secondary care. For example, I am responsible for the primary care piece and after 6 months of being here, people will get their health card be able to access G.P.s (General Practitioners). The rules are slightly different for secondary care, where I think it is 6 months in the last 3 years before getting secondary care. I would say that is an area where we could improve on information because it is complex.

**Deputy C.D. Curtis:**

If they had to have an operation that was not an emergency one, they would have to pay for it even after 6 months?

**The Minister for Social Security:**

Not after the 6 months, but obviously those would be questions better put to the Minister for Health, rather than me. But what I will say is that because eligibility for those things is complex, I think it is also incumbent on employers that are bringing people over to ensure that people understand what they are coming to. I am very conscious from a social security perspective and benefits perspective; if we talk about the Short-term Incapacity Allowance, for example, our rules talk about a “relevant quarter” and that goes 3 months back. One thing that I am very conscious of is, for returning people on the 9-month visa where they have to be away from the Island for 3 months, if they are coming for several years at a time, that will mean that they have a gap in their contributions record. That is something that I am working with officers to look for a solution for. I was quite alarmed when I realised that there are people coming year on year for 10, 15, 20 years on that 9-month visa. That is the conversation I have with other Ministers about, actually, is that right and the right use of that visa, and how do we move people through employment routes and career pathways here so that they can live a happy and good life?

**The Minister for Justice and Home Affairs:**

To clarify, their record will start from when they arrive, as opposed to them losing their record over time. Whereas before it was like every time they arrived, they had that gap. That gap does not apply but we just need to make sure that that some of the gaps are filled.

**Deputy C.D. Curtis:**

Yes, there is improvement but I read one of the original submissions to the review, which stated this thing about people doing their 9 months then coming back again. They had built up payments into the Social Security Fund and so it would seem fair that, when they come back, that is taken account of at that point.

**The Minister for Social Security:**

Yes, and that is a piece of work that I have asked officers to do this year. But, ultimately, the root cause of that issue is people coming for several years. So while I can do what I can in Social Security to fill that gap, we also need to think about whether it is appropriate that somebody is coming on a 9-month work permit for several years at a time and whether there might be other routes to career progression.

**Deputy C.D. Curtis:**

Yes, of course. Okay, there is work ongoing with that. I know there is plenty of information; does that include information about costs of travel that people need to take account of?

**The Minister for Justice and Home Affairs:**

To be honest, I think that, from the point of view of somebody signing a contract ... it varies between employers as to who actually pays for the travel. Some employers will pay for the travel; others will not pay for the travel, or they pay for it then ask to deduct it from their salaries. It is not something that ... it is almost not in our gift to be able to ...

**Deputy C.D. Curtis:**

What I was wondering is, if somebody travels over and that amount, which is paid by the employer, is then deducted from their salary, are they aware of how much this might be? Because they need to be able to plan for it, do they not?

**Senior Manager, Customs and Immigration:**

Yes, we have written into the Work Permit Policy some information about ... if the employer loans the employee money to cover the costs of flights and visas, the repayments must be reasonable and proportionate. It must be in writing prior to that loan being given, and we would require evidence of what those deductions look like and how much has been loaned. We have also put in there that the employer cannot recoup more than what they have lent, so we have made that quite clear in the Work Permit Policy. We do not put information about the costs of getting to the Island because they will vary depending on where in the world that they are coming from, but the Moving to Jersey web page does provide information about ferry services and airports that service the Island.

**Deputy C.D. Curtis:**

Okay. Are there any problems with delays in issuing documentation and problems for individuals around this matter?

**Senior Manager, Customs and Immigration:**

When you talk about documentation, is that documentation that is provided to us by the employer and their customer or ...

**Deputy C.D. Curtis:**

Whatever is needed for them to be able to come here. Is it something that comes up frequently that there are problems with delays?

**Senior Manager, Customs and Immigration:**

We try to process a work permit within 3 weeks but with the volumes of work that we have, we now push that 3-week window and we are spending more time verifying documentation that is provided in support of applications. We are coming across a lot more fraudulent documents that are provided to us about qualifications, experience, C.V.s (curriculum vitae) and references, and that is taking us much more time than it has historically to run our checks. It is a new trend that we are seeing, that

people are desperate to the Island and they are providing documentation that is not accurate. We try and push some of that back to the employer and make sure that they are doing their due diligence when they are recruiting, but there are concerns that people are coming to the Island without those checks being done. We are conducting those checks on our behalf, particularly when people are coming to work in some of the sectors that look after vulnerable people of the community or are coming to educate our children.

**The Minister for Justice and Home Affairs:**

Primarily, we need to really emphasise to the employers that when they interview and recruit people, that they need to be doing their due diligence on those people's qualifications. Because, really, that is their responsibility. If you were employing locally, you would check somebody's credentials. That is part of their processes and should be part of their processes. My view is that the documentation should be checked prior to it ending with immigration and issuing of work permits.

**Deputy C.D. Curtis:**

Ideally, employers would be doing it well but that must mean quite a lot of extra work for Customs and Immigration.

**Senior Manager, Customs and Immigration:**

It is generating a lot of extra work, and it is taking officers' time away from doing other work streams. We are seeing delays in processing work permits as a result, which has a knock-on effect to other work streams like the visas themselves.

**Deputy C.D. Curtis:**

All right, last question from me at the moment. Is there a single pathway of support? I know that you have talked about the International Cultural Centre. Is it quite clear for people coming here on what they should do? I know there is help there, but is it clear exactly where to go for different guidance and advice?

**The Minister for Social Security:**

Obviously, the International Cultural Centre, as we have it now, was launched just in July, so it is new. We know that people are accessing the service. We have had 36 direct referrals in that time - actually, that was in 3 months of operation - and 470 emails, so we know that information is getting out there. Can we improve? We can always improve. As I said earlier, I have had conversations as well with my communications team about how we can do campaigns such as knowing your rights and also knowing where to go when you need help. We will continue on that journey and with that piece of work. I am pleased, and I know that Deputy Alves, who has political responsibility for the

International Cultural Centre, is pleased with how things are going so far but we will continue improving.

**Deputy C.D. Curtis:**

Okay, thank you.

**Connétable M. Labey of Grouville:**

Yes, indeed. Apologies again, everybody, for my lateness; I was at a planning meeting and one of the deliberations overran. Just on these policies here, I apologise if I am asking the same question, are these translated into other languages?

**Senior Manager, Customs and Immigration:**

The employees' rights leaflet is translated into a number of different languages. European, as well as Filipino and Kenyan, are the main languages I think they are in. There are 6 or 7 different translations of that document.

**The Connétable of Grouville:**

That is excellent, thank you. My questions relate primarily to accommodation. Indeed, on the Planning Committee recently we have had applications made about staff accommodation in the Island and the rumour of another one. I will not tell you which sites, because they are ongoing, but my questions relate to that. The Work Permit Policy states that: "The employer has to ensure that employees are adequately accommodated, meeting the minimum standards required which supports their health and well-being." How is that minimum standard for accommodation defined and where is it defined?

**The Minister for the Environment:**

Constable, as you will know, all landlords - including employers, as you have just stated - have a responsibility under the Public Health and Safety (Rented Dwellings) Law 2018. That includes, where appropriate, applying for a licence for those units of accommodation. That may then end up in an inspection by officers from my Regulation Department. It is not a compulsory inspection but they may well turn out and inspect properties which a licence is applied for. But as I say, at the start, landlords and employers are responsible under that 2018 law to make sure that the accommodation is fit for purpose.

**The Connétable of Grouville:**

Can those inspections be ad hoc and, as it were, by surprise?

**The Minister for the Environment:**

They can be and we do not have any particular reason, but obviously if we receive complaints ... and I would go back to what the Minister said previously, all complaints that come into the Regulation Department are anonymous, so tenants would not have to worry about the fact that they would be named. I am aware, as in many other circumstances, that tenants are particularly concerned sometimes that they might complain and that may have an effect on their status and, consequently, their employment. It is nearly 18 months now since we started the licensing scheme for rented dwellings. We thought originally that we might have 15,000 rented dwellings on the Island; as of today, we are up to 18,600, so there are a considerable number of properties out there.

[13:15]

Of course, this does not include 200 lodging houses. So, there are lots of inspections to do. But like you say, we act on information; we may act on any number of reasons to go in and inspect. Every licence that is applied for may well result in an inspection before the licence is given.

**The Connétable of Grouville:**

What would you consider to be reasonable steps taken by an employer to ensure that employees are suitably accommodated?

**The Minister for the Environment:**

There are rules and regulations around the levels and standards that are expected, and obviously some of those standards are statutory standards around fire protection. If you have got gas, for example, you need to make sure you have got the necessary monitors in place. But there are all sorts of other things too. Of course, we always say we want to help to educate landlords. They are very much at liberty to phone the department and ask for an inspection before they apply or immediately after, and the officers will go in and try and help where they can to identify issues which may not be immediately apparent to the landlord or the employer. But I think most people these days know where the standards are. As I say, there are some statutory standards around electrical inspections, for example, and fire and health and safety in those areas. But we know, looking at our statistics, that there are some regular occurrences when it comes to complaints, and that is around damp and mould, electrical, and falling between levels, trip hazards or stairs.

**The Connétable of Grouville:**

Thank you very much. What steps have been taken to engage with employers to ensure that they are aware of their responsibilities regarding work permit employee accommodation?

**The Minister for the Environment:**

I do not know that there is any specific work in that direction but what I would point to is, as I said, 18 months ago we started the Rented Dwelling Licensing Scheme. There was a comprehensive promotion of that and everybody, I hope, was absolutely aware that they were required to apply for licence, whether they charged rent or not. Because, in some circumstances, it may be that the accommodation comes with the job and it is a deduction as such, it is not actually a payment from one person to another. But in all those circumstances, a licence is required. We have had 18,600 applications and I think there has been enough publicity around for people to know that they need to apply for these licences and, consequently, that accommodation needs to be up to a certain standard.

**The Connétable of Grouville:**

Are there guidelines with regards to multiple occupancy?

**The Minister for the Environment:**

That would come under the lodging houses. I think there must be guidance under multiple occupancy; certainly, there will be allowances or restrictions for bathroom facilities, for cooking facilities, for this type of thing. We are constantly in discussion with other sectors, not just agriculture, around the levels and standards of accommodation. As you sit on the Planning Committee, you will be aware.

**The Connétable of Grouville:**

Indeed.

**The Minister for the Environment:**

Certainly, as the Minister responsible for that, I am in continued discussion with the hospitality and agricultural sectors around those standards. The work permits are very much tied to that, and we want to make sure that people who come to the Island and who live in accommodation which might not meet the minimum standards under normal circumstances under here ... they may be here for a very specific 9 month period and then they have to leave before they come back.

**Deputy C.D. Curtis:**

Would you be able to send us a copy of those guidelines around things like multiple occupancy?

**The Minister for the Environment:**

Yes, I will find whatever I can for you but, as I say, the ... yes, I will, I will do that.

**Deputy C.D. Curtis:**

Thank you.

**The Connétable of Grouville:**

Do you think that the employer is best suited to assess the condition of the accommodation? A supplementary to that: do you think the Infrastructure and Environment Department should have more responsibility to assess the standard of accommodation, in contrast?

**The Minister for the Environment:**

The first thing I would say is there are 18,500 units of accommodation out there and it is clear that my small team in the Regulation Department could not expect to inspect those on an annual basis. It would just be beyond us. But we do use intelligence and we respond to complaints and other things. I think they always get a feel for where they might need to look more closely. Obviously, we have got a lot of history in the department over where complaints have come from or areas where we have found deficiencies in the past, and officers will use that intelligence and their intelligence to focus. Your first question was, are employees qualified to assess ...

**The Connétable of Grouville:**

Employers.

**The Minister for the Environment:**

Employers, sorry. Yes, of course. I do not think there is a qualification to assess but one would expect an employer to know what a basic level of accommodation should look like, and if they do not, there are a lot of places to go for that guidance. In conjunction with the Landlords Association, we have done a lot of work around toolboxes and handouts that we can show, which try to guide people through the levels and standards they are expected to meet in order to comply with the licence.

**The Connétable of Grouville:**

Do you think your officers have the - shall I say the word? - power to activate any issues? Do you think they need extra powers?

**The Minister for the Environment:**

That is a very interesting question. I am aware, for example, that while you are required to meet standards, I think I am correct in saying that it is not an offence until you fail to comply with a notice. For example, you may have a property where the gas detector is not working properly. That in itself, in current legislation, to the best of my understanding, is not breaching the law as such. What would have to happen is the officer would attend that property, would identify that the detector was deficient and issue a notice, and then failing to comply with that notice, we can then take it further. I have to say, that is probably an area of the law that needs to be looked at so we can use some sort of ...

you know, looking back and prosecuting for that. Because if people know they are breaking the law, there must be some sort of retrospection there to make the law have proper teeth.

**The Connétable of Grouville:**

Do you think there should be some consideration of shifting the oversight responsibilities from employers to an independent regulatory body?

**The Minister for the Environment:**

All my staff are highly trained and highly qualified in their specialist areas. They are civil servants, they are neutral, they work independently, almost ... there will always be calls for independent bodies but, certainly in the case of the staff that I have working in the Regulatory Department, I am 100 per cent confident that they meet those same standards. I accept that there will always be accusations that we need independents, but in many cases I would engage independents who would come in with exactly the same qualifications and the same standards as the staff that we have in the Regulatory Department.

**The Connétable of Grouville:**

The collection of data, Minister; are records kept of offenders? Records that, obviously, will not be publicly available but your department has access to?

**The Minister for the Environment:**

Officers of my department will know where complaints come in and they will know where people are caught offending. We do not necessarily keep a lot of data on specific sectors of the rented dwelling licences because we are not required to do that. For example, I could not tell you that we have under that data set a list of every agricultural accommodation unit, for example. In the future, that may be data that we may be able to obtain through a re-registration of those units, because they will need to be re-licensed on a reasonably regular basis.

**The Connétable of Grouville:**

Yes, indeed. Does the department work with any other agencies and stakeholders in dealing with unsatisfactory accommodation?

**The Minister for the Environment:**

Absolutely, and I think it is incumbent upon our officers - and officers from elsewhere - that if they ever find themselves in a situation where they feel that another of the agencies might be required, they go back and report that. I have a list here of those that we do work with. Housing Advisory Service, Social Services, Adult Mental Health, Social Security, States of Jersey Police, Fire and Rescue Service, Ambulance and all those housing providers. There is a short list there, quite

extensive though, and great coverage of the sort of agencies that might be required. If my officers go in to investigate a fall or a trip or something like that, or an electrical, but they see something else which alerts them to another potential challenge or problem, they will come back and they will always talk between departments about where other sorts of help might be needed. The simple and quick answer is yes.

**The Connétable of Grouville:**

Yes, excellent. If the department's decision was, at some stage in the future, to go to a systematic checking of accommodation, would you need to increase your resource?

**The Minister for the Environment:**

I think the answer would have to be yes. At the moment we are a relatively small team with a huge amount of work to do. If a certain requirement came on us to inspect a particular sector which ran into potentially several thousand units, it would be unrealistic to expect us to be able to do that in a short period of time.

**The Connétable of Grouville:**

How regularly does the Environment Department review the accommodation for work permit holders? I think it is a similar question.

**The Minister for the Environment:**

I would like to say it is under almost constant review but how often we change it, I could not tell you at this time.

**The Connétable of Grouville:**

Okay. Thank you. The review panel's report concluded that there was no systematic checking of accommodation occupied by work permit holders in Jersey. Have any measures been introduced since then to address the issue to improve oversight? In other words, are we working towards that?

**The Minister for the Environment:**

I think we are, and I am sure that as the system evolves, we will find easier and quicker ways of identifying areas that need closer attention. But certainly, in the last 12 months my team have been very busy embedding this new licensing scheme. As I say, we have done a lot of work with the Jersey Landlords Association to try and develop the toolbox and the guidance. We are now spending a lot more time out there inspecting. We are now using information that is coming in to us and information that we gain when we do ad hoc visits, to go out and look in certain areas. But certainly, 18,500-plus units, it is a lot of work to get through.

**The Connétable of Grouville:**

Indeed, it is. Thank you, Minister. Thank you, Chair.

**Deputy C.D. Curtis:**

Following on from the last question, you said your team is working away but they are a small team and have a lot to do. Do you think it is acceptable that accommodation like a portacabin in winter could be used for work permit holders? Do you think that there should be some sort of guidelines to say employers should not be using such accommodation?

**The Minister for the Environment:**

I would be careful about using the word “portacabin”, only inasmuch as the standard of portacabin can vary greatly. A portacabin that was purchased 20 or 30 years ago would have had much lower levels of insulation, for example, which is a big issue with portacabins. I think we all know that you can go out into the market now and buy a portacabin which is palatial, almost ...

**The Connétable of Grouville:**

Yes, as good as a house.

**The Minister for the Environment:**

... which will do everything and anything you want. But I take the sentiment of the question on board. Portacabins cabin certainly filled a requirement for the agricultural industry, particularly back in the 1980s and 1990s, and there may be some hangover from that still around. But, again, if a portacabin is used as a rented dwelling and it comes under a licence scheme, the person owning it or renting it out must expect that they could at any moment be inspected. If they are found to be lacking or it does not come up to standards, there will be consequences.

**Deputy C.D. Curtis:**

Okay, so they should know there are consequences if the portacabin is not adequate.

**The Minister for the Environment:**

I think the term “portacabin” itself ... you need to use it carefully because, as I said, certain portacabins will be very good and certain portacabins may not be quite so good, but then that could go for any unit of accommodation. You may have a quite nice flat which could be in a terrible state and ...

**Deputy H.M. Miles:**

Can I just ask a question? You said about a rented dwelling. I know this might be in the law, but if the permit worker is not technically paying rent, is that accommodation therefore a rented dwelling?

**The Minister for the Environment:**

It is.

**Deputy H.M. Miles:**

Okay, thank you.

**The Minister for the Environment:**

Anything that would come under “benefit in kind”, for example, would be that.

**Deputy H.M. Miles:**

Okay, so it would be covered.

**The Minister for the Environment:**

As I said right at the beginning, it does not necessarily need to involve a transaction with one person giving another person money. It may come with a job, the pay may be discounted or whatever. But if that person is living in that ...

**Deputy H.M. Miles:**

The law applies.

**The Minister for the Environment:**

... it is not necessarily a requirement for money to change hands, to define that as a rented dwelling.

**Deputy H.M. Miles:**

Okay, thank you for making that clear.

**Deputy C.D. Curtis:**

Since April 2023, how many complaints have been submitted to the Housing and Nuisance Team at Environmental Health concerning accommodation occupied by work permit holders?

**The Minister for the Environment:**

Unfortunately, that information is not something that the department holds because it is not a consideration for those people to access the service. But what I can tell you, Chair, in very general terms, is that in 2024 the team received 375 complaints and so far this year, 219.

[13:30]

As I said to the Constable earlier, we see very little change in the amount of complaints we have and they are very much concentrating on damp and mould, on electrical problems, on feeling cold in the unit or accommodation and falling between heights. Those are the areas where we see the greatest number of complaints, but I do not have information specifically on any particular sector.

**Deputy C.D. Curtis:**

So this is just for any rented dwellings?

**The Minister for the Environment:**

Yes, that is the total.

**Deputy C.D. Curtis:**

Would it be possible in future to separate the work permit complaints?

**The Minister for the Environment:**

As I said previously, I think what we might have to do is to look at the reregistration and when people are filling in for reregistration ask them very basic questions around what the accommodation is used for or if it is used for a particular sector of industry.

**Deputy C.D. Curtis:**

Okay, because I was going to ask about how many of the complaints resulted in formal investigations, were there any enforcement actions taken as a result, but we do not know which of these applies to work permit accommodation.

**The Minister for the Environment:**

No, we do not, and what I can say is that it is only very rarely that we find that we get to an enforcement stage. We go in, we educate, we talk to landlords, owners and in most cases it is relatively straightforward to come to an accommodation ... it would be very obvious if you have not got your electrical certificate or your battery is not working on your detector. But some of the other instances where officers might make recommendations about increasing rail height or banister height or things like, people are generally very good, they go away and make the changes and the officer can go back and inspect and say it is fine. Sometimes it may be necessary to issue a letter, and a couple of letters, but it is very rare that we find ourselves in the final situation of having to enforce.

**Deputy C.D. Curtis:**

The review panel found that when complaints about accommodation are made it was through contact with cultural groups. What steps, if any, have been taken to encourage direct reporting of concerns by work permit holders to Government agencies as well as relying on cultural groups?

**The Minister for Social Security:**

That is part of the work that the International Cultural Centre are doing and they are in contact with cultural groups. They do community outreach as well as community engagement. Also they are going to be starting more pop-up events in St. Helier, like the Grand Marché in St. Helier and St. Peter for example, drop-in sessions with recruitment companies, but also meeting with organisations such as the Jersey Farmers Union and the Jersey Hospitality Association. But that link with the cultural groups very much will be with the International Cultural Centre and they are also getting housing related referrals as well. Out of the 36 referrals I referred to earlier 11 of those were housing related, so we know at least that there is a broad number of concerns being made through the International Cultural Centre. The referrals are being made by some cultural groups, charitable organisations and States Members as well. That link with the cultural groups can only get better with the work that the International Cultural Centre is continuing to do.

**Deputy C.D. Curtis:**

You have mentioned some housing concerns. Is there enough collaborative and interagency working between Customs and Immigration, Environmental Health, Social Security and even the International Cultural Centre? Is there enough going on between to try and have an oversight of work permit holders' welfare?

**The Minister for Justice and Home Affairs:**

I think I will interject here. You will be aware that Building a Safer Community has had a huge impact. Let us make no bones about it; we have got a very proactive lead in relation to that particular piece of work. Both Lyndsay and myself went to the Homelessness Forum and a number of groups there were raising concerns. What is now coming out of those concerns, alongside the fact that it is all agencies and all States departments, is that the individual who is running Building a Safer Community is going to start working with all of these groups. It is what it says on the tin, building a safer community, and work permit holders are part of this community. So we need to start bringing all of our resources into one place so that we are all working together and there are no gaps, so they have taken on that. It is a fairly recent sort of starting point. I was quite pleased that this is something that we can bring to the table today because it is a big thing that will make a big difference, I think.

**Deputy C.D. Curtis:**

Yes, that is good, and if possible will she be able to bring some sort of report on how this has worked and the effectiveness of it?

**The Minister for Justice and Home Affairs:**

Yes.

**Head of Service, Customs and Immigration:**

Yes, so just to add to what the Minister has said, it is going to be known as the Migrant Safeguarding Board. As the Minister said, that will sit under B.A.S.C. (Building a Safer Community), which feels very much the right place for it, and that draws together all key stakeholders so we have a more holistic and collaborative approach to looking at migrant well-being in the Island.

**Deputy C.D. Curtis:**

That is good.

**The Connétable of Grouville:**

Could I ask a supplementary, Chair? I went to a presentation the other day about the Safe Place initiative and I think that is excellent. We may in the parish halls need a bit more supplementary guidance and direct contact numbers, so we would be very appreciative of being able to call somebody directly if we did get somebody walking in. Just a point.

**The Minister for Justice and Home Affairs:**

Yes, of course.

**Deputy H.M. Miles:**

I think that is a really significant move forward to establish a Migrant Safeguarding Board under B.A.S.C. and if you look at all the recommendations that you made in the work permit review, that really does support it. I have just got some brief questions around the Work Permit Policy and employers. You may have answered some of these already. It was just to know whether the Work Permit Policy has been updated to clearly state whether employers are required to offer the minimum 40 hours a week to permit holders.

**The Minister for Justice and Home Affairs:**

Did you want to take that?

**Senior Manager, Customs and Immigration:**

I can do. The Work Permit Policy is set at 40 hours per week per employee to be able to qualify for a work permit. We expect all employers to pay their employees at that rate, regardless of whether they have got sufficient work for them during that week or not. We know it is an area of concern. We know that for some employers it is not their practice to pay their employees 40 hours a week,

but what we want to see is that written into the contract and it gives the employees something to go back to J.A.C.S. with to help them with breach a contract. Where we uncover bad practices we again allow that individual to switch to another employer and potentially prevent that employer from taking on additional work permit holders going forward.

**Deputy H.M. Miles:**

So when you are issuing permits do you check all the contracts?

**Senior Manager, Customs and Immigration:**

All the contracts are checked.

**Deputy H.M. Miles:**

So there is no excuse really; 40 hours is very clear?

**Senior Manager, Customs and Immigration:**

Yes.

**Deputy H.M. Miles:**

In terms of the zero hours contracts is there any plans to revise the policy to address that gap and prevent potential misuse?

**Senior Manager, Customs and Immigration:**

We do not allow zero hour contracts on the work permits.

**Deputy H.M. Miles:**

Do you feel comfortable that employers are aware of that?

**Senior Manager, Customs and Immigration:**

Yes.

**Deputy H.M. Miles:**

What safeguarding measures are currently in place to ensure that work permit holders are not placed in precarious or unpredictable employment arrangements?

**Senior Manager, Customs and Immigration:**

The Work Permit Policy goes some way to try and prevent exploitation of staff by making sure that they have contracts, they are going to be paid 40 hours a week, that the deductions are proportionate and right that are going to be made for accommodation and food, et cetera.

**Deputy H.M. Miles:**

What is happening in terms of compliance with the Work Permit Policy? Do any of your staff go out and check the working arrangements, the contracts, et cetera?

**Senior Manager, Customs and Immigration:**

Our compliance work is quite limited with the resources that we have got and the volumes of work that are coming through. Our compliance is primarily focused at the moment around documents that are provided to support applications that might be being provided fraudulently.

**Deputy H.M. Miles:**

So there is no kind of spot checking going on with employers?

**Senior Manager, Customs and Immigration:**

No, we have been out to see employers but it is not something that happens on a regular basis.

**Deputy H.M. Miles:**

What would you need to make that happen, Minister?

**Head of Service, Customs and Immigration:**

Before I let the Minister come in I will just add to that, if we receive any kind of information or intelligence that bad practices are happening we do take action then. So we do reactive compliance daily at the moment.

**Deputy H.M. Miles:**

But no proactive?

**The Minister for Justice and Home Affairs:**

From our perspective I think the message for us would be that we have got limited resources so, therefore, we do need people to make complaints to us if they are not receiving the level of hours that they are required to have. If you change the dynamic, the expectation would be that those checks would be made, then that would make a totally different dynamic to the working force within Customs and Immigration, and that would mean potentially additional resources. I think that is as simple as it is. That is why we do need people to come to us to make those complaints because in the situation we are in at the moment we have not or will not have sufficient resources - the same as Environment - that work cannot happen unless you have got those extra resources to do that.

**Deputy H.M. Miles:**

Does that make it quite difficult because employers equally will know that enforcement activity is not taking place and that they are not likely to be found out if they are offering less or offering something precarious?

**The Minister for Social Security:**

This is something that goes across employment legislation, is it not, because it is not just work permit holders that would be in this situation, it would be other employees as well? So, again, I would reiterate - and sorry if I sound like a broken record - it is really important that we do ensure that people know their rights, that people know that they are entitled to join a trade union as well, but also that people know that they can get free impartial advice from J.A.C.S., as well as being able to go to the International Cultural Centre for that correct signposting. At the end of the day, if somebody is not getting paid for the hours and their contractual obligations are not being met by their employers, then that would be a breach of the employment legislation as well as a breach of the Work Permit Policy.

**Deputy H.M. Miles:**

Thank you. What has been the effect of the change from the 12 month to 6 month restriction on work permit holders changing employers?

**Head of Service, Customs and Immigration:**

From a work permit holder point of view it is obviously a welcome addition or amendment to the Work Permit Policy. The thing to say is we treat cases on a case by case basis. We are very mindful that there is a person at the heart of everything in immigration and, as Warrick said earlier, we treat everybody with compassion. Having that flex in the Work Permit Policy, or the amendment to go from 12 months to 6 months, is seen as a good thing. What we have built in as well is that there is also an exception to that; we do not want people to have to wait 6 months. They can always come to us and, as I have said, the team are excellent at dealing with the people who walk in and come to us, and we will continue to do that.

**Deputy H.M. Miles:**

Okay, thank you. Can you advise us whether there has been any assessment of the financial and operational impact of the 9-month work permit rule with the requirement for the 3 months absence before employees can come back? I am not sure whether this should be a question for the Minister for Sustainable Economic Development really.

**The Minister for Justice and Home Affairs:**

I think it probably should because ...

**The Minister for the Environment:**

What I can say, in the agricultural industry obviously that was quite challenging to start with in certain sectors, dairy farming for example where you need staff all year around. I think what happened after a relatively short period of time is employers tried to work out almost a rota for 3 or 4 years ahead so they could make sure they had staff coming in and out, but they always had a static level of staff. So from an economic point of view I suppose that was quite challenging to start with but once you had the system primed and you were using it, people understood and the staff were happy to work under those restrictions, I think it worked okay.

**The Minister for Justice and Home Affairs:**

I think I would back up what you have just said because I have actually spoken to people in different industries and some in relation to the 9-month work permit are very happy with them because they, like agriculture, have put their spreadsheets in place and basically they keep rotating their staff. As a classic, cruise ships; they have people on contracts for 6 months, 9 months and whatever, and they have a turnover of staff, people go back for 6 months, go back home, spend time with their families and then they come back and they keep rotating. It works well but it takes some managing. That is the thing.

[13:45]

But I think the thing is - and I will reiterate this again - the sort of 9-month, 12-month work permits was for temporary employment and it is what it says on the tin, it is a temporary sort of solution. Maybe there is a piece of work that needs to be done by a Government at some stage to decide actually what is our population and what we are going to do, are we going to continue in this direction of having people on work permits or are we going to look at what we need and maybe change it. That is something for a different day but I think ...

**Deputy H.M. Miles:**

Okay, that is about population policy, which is a different discussion entirely.

**The Minister for Justice and Home Affairs:**

Yes.

**The Minister for the Environment:**

Yes, but I mean short term is subjective, is it not?

**The Minister for Justice and Home Affairs:**

Yes.

**The Minister for the Environment:**

Your short term might be different to mine and I am sure employers would see it differently as well.

**Senior Manager, Customs and Immigration:**

I think it is important to point out that the employer has a choice to employ on the 9 month, 3 month absence, or on the 12-month route, by taking up to a maximum of 3 years. There is an expectation on employers to try and upskill their staff if they get a good employee and move them on to the skill route. It is set at 3 years maximum for most of those sectors to give those employers the opportunity to develop their staff and move them on, so the cost factors are reduced.

**Deputy H.M. Miles:**

How much evidence have we got that that policy is working?

**Senior Manager, Customs and Immigration:**

I think the split is about 80 per cent on temporary 9 month and 20 per cent on the 12 month rotating.

**Deputy H.M. Miles:**

What evidence have we got when we put on the 12 month rotating that employers have upskilled so they are going from the 12 month on to the skilled visa?

**Head of Service, Customs and Immigration:**

We have not got that data to hand.

**Deputy H.M. Miles:**

Okay, because that would be interesting to understand whether the policy ... because the policy was deliberately put in place to allow longer for training and development so that you would come off a temporary permit completely and go on to the skilled. It would be really good to understand which industries have succeeded in doing that and how they have done it.

**Senior Manager, Customs and Immigration:**

We are seeing people move from the temporary routes on to the skilled but we just do not have the statistics on it.

**Deputy H.M. Miles:**

It would be very interesting to understand and do some case studies around that.

**Head of Service, Customs and Immigration:**

Yes, we will go away and look at those statistics and we can always report back to you.

**Deputy H.M. Miles:**

Yes, that would be very useful.

**The Minister for Social Security:**

This is a conversation that we have had recently, is it not, around ensuring as well that employers and employees know those options and those career options as well. I saw something on social media where there was a case being talked about and I was thinking to myself: "Why in that particular case were they not thinking about moving on to a skilled visa?" So I think again employers need to ensure that they are fully informed about the options available to them, and also inform their employees about those options as well.

**Senior Manager, Customs and Immigration:**

Some of those temporary roles do not qualify for skilled work permits because of how they are graded.

**Deputy H.M. Miles:**

Yes, I understand that. Can you please advise us of what steps have been taken to provide additional support to small employers to help them ensure compliance with the Work Permit Policy?

**Senior Manager, Customs and Immigration:**

I think we treat employers in the same way when it comes to the Work Permit Policy. We have not had any approaches from small businesses looking for our support in making applications. We are aware that some small businesses that are not covered by our temporary routes or the skilled routes do struggle to recruit, but we do ask for sector-based business cases to be put on. What we do not want to do is provide an advantage to one employer over another by granting them the ability to recruit work permit holders without understanding what the sector is and the need of the sector.

**Deputy H.M. Miles:**

Okay, thank you. Very quickly - and I think the Minister for Social Security alluded to it - what steps are being taken to work with industry and trade unions to make sure that work permit holders have meaningful access to union representation and support?

**The Minister for Social Security:**

That is a conversation that I have with trade unions. I met with one trade union yesterday, I intend to meet with the other trade unions in the coming weeks. That is one of the topics of discussion that I have with the trade unions about ensuring that they are out there and that people know that they

can join. That is obviously the role for the trade union to go out there and speak within different sectors and obviously recruit within those sectors as well, but again the people working in those sectors need to know that that is their right, to be able to join a trade union and have that kind of representation as well. So that is part of that ongoing piece of work that I am trying to work with my communications team, so we are myth busting a lot of the time. I tried to do it with income support and now with employment rights as well.

**Deputy H.M. Miles:**

Thank you very much.

**The Connétable of Grouville:**

We are going to move on to questions about modern slavery and exploitation, if I may. Has the Minister for Justice and Home Affairs initiated a formal consultation on the introduction of modern slavery legislation for Jersey, as recommended by the review panel?

**The Minister for Justice and Home Affairs:**

No doubt people will know that I am keen to get some form of legislation, however, the operation of the U.K.'s (United Kingdom) Modern Day Slavery Act relies on systems we do not have. You have got your Gangmasters and Labour Abuse Authority and Independent Anti-slavery Commissioner. Obviously we are a very small community; legislation is time consuming and the reality is that we have had to balance this against other priorities, such as current ongoing work that you will all be aware of. It is important to stress that anyone who ... conditions amounting to modern day slavery, there are alternatives that we could put forward in relation to existing laws, potentially relating to the unlawful detention of a person or their treatment under employment law, and any reports of that nature would be thoroughly investigated. This is not the only thing that we can do; law is not the only thing. It is a moving beast in relation to the fact of changing the policies and making the permits ... giving people better support, and now with the resources in relation to the International Cultural Centre. What I have been doing, I have had discussions about people who have worked with modern day slavery in the U.K., and some of that is that they do not perceive that works that well anyway and there are not many prosecutions in relation to it. So I have made contact with somebody from the U.K. who has been providing me some other options, which I need to start looking at and I have not as yet done so. We will share those obviously with Customs and Immigration. I think there are a lot of things that we can be doing via policies that - until we are able to put the legislation in place - would be valuable. The Building a Safer Community ... and that is why I have got this big circle here to remind myself this morning about this because there is a lot of things that we can do ... and I have now forgotten what I was going to say. But one of my team is or has been looking at various things in relation to this but we have not got the policy time to be able to look into it deeper, and certainly have not got the ability in relation to law drafting time. So I think the thing is that there

is still work that I would want to do because I do feel like we need something. It is like with everything, you do sometimes have to have the specific legislation but you need to have the specific legislation that sits with your proper community. I do not know if Customs and Immigration have got anything that they want to add to that in relation to what I have just said.

**Senior Manager, Customs and Immigration:**

I think since the review was done in 2023 we have developed our knowledge and experience in modern slavery and exploitation to try and get a better understanding of what those terms mean and how the U.K. are impacted by both those areas. We have attended a number of conferences in the U.K. on modern slavery and we have sent 6 officers over to the U.K. to work with immigration enforcement on enforcement visits, attending properties and businesses where there are concerns about modern slavery and exploitation of staff. They found that really valuable. I think the interesting thing about U.K. legislation on modern slavery is that many of the cases that are brought before the courts in the U.K. are brought against immigration legislation and not modern slavery legislation. I think part of the reason for that is there is very limited case law around modern slavery and, therefore, immigration legislation is the more appropriate route to take.

**The Connétable of Grouville:**

Thank you for being so honest about that, Minister, but just to help the panel, do you think the timeline for this legislation will be prior to the election or post?

**The Minister for Justice and Home Affairs:**

Without a doubt it will be post because certainly from a policy time there are other policies ... now that the Police Complaints has been lodged, once that has gone through the Assembly the policy time will be put to hate crime. Of course, hate crime is across the whole of the community as well. I think Warrick makes a good point in relation to a lot of the legislation that has been brought forward in the U.K. is immigration, and it is as a result of my experience, having gone ... I had a secondment overseas where I think I have become interested in modern day slavery for the same point as the immigration staff are seeing. So we need to try and work out how and what kind of legislation we are going to be able to have for Jersey that does not have all of the administrative burdens that the U.K. does, because it is just not feasible with the population we have.

**The Minister for the Environment:**

As has been alluded, we have an Employment Law, you cannot unlawfully detain somebody and there is legislation in place which could help us out here. I think we all - as the Minister has shared - have limited resources especially for legislative work, and where you have laws that can help you, putting resources into producing a new law which may not be all that required, I do not know, when you have got so much other work to do, it is always challenging to reprioritise.

**The Minister for Justice and Home Affairs:**

You have just given me a thought process; it may be worth looking at whether there is anything that is in a modern day slavery type of legislation which you could potentially put some of those things into an immigration piece of legislation, I do not know. But it needs to be researched a little bit more, to be quite honest.

**The Connétable of Grouville:**

But it is good to hear from the panel's point of view that you are engaging ...

**The Minister for Justice and Home Affairs:**

Never off my radar.

**The Connétable of Grouville:**

... with stakeholders anyway. Thank you.

**Deputy C.D. Curtis:**

We might just try and ask number 30.

**The Connétable of Grouville:**

Number 30, okay, I will do that, yes, thank you.

**Deputy C.D. Curtis:**

We are nearly finished.

**The Connétable of Grouville:**

We have got 4 minutes and counting. Number 30 is to do with disputes and grievances. What measures has the Minister for Justice and Home Affairs considered or implemented to allow work permit holders a temporary stay while pursuing a workplace dispute or grievance, and how does this align with the principles of fairness and access to justice?

**The Minister for Justice and Home Affairs:**

Warrick, have we ...

**Senior Manager, Customs and Immigration:**

We do not necessarily hold records on the number of people that have raised a grievance. It is something that we are trying to work with on our system and develop that so that we can start collating some of this information. But we do try and deal with people in a pragmatic and

compassionate way so when they do come in and they do have issues we deal with them in the appropriate manner. Depending on the nature of their grievance, we will allow them to remain in the Island while that is being worked through. We might allow them to switch into other work permit employment as a result of that and in some cases, depending on the circumstances, we may request that individual to leave.

**Deputy C.D. Curtis:**

I will just finish with this concluding question. To conclude the hearing, please can we ask each of the Ministers if there are any additional points or updates not covered in previous questions that you wish to bring to the panel's attention?

**The Connétable of Grouville:**

They have gone very blank, Chair.

**Deputy C.D. Curtis:**

They are thinking.

**The Minister for the Environment:**

I think it is always difficult to strike a balance between the demands of industry and trying to make sure that people are properly housed and their permits are fair to them, as well as to the employer. I think that is always going to be an ongoing challenge and, as I said, I have got challenges in my own sector about how long we should allow people to stay in levels of accommodation which might not necessarily be making minimal standards. The Constable is well aware of that sitting on the Planning Committee. So that is an ongoing challenge. We set minimum standards but there will always be circumstances where people want to come to the Island, earn as much money as they can in a short period of time, send it all home, and then return themselves, and their level of accommodation is of less interest to them than others. But that does not necessarily mean we should be giving carte blanche to a particular sector of the economy to house people in what we might describe as substandard accommodation.

[14:00]

**The Minister for Social Security:**

Just to reiterate the point that this has to be a collaborative approach. In order to protect vulnerable people we all need to work together and we certainly as a Government have a commitment to working collaboratively across Ministers and across departments as well. It is something that we as a community need to really be clear on, to make sure that people do feel empowered to speak up if

they are being exploited, if they are being improperly treated, because we are the type of community where that is not acceptable.

**The Minister for Justice and Home Affairs:**

I could not have put it better myself. It is good that we have had this hearing because the thing is that - as Deputy Miles said - it is a bit of a change of a dynamic, but all of us want the same thing and feel that we need to keep working towards getting ... it is never going to be perfect because life is not perfect, but I genuinely believe that we are all working in the same direction to make things as good as they possibly can be, and give the people that do come here on work permits the confidence to walk into Union Street, Immigration, the police station, to actually report things. Because for me that is the critical thing, that when somebody says to me that they feel that there is elements that are happening, I want them to be telling me that because if they do not tell me that I cannot do anything. I think all of us in this room have the same wish that if somebody is really not being treated properly we want to be able to resolve that, and if they do not tell us then we cannot do that.

**The Connétable of Grouville:**

Can I say something briefly? Jersey Statistics came forward very recently to say that between 2019 and 2024 rest of world applications went up by 172 per cent, from 1,800 to over 5,000. This is a significant body of our population so it is great to know that we are all thinking in the same direction.

**Deputy C.D. Curtis:**

Thank you very much everyone.

[14:02]