

21.06.29

7 Deputy C.S. Alves of the Chair of the States Employment Board regarding centralised record of contracts (OQ.141/2021):

Further to Written Question 105/2021, will the chair provide his assessment of whether the current living wage eligibility criteria is fit for purpose and use in the Board's engagement of contractors, and state whether he is aware of any possibility for companies engaged by the States to avoid paying workers a living wage by allocating shifts that do not meet the minimum requirements?

Senator J.A.N. Le Fondré (Chair, States Employment Board):

The living wage criteria and parameters are not set by Government, so Government worked with Caritas to ensure the living wage criteria was adopted appropriately and delivered consistently. As outlined in the question, all contracts recorded centrally by a commercial services as meeting the living wage criteria have a provision and contractual agreement to meet the requirements. What I would say is we are not aware of any contractors being engaged that are not meeting their contractual obligations in relation to the living wage but obviously if the Deputy is aware of contractors that are not meeting their obligations I would be very grateful if she would forward those details to me and we will categorically follow them up.

5.7.1 Deputy C.S. Alves:

What checks, if any, are in place to see whether these contractors are fulfilling the requirements?

Senator J.A.N. Le Fondré:

I do not think we carry out an audit that specifically requires, for the sake of argument, where we go and sample check the number of hours that somebody is working. Obviously the requirement to make sure that if they are doing the requisite number of hours that they are subject to the living wage but obviously these are a case that it will be part of the contract and obviously if it is identified to us that a contractor is in breach of those obligations that will be absolutely followed up. As I said, I am not aware of any circumstances but very happy if the Deputy wants to pass on any information she may have, which I am assuming is the reason for the background to the question.

5.7.2 Senator S.Y. Mézec:

Is the chair of the States Employment Board aware of any contractors who are paying their workers less than the living wage because they are on old contracts that have not been renewed since the decision to require contractors to pay the living wage was made? If he is aware of whether that is still the case is he aware to what extent it may be the case?

Senator J.A.N. Le Fondré:

I am not aware to the extent. I do recall that there were some contracts which had a period of time left to run and therefore, on that basis, it will be when those contracts, if they have not already been renewed, come to be renewed, and if they meet the criteria, that they will then be required to make sure they are applying the living wage as appropriate. I do make the point, as we have said on many occasions, all the data in this kind of area is very difficult to bring together, which is why we have invested in the I.T. systems that we are investing in.

5.7.3 Deputy G.P. Southern:

May I ask when the last review was done over the effectiveness of our support for the living wage?

Senator J.A.N. Le Fondré:

Sorry, having said we do not do an audit on it and as contracts come to conclusion, if they are being renewed, they will be then subject to living wage. I am not quite too sure what else the Deputy is referring to.

5.7.4 Deputy G.P. Southern:

The question is about what reviews you have done over the existing situation? Would you have caught anybody not paying the living wage if you have not done a review? There must be some mechanism in the system, we are either for a living wage and engaged with it or we are not.

Senator J.A.N. Le Fondré:

Part (e) of the answer refers to 39 contracts are due to be reviewed during 2021 where the living wage terms are likely to be applicable. I do not have any additional information that suggests any further review beyond that.

5.7.5 Deputy C.S. Alves:

I would welcome meeting with the chair in order to avoid bringing it up in the public arena, so I hope that the chair will be happy to meet with me about this.

Senator J.A.N. Le Fondré:

Absolutely. I will ask my team to get that into the diary.