

### **3.13 The Deputy of St. John of the Minister for Social Security regarding the employees working on the Energy from Waste Plant site:**

What is the total number of employees working on the Energy from Waste Plant site; how many are paying Jersey Social Security contributions and, if any are not, in the event of an accident on the site, who meets the necessary medical costs?

#### **Deputy I.J. Gorst (The Minister for Social Security):**

Social Security collects information by the name of the employer rather than the location of the employee, so it is not possible for me as Minister for Social Security to answer this question directly. Information provided by the main contractor indicates that there are currently 331 employees engaged on this project of whom 195 are paying Jersey Social Security contributions.

[11:00]

Where non-Jersey subcontractors have been employed they are obliged to hold employer's liability insurance. The social security system, of course, in Jersey does not cover hospital treatment.

#### **3.13.1 The Deputy of St. John:**

Will the Minister undertake to ask his inspectors to visit the site and carry out an actual audit of those people who are not on the social security list of paying contributions and come back to this House giving us full figures of that audit and details of how these people are properly insured? Because many of them will be coming from E.U. (European Union) countries where no reciprocal health agreement is held.

#### **Deputy I.J. Gorst:**

There is absolutely no need for me to do that. My inspectors have already visited the site and therefore I am happy to confirm those numbers that I have just given to the Deputy. It would have been remiss of me to submit those numbers without some form of verification. The Deputy is absolutely right if an individual there comes from a country where there is no reciprocal health agreement and they are not employed by a Jersey subcontractor and therefore not paying social security contributions then it is my understanding that on this particular contract they were, in the first instance, expected to hold their own insurance. If, for some reason, that has not been the case then the employer has a liability insurance. If for some reason should they unfortunately sustain an injury, should it not be covered under that, then I understand that the actual Jersey subcontractor, as a matter of last resort, is prepared to fund those health costs.

#### **3.13.2 Deputy J.A. Martin:**

It is interesting to hear that the majority - I think you said 195 - are paying local social security, but would the Minister not agree that possibly this question would have been better directed to the Minister for Economic Development and find out how many of the 331 employed are over 5 years?

#### **The Greffier of the States (in the Chair):**

That would have been a different question, Deputy, I think.

#### **Deputy I.J. Gorst:**

I could not agree more with the Deputy; I am always happy if a questioner prefers to question someone else rather than myself. **[Laughter]** I cannot say how many of the 195 are under or over the 5-year licence requirement; that would have to be addressed to the Minister for Economic Development. I suspect, of course, on the other part, they are employed by a subcontractor and employed in a different jurisdiction. So perhaps the Deputy of St. John would like to address a future question to the Minister for Economic Development.

### **3.13.3 The Deputy of St. John:**

The question would always go to Social Security. This is a Social Security problem. Will the Minister give me details or give Members details of that 136 who are not paying social security in Jersey, where are they paying social security? If they are not paying social security, will he ensure that anybody working on Island, and particularly on building sites, must have Jersey social security, if they are not paying, whether it is in France or wherever their native insurance stamp would be paid?

### **Deputy I.J. Gorst:**

I am not sure why the Deputy thinks it is a Social Security problem. The licences to operate are granted by the Economic Development Department. Of course we have a duty to undertake from time to time inspections to make sure that people are appropriately paying where there is a liability to pay a Jersey social security contribution, but we cannot be held responsible for individuals who are employed under contract outside of the Island, whether they are paying contributions in their home jurisdictions or not. The fact that they are not paying contributions in Jersey means that they are not entitled to benefits under the Jersey Social Security Fund, unless of course we have a Social Security Reciprocal Agreement with that jurisdiction, but then we get into a much more complex area, which I do not think we really want to touch on today.

### **3.13.4 The Deputy of St. John:**

Given that the Minister is as slippery as the Constable of St. Clement, will the Minister please look up the Social Security Law because I am given to understand in my days as an employer if you employed anybody on Island who did not come over with their own social security arrangements in their own country they had to, under Jersey law, have a Jersey social security registration. It appears that that is not happening and therefore will he agree the States of Jersey, through their contractors, could be in breach of Jersey Regulations or Jersey law?

### **Deputy I.J. Gorst:**

I am pleased to hear that the Deputy, when he was employing individuals, had employed them and they were paying the appropriate contributions. What he is, I think, failing to grasp when he is asking me questions here is these individuals are not employed by Jersey companies; they are employed by the subcontractor in their home jurisdiction. I am not at liberty to say exactly what contributions ... or I do not have knowledge of exactly what contributions they should be making in their home jurisdictions. I try to hold as much information in as I can. It would not, I do not think, be feasible for me to understand exactly each Social Security Law in every jurisdiction of the world. If the Deputy is driving at another issue and what he is suggesting is that there are individuals who are employed in Jersey by Jersey companies and they are not paying their social security contributions then I would hope that he would let me know straight after we finish this question session and I

will certainly have my investigators look at those individual cases, as I asked them to visit the site to confirm that all was in order only earlier this week. Thank you.