

**4.4 Deputy G.P. Southern of the Minister for Economic Development regarding the conditions attached to the Regulation of Undertakings and Development licence issued to the company responsible for the construction of the Portelet development:**

Will the Minister inform Members of the conditions attached to the Regulation of Undertakings and Development licence issued to the company responsible for the construction of the Portelet development in respect of the number of local and non-locally qualified workers that can be employed on this project?

**Senator A.J.H. Maclean (The Minister for Economic Development):**

Sir, if I may I would ask my Assistant Minister the Constable of St. Clement to answer the question.

**Connétable L. Norman of St. Clement (Assistant Minister for Economic Development - rapporteur):**

It does not quite work like that; licences are not issued for each individual project or site. Members may know that 3-year staffing licences are granted to cover a business' ongoing operations. As Members will know from previous answers that I have given, in agreeing these licences we work very closely with the Social Security Department to support locally qualified persons into work. While answering this question I think it is fair to say that construction employment seems to be holding up extremely well, and at this present time that we have a record number of people working in the construction industry, some 5,500 at the moment of which 90 per cent are locally qualified.

**4.4.1 Deputy G.P. Southern:**

Can the Assistant Minister deny the statement that I have had reported to me that there are very few local people working on the Portelet site and that a gang of 50 or so has been imported from Ireland, where they cannot find work, because they will work for no extra on bank holidays and on Sundays?

**The Connétable of St. Clement:**

Clearly the Deputy would need to ask the contractor that question, but from the information I have that cannot be the case.

**Deputy G.P. Southern:**

I am asking the Minister to ask that question of the contractor.

**The Connétable of St. Clement:**

There is an inspectorate involved in the Population Office and if they felt that there was anything untoward going on with any business it would be investigated.

**4.4.2 Senator F. du H. Le Gresley:**

Will the Assistant Minister confirm that suitable checks are taken on the status of staff employed by sub-contractors on this site?

**The Connétable of St. Clement:**

I am not quite sure what the questioner means because everyone who is employed in the construction or any other industry has to be subject to the licence agreement of the business concerned, and every business will normally have a 3-year licence where

they have a maximum number of non-locally qualified people that they can employ, and certainly these checks are made on all businesses.

**The Bailiff:**

I will come back to you Deputy. I think, Deputy Hilton, I apologise for not having invited you to ask the first question.

**4.4.3 Deputy J.A. Hilton of St. Helier:**

During this period of growing unemployment among our young people, has the Minister considered re-visiting licences granted under the Regulation of Undertakings and Development Law, which allows businesses to employ non-locally qualified persons, and if not why not?

**The Connétable of St. Clement:**

This is almost identical to a question that I was asked a few weeks ago and I made absolutely clear that, yes, as licences do come up for renewal they are examined very, very carefully and reflect the current economic conditions, and certainly a significant number of applications have been made for non-locally qualified labour, which have been rejected or the numbers that have been requested have been significantly reduced.

**4.4.4 Senator A. Breckon:**

Maybe for my benefit, I wonder if the Assistant Minister could try to get the answers closer to the questions because in the original question it was to do with the company responsible and he told us about 3-year licences and how many people working construction are meant to be local. Specific to this contractor, could the Assistant Minister say what their actual terms are for employing people and how that applies to any sub-contractors that they might use?

**The Connétable of St. Clement:**

Yes, sub-contractors are subject to the Regulation of Undertakings and Development Law the same as main contractors and will have their own licences, which they have to abide by.

**4.4.5 Senator A. Breckon:**

Can I ask the Assistant Minister how that relates to any licence issue and the regulations in development?

**The Connétable of St. Clement:**

The vast majority of businesses have 3-year licences, which regulate the number of non-qualified staff that they are allowed to employ. It is as simple as that.

**4.4.6 Senator T.J. Le Main:**

We understand, if the Assistant Minister could assist me further, it is well known and recognised that all contractors have a licence issued - most of them 90 per cent local, 10 per cent non-local - but contractors with large contracts have been given dispensation from this in the past, whereby for the duration of the contract they were allowed to take on unqualified under 5-year labour for the duration of the contract. So is that still the case?

**The Connétable of St. Clement:**

Yes, the department will receive requests from time to time from different types of businesses who might require additional staff for seasonal activities but for short term reasons - that would be the amount of work they have in hand, specialist labour - and those requests will be considered, again looking at the availability of local labour, working closely with the Social Security Department and a decision made on the merit of the application. I think it is worth saying at the moment that the construction industry is finding great difficulty in recruiting tradesmen across all areas, and that shows the current buoyancy of the construction business.

**4.4.7 Deputy C.F. Labey of Grouville:**

How many inspectors are employed to police these issues and would the Minister or Assistant Minister say if this is an adequate number?

**The Connétable of St. Clement:**

It is my recollection that we currently have 2, which is 2 more than we had about 2 or 3 years ago. Whether it is adequate or not is a matter of judgment but it would seem at the moment to be sufficient. Clearly if there were more, like in any policing area, a lot more areas could be covered, but does seem adequate at the moment.

**4.4.8 Deputy P.V.F. Le Claire:**

No doubt in the new proposals that are coming forward some of these issues will be addressed, but nevertheless the issue of 'white van man' coming off the boats late on Friday night or early Monday morning has been an issue in Jersey for a number of years. Given that the Minister's portfolio covers the harbours and airport, what measures are being taken, if any, or could be considered, to undertake to investigate whether the people coming off with work vans have actual licences that they are coming off to work with?

**The Connétable of St. Clement:**

Yes, regular inspections are carried out at the harbour to cover the sort of situation described by the Deputy, and it is fair to say that the vast majority who are spoken to and inspected do have the required permissions.

**4.4.9 Deputy P.V.F. Le Claire:**

Can I ask because I used to work down the harbour directing traffic off the boats, it never happened when I was there for the 3 years I was there, I just want to know, when, how, who is doing this work and how often? You have 2 inspectors; are those inspectors both down there doing that?

**The Connétable of St. Clement:**

As I said, the spot checks are carried out but they are not there permanently, but the evidence that we have is the vast majority of those who are coming off and who are inspected do have the required permissions. I am not sure how long ago Deputy Le Claire was working at the harbour but it may well have been before there was a Regulation of Undertakings and Development Law.

**4.4.10 Deputy J.M. Maçon:**

Just going back to the 2 enforcement officers, can the Assistant Minister please explain their status? Are they 2 full-time permanent posts, or is one full-time and one temporary, et cetera?

**The Connétable of St. Clement:**

Yes, they are 2 full-time permanent officers.

**4.4.11 Deputy J.A. Hilton:**

Just as a supplementary to my previous question; is the Minister able to circulate information outlining the recent applications by large retailers showing exactly where their applications for non-qualified workers ... he said that they had either been reduced, they had been knocked-back completely or they had reduced the number of licences granted. Could he circulate that information for us please? Thank you.

**The Connétable of St. Clement:**

Yes, this information was contained in answers I gave a few weeks ago and I will be pleased to re-circulate it.

**4.4.12 Deputy G.P. Southern:**

The person who got closest to the correct question to ask was Senator Le Main and it is a joy to work hand in hand with him as ever but in answer to his question as to whether you can be exempt from R.U.D.L. (Regulation of Undertakings and Development Law) if you are sub-contracting on a short term contract, and the question is, does that practice still exist and has an exemption been granted in this particular case? Are we talking about a gang of people imported from Ireland to replace shortage of workers over here? Is that the case? Is that happening with this particular site? Is their short-term contract, which is exempt from R.U.D.L., the 90:10 ratio?

**The Connétable of St. Clement:**

No.