

## **2.7 Deputy S. Pitman of St. Helier of the Minister for Economic Development regarding staff conditions on the Condor Ferries route from Portsmouth:**

Following reports that Condor Ferries are operating 2 vessels from Portsmouth with crew paid as low as £2.35 per hour, is the Minister concerned that Jersey has become a port of convenience for exploited seafarers and that the health and safety of Islanders travelling by sea could be at risk if ferry staff are working long shifts on a 3-month rotation?

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

On the face of it, this headline wage rate sounds unacceptable. However, there are other facts reported to us by Condor that should be considered: 90 per cent of the crew of Condor are recruited from within the European Union, and although a minority are recruited from the Ukraine, this is common practice by many shipping companies internationally. The Ukraine crew members are volunteers, who live aboard the vessels, which are the conventional freight ferries. We understand that all Ukrainian crew enjoy other benefits, which include free transport to and from Ukraine, as well as comprehensive medical and dental cover. In addition, all food and lodging during the 12-week stay on board is provided without deductions. The ships concerned are bound by U.K. legislation as they come and go daily into U.K. waters. That legislation covers qualifications, safe manning and hours of work. The shifts and the standards that the crew operate under are subject to inspection by qualified staff from the U.K. Maritime and Coastguard Agencies. So for these reasons, the answer to the Deputy's question is no, I do not think that Jersey has become a port of convenience or exploits seafarers, nor do I think that the health and safety of Islanders travelling by sea is at risk.

### **The Bailiff:**

A supplementary?

#### **2.7.1 Deputy S. Pitman:**

Given that inside sources inform that these workers work for 3-month periods at 12 hours per day before getting a month off, these wages are both way below the U.K. and Jersey minimum wage and way outside of U.K. and E.U. (European Union) legislation on working hours. Is the Minister at least not concerned about potential health and safety issues?

### **Senator A.J.H. Maclean:**

I would always be concerned about potential health and safety issues, and what I would say to the Deputy is that if she has some evidence, then please provide it to me and I will ensure that the matter is investigated fully. I picked up one point that she mentioned in that second supplementary question, and that was that they get 4 weeks off. I believe they get 6 weeks off, as far as I can understand, but anyway, I would like some evidence if there is any.

#### **2.7.2 Deputy M. Tadier:**

I am sure the shareholders and customers of Condor would be grateful for those reassurances which were put over by the Minister. Will the Minister use his influence to talk to Condor and maybe suggest that the senior management should also be sourced from Ukraine perhaps in a volunteer capacity so that those significant savings could then be passed on to Jersey customers who constantly seem to complain that they are facing high prices to get off this Island?

### **Senator A.J.H. Maclean:**

I think Members, and Deputy Tadier included, seem to think that this is a matter that is solely one that Condor deals with. There are shipping companies around the world that operate in a similar fashion, and in fact, the Ukraine specialist recruitment agency, maritime recruitment agency, deals with 50 shipping companies. This is not unique at all, and we must bear in mind the context of this issue.

### **2.7.3 Deputy M. Tadier:**

A supplementary. The Minister seems to be using the argument that because other countries seem to engage in certain practices we should therefore do the same, and one could of course cite examples of sweatshops in India and other forms of exploitation. Will the Minister just confirm whether he is comfortable as the Minister for Economic Development in Jersey that people are being paid by a company that serves Jersey at an hourly rate which has been quoted at £2.35, while that rate would be completely unacceptable were it to be paid locally to Jersey residents or even to U.K. residents working for Condor?

### **Senator A.J.H. Maclean:**

As the Deputy points out, this is not just a Jersey matter, it is also a U.K. and international matter. Am I comfortable? I think I made the observation in my opening remarks that at face value this does not seem acceptable. £2.35 an hour is not a rate that I like the sound of, but we have to meet competitive issues which the Island faces. We are meeting and the company itself is meeting international standards in all respects. It is meeting its obligations of existing legislation. That is all it can do, and we have to ensure that it does it on a local basis as well.

### **2.7.4 Deputy R.G. Le Hérissier:**

Would the Minister not acknowledge that this is likely to apply to all aspects of the ferry company staffing? Is this a result of the kind of contract or the kind of agreement which the States has made with Condor that it is necessary for Condor to pay quite frankly fairly derisory rates to its staff, which is making a lot of people on this Island feel exceptionally uncomfortable?

### **Senator A.J.H. Maclean:**

No, it has not anything to do with the commitments and the contractual arrangements or anything else. As I have said, this is an international issue. Some of the largest operators, shipping companies, P&O routinely use or source their staff from similar places, so this is not unusual. We may not like it at face value, but it is a fact of life and as long as the companies, Condor included, are meeting international legislation, our own legislation, then there is very little that we can do about it. The Deputy may well be aware that a fairly prominent U.K. politician has raised this matter in parliament.

### **2.7.5 The Connétable of St. John:**

Given that the contract for Condor or for the route north and south is due to be reviewed by the E.D.D. (Economic Development Department), will the Minister make sure that in any contract being put in place that a minimum wage, whether it is made up in part through dental, through health, insurance *et cetera* is at least achievable by those members of staff within that contract, i.e. as I say, made up through direct lodging and air routes *et cetera*, but at least as long it meets the minimum wage, please?

### **Senator A.J.H. Maclean:**

No, I regret that I cannot for 2 reasons. First of all, the Condor ships are registered outside of Jersey, and secondly, Article 101 of the employment law states that the law only applies to employment where the employee works wholly or mainly in Jersey. Therefore, this issue sits outside of Jersey legislation as far as employment practices are concerned.

### **The Connétable of St. John:**

A supplementary, please, Sir.

### **The Bailiff:**

Yes.

### **2.7.6 The Connétable of St. John:**

Given that the ships ply between Jersey and the U.K. and Jersey and France and that that is the only routes they operate on, would the Minister not agree that they are employed mainly or wholly in Jersey?

**Senator A.J.H. Maclean:**

That is not my understanding. However, I am very happy at the request of the Connétable to seek a further legal opinion on the matter, but as I understand it, that is not the case and therefore this matter does not fall under Jersey legislation for employment purposes.

**2.7.7 Deputy S.G. Luce of St. Martin:**

Is the Minister aware of how many hours these employees are allowed to spend ashore during any time period of employment?

**Senator A.J.H. Maclean:**

No, I am not.

**The Bailiff:**

Deputy Martin, then a final question from Deputy Pitman.

**2.7.8 Deputy J.A. Martin:**

Yes, the previous answer, about 3 times, the Minister said that this is not just a Jersey problem, it is Jersey, U.K. and international, but surely what the Connétable of St. John is saying, it is our problem because the majority is between the U.K. and the Channel Islands, and we are condoning this. I find it interesting to say they get free dentistry. Well, if they are getting free dentistry in Jersey, they are probably on £50 an hour, but that is an aside. I just think the Minister is hiding behind international law but really we have Regulations of Undertakings and Development, we have the licensing conditions of Condor coming into Jersey, Guernsey and the U.K. and we should not be condoning people working for nothing or on a volunteer basis.

**Senator A.J.H. Maclean:**

I think I need to be clear here. I am not saying that I am condoning this, I am merely pointing out what the facts are, and the facts are quite simple, the matter of the employment and the rates of pay for staff working on these vessels is outside of employment legislation in Jersey. In fact, the company that employs these staff are a Guernsey-based company, but nevertheless, the issue as far as law is concerned relates to where they operate. They do not, as I have said, operate wholly and fulltime in Jersey waters and therefore fall outside of our legislation.

**The Bailiff:**

A final question then, Deputy Shona Pitman.

[10:45]

**2.7.9 Deputy S. Pitman:**

Yes. Does the Minister therefore not agree that as the Condor Ferries work between Jersey on several routes and come to Jersey that this does not look good for the Island and the fact that he as the Minister, is not saying anything and not taking any steps to try and do something about this does not look good for him and the Island?

**Senator A.J.H. Maclean:**

I do not think it looks any better or any worse than it does for the U.K., where the ships regularly visit; France, where they regularly visit St. Malo, Guernsey or ourselves. As I have said, it is a Guernsey company also that employs the staff or organises the employment of the staff. It is not a matter that we have any influence over. We have to bear in mind if we were to seek to condition through contractual arrangements - if that were possible, which I do not believe it is -

then it would add additional cost and make the cost of travel to and from the Island potentially more expensive. Yes, there should perhaps be something done on an international basis but that is another matter.