

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2015**

Question

Recently the Health and Social Security panel learned that the Social Security department used the services of around 40 individuals employed through an agency on zero hours contracts working regularly 9 to 5 hours and with 11 having been with the department for over 12 months.

Does the Minister consider that this practice breaches the guidelines laid down by JACS concerning the use of zero-hours contracts as -

1. there is a mutuality of obligation involved here
2. regular hours are being worked and that a fixed term contract would be far more appropriate
3. these contracts should have been reviewed with the employee after 6 months at least

To what extent is this practice governed by FTE manpower quotas set by the States governing the department's employment practice?

Does the minister consider that her use of zero-hours contracts in this manner sets a poor example of employment practice since these workers miss out sickness and pension rights?

The Minister revealed that a quarter of current staff (some 60 plus) have been transferred from agency work to contracted work over the past few years. How does this practice fit in with current States policy on voluntary release and non-replacement?

Answer

The Department does not currently employ any individuals on zero-hours contracts.

In the case of temporary agency staff, the agency is the employer of the staff. The Department reaches an arrangement with a temporary agency to provide resources to meet particular short-term requirements. Any mutuality of obligation that may arise is between the agency and the agency employee.

The Department typically uses temporary agency staff to undertake one-off tasks such as setting up new Back to Work initiatives, dealing with specific projects or peaks in workload. The Department's decision to engage temporary agency staff for these tasks accords with the JACS guide. The Department generally uses temporary agency staff for work that is regular (e.g. on a daily or weekly basis) but is initially expected to be for a short period of time. In this situation, the JACS guide advises an employer to "*think about using an agency or a variable hours contract.*"

As a general rule within the States of Jersey, temporary agency staff are expected to be used for short-term temporary assignments. Where a person has been engaged within the Department for a total of more than 12 months, in most cases they will have been initially assigned to a short-term task that has been extended. In some cases an agency temp has been reassigned within the Department by the agency to work on a different project.

The Minister considers that the Department's current use of temporary staff is appropriate given the Department's obligations. The Department must be able to act quickly to set up new projects and initiatives, provide support to customers following changes in legislation, pilot new ideas where permanent funding has not been established and cover short-term fluctuations in workloads.

The Minister is reassured that the Department keeps its use of temporary agency staff under regular review. The fact that around a quarter of the Department's current staff have secured permanent roles after being placed in the Department by a temporary agency demonstrates the Department's commitment to engaging and employing staff directly. Where it has been agreed that a position will be lost through the States voluntary release programme, this position will not be replaced, either by engaging temporary staff through an agency or by a contracted States of Jersey employee.