

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 2nd FEBRUARY 2016**

Question

Will the Minister inform members what specific elements, relating to the Employment (Jersey) Law 2003 or otherwise, were being inspected in the 6 inspections of care agencies referred to in written question 9148, tabled on 19th January 2016?

What powers do enforcement/compliance have when conducting such inspections, in particular in relation to the accuracy of the contracts issued in relation to the employment conditions practised? How many of the 22 agencies mentioned in the answer use “zero hours” contracts which fit the guidelines issued by Jersey Advisory Conciliation Service (JACS) on the appropriate use of such contracts?

Does the Minister intend to consider a more proactive approach to regulating this sector, or will reliance continue to be placed on individual complaints to JACS or to Social Security officers?

Answer

In the course of the six inspections referred to in the previous written question 9148 dated 19/1/2016 on this subject, the Social Security Department’s Contributions and Enforcement officers inspected the following items, which are routinely inspected in any such inspection:

- 1) Whether written terms of employment that comply with the law have been issued for all employees
- 2) Whether payslips have been issued and contain the required information
- 3) Whether a rate of pay at least equal to the minimum wage is being paid

Enforcement Officers have powers under the Employment (Jersey) Law 2003 to enter premises to inspect and require an explanation of records kept in relation to the Employment Law, and to require the production of any other information required in order to establish whether the law has been complied with. If issues are found with written terms of employment, these issues are highlighted and the Officer advises the employer to take advice from the Jersey Advisory and Conciliation Service (JACS).

Enforcement officers do not keep records of the types of employment contracts that each employer issues. Of the 9,469 client queries received by JACS during 2015, no client queries or complaints were received relating to use or inappropriate use of zero-hours contracts in relation to domestic care agency work.

The Health and Social Services Department’s Approved Provider Framework ensures that all approved providers are subject to quality assurance inspections. There is no evidence at this time to justify introducing specific regulation of the employment practices of domestic care agencies. No relevant issues have been raised with JACS or with Enforcement officers. As stated in answer to written question 9148, if the Deputy is aware of individual cases where employees are not receiving their entitlements under the Employment Law, he should advise the affected individuals to seek advice from the Jersey Advisory and Conciliation Service, or to contact the Social Security Department.