

2016.02.02

5.16 Deputy G.P. Southern of the Minister for Social Security regarding an examination of the working terms and conditions for domestic care workers:

Will the Minister agree to a wide-ranging examination of working terms and conditions for domestic care workers to examine whether some means of regulation of these conditions should be introduced?

Deputy S.J. Pinel (The Minister for Social Security):

No evidence has been provided to me that would justify examining terms and conditions for domestic care employees. As I explained in my written and oral responses to the Deputy's questions at the previous sitting, and my written response to the Deputy's question for this sitting, no complaints or issues have been raised with the Jersey Advisory and Conciliatory Service or with enforcement officers in relation to this group of employees. I must emphasise again that if any domestic care employees have concerns about pay or their terms of employment, the appropriate route for them is to contact J.A.C.S. (Jersey Advisory and Conciliatory Service) or my department.

5.16.1 Deputy G.P. Southern:

Is the Minister aware that it is perfectly possible for a domestic care worker to work a 12-hour day and only be paid of the order of 8 hours' contact time during that day? Are those terms and conditions which she finds acceptable on this Island today?

Deputy S.J. Pinel:

As I have mentioned before, there is no evidence of any complaints received whatsoever. The Jersey Advisory and Conciliatory Service has confirmed that of the 9,469 individual inquiries they received in 2015, no client queries or complaints were received on the issues raised by the Deputy's question.

5.16.2 Deputy M. Tadier:

Does the Minister accept that there is often a asymmetric power relationship between employers and employees and that wherever there are employees who may be running around busy and often driving around in this case, juggling family commitments and work commitments, that they are not necessarily well placed to contact J.A.C.S. or make political representations and if so, would she consider being proactive about putting out a press release to say that she would like to hear from employees both relating to questions 16 and 18 if they feel that they are being exploited in any way or that their terms and conditions could be enhanced for greater productivity?

Deputy S.J. Pinel:

I think the department has been proactive. Social Security has already taken appropriate actions. We provide the funding for J.A.C.S. to make sure that employees can get free, independent advice. We inspect businesses to make sure that employers are following employment and social security legislation. There seems very little point in trying to exacerbate a situation that does not exist.

5.16.3 Deputy M. Tadier:

The Minister seems very sure that this situation does not exist but as I have said to her, it may well be the case and I believe it is the case in many cases, that simply the problem is there but the employees who are affected either do not have the time or the wherewithal to make the right channels known of the issue. So does the Minister accept that that may be the case and that she, and her department, need to be aware of that?

Deputy S.J. Pinel:

The department is aware inasmuch as there have been no queries about this issue. I think that we do as much as we possibly can with J.A.C.S. and the department advisers are always available. Inspectors conducted 6 inspections last year: I am not quite sure what else the department is supposed to do.

5.16.4 Deputy G.P. Southern:

When the Minister says that these 6 checks examined whether written terms of employment that comply with the law have been issued for all employees, does that mean that the terms of employment should match the terms of actual employment in that they are often zero-hours contracts when the real work is done over consistently 45 hours a week rather than zero-hours?

Deputy S.J. Pinel:

The inspections of the care agencies, conducted by the Social Security enforcement officers, collect information that indicates that the agency carers generally work on a shift basis rather than a per client basis and in some cases, officers found that the employer pays an allowance for the employee to use their own car and no minimum wage issues were evident from the inspections and there are no recorded incidents of circumstances described.

Deputy G.P. Southern:

Do the ...

The Deputy Bailiff:

That was your final supplementary on a final supplementary.