

3.4 Deputy G.P. Southern of the Minister for Health and Social Services regarding his assessment of whether health and safety concerns arose in relation to the delivery of home care: [1(274)]

What is the Minister's assessment of whether the combination of pay levels, shift patterns, policies for non-payment of travel time and terms of sick leave, as well as the use of zero-hours contracts, gives rise to health and safety concerns in the delivery of home care to clients in Jersey? If the assessment is that there is no such concerns, why is that the case?

Senator A.K.F. Green (The Minister for Health and Social Services):

As I have said on previous occasions, terms and conditions of employment are a matter between the employer and their employee. I do not agree that the terms and conditions issues that the Deputy raises give rise to health and safety concerns in terms of home care experienced by patients. I would question the Deputy's implication that, in effect, such issues determine the standard of care received by patients. Those dedicated home care workers, who are engaged on zero-hour contracts, part-time, or full-time contracts, deliver high standards of care and I am sure those workers would take issue with such a negative assertion. If anyone is in receipt of home care through the long-term care scheme, they will be receiving the same safe standard of care, regardless of which approved provider delivers it.

3.4.1 Deputy G.P. Southern:

Does the Minister not accept there is a risk to health and safety by the use of shifts, split shifts any time during a week day of 7.00 a.m. to 11.00 p.m., which is what happens? For example, a particular home carer was paid for 12 hours contact in a 15-hour day. Does the Minister think that there is a risk to the safety of any actions taken at the end of 12 hours on shift at the end of a long evening?

Senator A.K.F. Green:

Approved suppliers are obliged by the law of the Social Security Department to have a health and safety policy and to make a statement to that effect. The Deputy keeps coming back. I admire his persistence, but I have got nothing more to add. The terms and conditions are a matter between the employer and the employee.

3.4.2 Deputy M. Tadier:

There is a risk, with these kind of continued answers that we are going to start calling him Senator Pontius Pilate, because he seems to wash his hands of all responsibility when it comes to the wellbeing of healthcare workers in Jersey. But, let us look at this, perhaps, from a patient's point of view, if not about workers' wellbeing. Is the Minister concerned that if we have people, who are going into work when they are genuinely ill, because they are worried about being financially penalised for not going in and they simply cannot afford it, is that not something which is a risk to the patients themselves, quite forgetting about the workers?

Senator A.K.F. Green:

Absolutely, and if a member of staff is doing that, that matter should be taken up with their employer, because it is not good practice.

3.4.3 Deputy M. Tadier:

Is the Minister confident that, with the new terms and conditions in place, there will be a perfectly symmetrical parallel relationship between the employer and the employee to go in and say: "I am suffering from a continual illness here, partly because I am having to work very

long hours, which I am not being paid for and, therefore, I am becoming sick”? Does he expect the employer to be sympathetic to that employee?

Senator A.K.F. Green:

I think it would be very unwise for an employer to be unsympathetic, but employment conditions have to be looked at in the round. I am not going to get drawn into which employer provides the best employment opportunities, which employer has the best rates of pay. It is the package, as a whole, that should be looked at and that is a matter for the employer and the employee.

3.4.4 Deputy S.Y. Mézec:

Does the Minister agree that there is a connection between safety standards and the working terms and conditions for care workers?

Senator A.K.F. Green:

Provided the employer is complying, which they are obliged to, with the Social Security Department's health and safety legislation, there is no risk.

3.4.5 Deputy S.Y. Mézec:

That was a completely contradictory answer, but a supplementary question is: at what point would the Minister consider it worth intervening? Is there, literally, no conceivable circumstance where terms and conditions for these workers are deteriorating so badly that he would finally see sense and decide to intervene and say: “No, these terms and conditions are not in the interests of the patients, who are being cared for by these workers”, or does he, literally, think there is no conceivable circumstance where he might seek to stand up for this valued and noble profession?

Senator A.K.F. Green:

If the Deputy has proof that the service has deteriorated as a result of changes in terms and conditions, then bring it forward, but that is not the information I have.

3.4.6 Deputy G.P. Southern:

The Minister repeatedly tells us he has no responsibility for the relationship between employer and employee. However, he does bear some of the responsibility for ensuring that the service, that he is commissioning to be delivered, is in fact a safe one. Is he content, for example, in a job where travel to people's homes is intrinsic to the daily work, that travel time should not be paid by some companies that we are commissioning to deliver this service? Does he not consider the non-payment of travel time an anomaly which is, quite frankly, beyond belief?

Senator A.K.F. Green:

You have to look at it in the round and the whole package. Some employers make an allowance for travel time; some employers make a payment for travel time. That is a matter between the employer and the employee.