

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 30TH JANUARY 2018**

**Question**

Will the Minister inform members what actions, if any, she has taken in response to the Scrutiny Report 'Zero-Hour Contracts' (S.R.3/2016) following the publication of the Ministerial Response and, further to previous questions on this matter, what new evidence, if any, she has that the use of zero-hour contracts in the Jersey economy is appropriate?

**Answer**

As noted in the latest recommendation of the Employment Forum ([R.140/2017](#)), "*The Minister wrote to the Forum in July 2017 following the release of the UK government report "Good work: the Taylor review of modern working practices" which recommended that zero-hour contract workers in the UK should have the right to request guaranteed working hours. The Minister noted that Jersey's Employment Law already provides a right to request a change to the terms and conditions of employment relating to the hours, times, or location of work (which is known as the right to request flexible working).*

*The Minister noted that she had already directed the Forum to consider whether this right should be extended so that it applies to all employees, instead of just employees with caring responsibilities, and whether the qualifying period should be removed or reduced from 15 months. The Minister considered that this may be a good option to help employees who would prefer to work fixed hours each week, while allowing zero-hour contracts to continue to be used by those who value their flexibility. The Minister asked the Forum, as part of its decision-making process in this review, to bear in mind any potential changes within the additional context of zero-hour contract employees."*

The Forum recommended that "*the qualifying period for the right to request flexible working should be removed in order to provide a day-one right. The Forum notes that a right to request a change to the contracted times and hours of work is likely to make a significant difference to zero-hour contract employees.*"

The Minister is pleased to advise that she intends to accept this recommendation from the Forum. Legislation to give effect to this change will be presented to the States for debate on 20 March 2018. The Minister agrees that this is likely to make a significant improvement for zero-hour contract employees. From September this year, all employees will have a day-one statutory right to request a change to their terms and conditions of employment, for example, so that the contract more accurately reflects the hours that are typically worked, or to request a specified number of contracted hours. The employer will be required to formally consider and respond to that request.

As committed in response to the Scrutiny Panel's Report on zero-hour contracts, the Minister agreed to improve publicity and circulation of guidance on zero-hour contracts to ensure that employees are clear on their existing rights and that employers understand their obligations under this type of employment contract. JACS continues to provide guidance and advice to businesses and individuals, seeking to ensure that both parties understand the nature of a zero hours relationship, including when they are and are not appropriate, the advantages and the disadvantages, as well as providing template zero hours contracts. Unlike in the UK, those working under zero hour contracts in Jersey are likely to be classed as employees and therefore will receive the same protection under the Employment (Jersey) Law 2003 as other employees.

New evidence relating to zero-hour contracts was provided in the report on the latest Jersey Opinions and Lifestyle Survey (JOLS 2017) which asked about contracted hours and hours worked:

- 1 in 20 (5%) employees said their main job is on a zero-hour contract.
- men on ZHCs reported usually working 39 hours a week, which was not significantly less than men on other contracts, who usually worked 40 hours a week
- women on ZHCs usually worked 23 hours a week, 14.5 hours less than other women

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