

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 16TH JANUARY 2018**

Question

Given the definition of zero-hours contracts from the Jersey Advisory and Conciliation Service (JACS) that they are “*arrangements where people agree to be available for work ‘as and when’ required but that no particular number of hours or times of work are specified*” and that “*these contracts are also used by Temporary Staff Agencies that supply temporary staff to other organisations but where there is no guarantee that work will be available*”, will the Minister advise –

- (a) whether this definition applies to zero-hour contracts used by her Department and whether her Department continues to recruit staff from employment agencies for whom there is a “*mutuality of obligation*” (in that the both employer and employee expect regular hours to be required and supplied, albeit sometimes on a short term 6-monthly basis);
- (b) if so, whether she has undertaken any assessment of the appropriateness of continuing to use zero-hour contracts for these placements and whether she has reviewed on a regular basis the terms of the zero-hour contracts of such staff, as recommended by JACS; and
- (c) what hourly rate these staff receive and how that compares with other employees doing similar tasks, along with any further differences in terms and conditions?

Answer

Social Security engages Recruitment Agencies to supply temporary workers to work in the Department. These temporary workers are not employed by the Department – they are employed directly by the Recruitment Agencies. Their contractual arrangements and any mutuality of obligation that may arise are a matter for the recruitment agency and the individual.

The Minister considers that the Department’s current use of temporary workers 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 Department’s decision to engage temporary agency workers for these tasks accords with JACS guidance. The Department generally uses temporary agency workers 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.”

The Minister is reassured that the Department keeps its use of temporary agency workers under regular review. The fact that around a quarter of the Department’s permanent workforce secured roles after being placed in the Department by a temporary agency demonstrates the Department’s commitment to engaging and employing staff directly.

Agency workers hourly rates vary depending upon the requirements of the role that they are hired for. Temporary roles, by nature are often different from permanent roles, and agency workers would not usually take on the full responsibility of a permanent employee.

However, it is the States of Jersey policy to encourage agency workers to apply for permanent employment, at the earliest opportunity, should the business require it. Agency workers are contracted by recruitment agencies, rather than the States of Jersey. Terms and conditions are therefore agreed between the agency and temporary agency worker.