

2019.06.04

10 Deputy G.P. Southern of the Minister for Social Security regarding the inappropriate use of zero-hours contracts: (OQ.151/2019)

What actions, if any, will the Minister take to ensure that any inappropriate use of zero-hours contracts and other similar employment arrangements, is addressed and reduced; and to what timescale will she undertake this work?

Deputy J.A. Martin (The Minister for Social Security):

Earlier this year, the ministerial team agreed to look at the inappropriate use of zero-hour contracts in 2020. Any actions relating to the zero-hours, if there is inappropriate use, will come out of this work. So the timescale is 2020.

4.10.1 Deputy G.P. Southern:

Is the Minister aware of the advice by Brian Sanderson of the U.K.'s Low Pay Commission that the Government in the U.K. examine the use of what it calls zero-hours contracts, to include a right to switch to a contract which reflects your normal hours, so something that accurately reflects your hours, a right to reasonable notice of work schedule and compensation for shift cancellation, or curtailment of reasonable notice? Will the Minister act on these items?

[10:45]

Deputy J.A. Martin:

We have already; we changed our policy on zero-hour contracts, I think, in 2015. The U.K. have something called a 'worker', they have no rights, they are not recognised under unfair dismissal; they are not entitled to holiday pay and we do not have that. Anyone who has a contract, whether it is an hour a week, an hour a month, there is a contract. It is recognised under the Employment Law and you can take them to J.A.C.S. (Jersey Advisory and Conciliation Service), you can take them to the Employment Tribunal and you are entitled to holiday pay, you are entitled to breaks, you are entitled to the minimum wage. Again, the Deputy is not comparing like to like. But I have not put this out; I am absolutely against the inappropriate use of zero-hour contracts and I will be looking into it.

4.10.2 Deputy M. Tadier:

Can the Minister give any examples of the inappropriate use of zero-hours contracts that may be occurring in Jersey?

Deputy J.A. Martin:

No. That is why I want to look into it. I am informed by Deputy Southern he has many. We took this to J.A.C.S. and Deputy Southern again was around the table and J.A.C.S. said it was not their top priority and that is rest breaks and holiday pay and that is the first thing; that is why I am doing that this year and zero-hours next year. I can only go by what the professionals tell me.

4.10.3 Deputy M. Tadier:

Would the Minister confirm that in all her 17 years as a Deputy for St. Helier that she has never once come across a constituent complaining of the inappropriate use of a zero-hours contract?

Deputy J.A. Martin:

I really do not want to disappoint the Deputy, but I have come across many injustices and maybe one or 2 in the 17 years, but maybe it is because people get known for what they are known and I know a lot of people, I am told by Deputy Southern, go to him. I normally had housing issues - I still do - and income support issues and different sorts of benefits. But, hand on heart, no, it has never been one that people have been coming to me saying they are being abused. But I am out there to listen and will do the work.

4.10.4 Deputy K.F. Morel:

Would the Minister be able to confirm whether the Customer and Local Services Department uses zero-hours contracts and, if so, how many and whether any of them are used inappropriately?

Deputy J.A. Martin:

We have had this question by Deputy Southern. I am not the Minister for Customer and Local Services, but from memory, when we had a written question from ... sorry, it was not Deputy Southern, I think it was from Deputy Ward, might have been Deputy Tadier, about how many were in Social Security being employed on zero-hour contracts - I go back about 3 months - and there were none.

4.10.5 Deputy R.J. Ward:

I promise you there is a question coming. One of the issues recognises a lack of consistency with social work for some of our vulnerable families. Is it a by-product of having short-term workers in the Social Security, who are transient staff, because there is quite a turnover of staff, it seems. I have constituents and one of the issues they have is they do not see the same member of staff consistently and when they are vulnerable, or on long-term care and may have experienced social workers where they have seen a different social worker again and again, is it not a problem for them to engage effectively with Social Security, because they do not have consistency of members of staff, regardless of the hard work I know that the members of staff do there?

Deputy J.A. Martin:

Sorry, I think the Deputy is confused. The social worker part of long-term care comes under the Minister for Health and Social Services, delivered in Customer and Local Services. I do understand what he is saying, though. If you are vulnerable and you want to see the same person I do not think it is because we have the biggest turnover of staff. Customer and Local Services, as everyone knows, has gone through a massive transition and that is because we want to get those in and out very quickly who do not need a lot of help, so these particular cases, when we settle down, they will have a lot more one-to-one and they will speak to someone and they will give them the time that they absolutely need. So, I am with the Deputy but, if it is a social worker, I do not employ social workers, but agree we should have more social workers on full-time contracts. We are not, as far as I know and I am speaking for the Minister for Children and Housing, going out and try to get them on short-term contracts, or zero hours, it is just that some are literally filling in until we can grow our own.

Deputy R.J. Ward:

Just to confirm, the social worker was just for context and I am very reassured that, perhaps, when things settle, as it was put, that people will see people more consistently.

4.10.6 Deputy C.S. Alves:

Is the Minister aware that some companies are employing people on full-time hours and have done so for over 5 years on a zero-hour contract and that this is meaning that those individuals are unable

to get mortgages, because they do not have permanent contracts, even though they have been working permanent hours and full-time hours for a significantly long time?

Deputy J.A. Martin:

This is where I would say that probably is an inappropriate use. The Employment Law changed on 1st September 2018 to where any employee could ask for their contract to be altered, or reflect what it is. Probably the person, I do not know the employee the Deputy is talking about, but I would like to hear about it and these are certain things I need to know. But I am sure the argument would then be you have to ask first and then if the employer says no, I am sure this will be a case for J.A.C.S., or at least the tribunal, or the other way around, the tribunal then J.A.C.S.

4.10.7 Deputy G.P. Southern:

Is the Minister aware that, in Ireland, they have effectively banned zero-hour contracts in almost all circumstances, they have given workers the right to compensation from their employer if they turn up for a shift but are sent home without work and that, most important of all, workers are entitled to guaranteed hours of work that reflect their normal working week in Ireland. Will she consider the introduction of a similar scheme in Jersey?

Deputy J.A. Martin:

This is the answer to the written question of the Deputy, 245/2019, today. Again, I briefly looked at Ireland, but it says, for example, zero-hour contracts are permitted where work is of a casual nature, or where work is required to cover routine absences. This is what Ireland is introducing. They already, also like the U.K., have, I think, definitions of 'worker' and 'employee'. I do not think the Deputy understands that I really want to find out more about the inappropriate use and, if it is being used like Deputy Alves says, by people being employed for years and years, I want to know. Obviously that is not right.