

2019.09.10

**8 Deputy I. Gardiner of St. Helier of the Chairman of the States Employment Board regarding the effectiveness of head-count policies on the number of zero-hours and fixed-time contracts: (OQ.199/2019)**

What assessment, if any, has the States Employment Board undertaken of the effectiveness of its policies regarding head count on the number of zero-hours and fixed-time contracts used in the public sector?

**The Connétable of St. Ouen (Vice-Chairman, States Employment Board - rapporteur):**

I thank the Deputy for her question. The Board are currently using fixed-term contracts and zero-hours contracts as part of our head count management while we are going through a period of significant structural change. This is primarily to avoid reducing employment opportunities for existing displaced employees. The Board accepts this is not an ideal long-term position. We should meet our statutory obligations but also, given our status as the largest employer on the Island, we should be a good employer and a role model for others. Indeed, official statistics show that there are slightly less zero-hours contracts used in the public sector relative to the private sector. A more detailed review of the effectiveness of our zero-hours and fixed-term contract policy is on S.E.B.'s (States Employment Board) forward plan for November 2019.

**3.8.1 Deputy I. Gardiner:**

Thank you for your answer. As we have robust policy head counts in the public sector, I would like to concentrate at education specifically. For example, schools in the U.K. do not have to concern themselves with head counts, as long as they have money. Jersey schools are restricted, even if they have a budget. Why can they not recruit additional staff to meet children's needs if they have a budget?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for her question. I think the answer is quite complex. The schools, in some instances, seem to have the budget, but they do not have the head count and I think this is part of the issue and part of the issue that we intend to address in November this year. They are employing people on zero-hours contracts to fill gaps and they may, or may not, be in breach of the code for the use of zero-hours contracts, but it is an issue, I think, within education. It is an issue that we, in the S.E.B., intends to take up with Education to see if we can find a solution that is both legal and workable for them.

**3.8.2 Deputy G.P. Southern:**

The respondent was talking, obviously, about numbers in front of him, could he circulate those numbers in terms of private *versus* public sector use of zero-hours contracts? Can he say when the process of reallocating staff is going to end? Are we likely to see the end of that in 2020, in 2022, or in the next Government Plan?

**The Connétable of St. Ouen:**

I thank the Deputy for his question. The answer to the first part is, yes, I will circulate those figures. In terms of the outcomes and finalisation of the T.O.M.s (target operating models), we are broadly on track and we believe that we should have concluded most of the reorganisation by the end of December, early January 2020.

**3.8.3 Deputy G.P. Southern:**

We can expect to see a reduction in the number of zero-hours and short-term contracts around that time, the first quarter 2020, is that the case?

**The Connétable of St. Ouen:**

Yes, broadly speaking, I would say the answer to that is yes, but we will have to review individual cases. There are currently 126 zero-hours contracts, which have been in place for longer than we would ideally like to see and those we will be concentrating on first. I think I should make the point that there are some people who are happy to work on zero-hours contracts, because it suits the way they work, but in the vast majority of cases that is probably not the case.

**3.8.4 Deputy R.J. Ward:**

Just going back to the issue of fixed contracts and zero-hours contracts in Education and head count: can the Assistant Minister look into the issue that this is becoming an obstacle to people job sharing and, in particular, women who are returning to work after maternity leave, being able to go part time, or job share, with someone else? Many are having to move jobs because of that, which could be deemed, and I would deem it, as discriminatory.

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I share his concerns and it is something we will be looking into in November. The zero-hours and fixed-term contract review is just the start of that review. It is employment issues within not just Education but also other areas within our staff.

**3.8.5 Deputy R.J. Ward:**

Can I just ask the Assistant Minister whether, therefore, you have seen that as an issue in the S.E.B. and that is something that is recognised in terms of, in particular, women returning to work after maternity leave?

**The Connétable of St. Ouen:**

I hesitate to supply a direct answer to that question, but I can see how it could be a problem. I am generally concerned about the use of fixed-term contracts and zero-hours contracts and the issues that they cover up. This is why we are reviewing this, to find out whether there are big issues and we will be looking at those issues and trying to find a resolution.

**3.8.6 Deputy L.M.C. Doublet:**

I just wanted to clarify, I think the Minister said he was going to look into this issue about specifically the head count. Can I just clarify: is that a firm commitment that the Minister will find a solution to remove the head count issue from schools?

**The Connétable of St. Ouen:**

No, it is a firm commitment to look into it and discuss it with Education, because we are not exactly masters of our own destiny and I see the Assistant Minister for Education looking at me. It is an area that we will have to discuss with Education. It is a question of budget and head count that they have but we will be working with them to try and find a solution that works in terms of our overall head count policy but also works for Education.

**3.8.7 Deputy C.S. Alves:**

In the numbers that the chairman has mentioned, does this take into account workers who are employed through recruitment agencies as well?

**The Connétable of St. Ouen:**

No, it does not, that is a separate issue altogether. But these are contracts that the States of Jersey have issued as a zero-hours or a fixed-term contract. We will be looking at agency use as well, as part of the review.

**3.8.8 Deputy C.S. Alves:**

Can the Chairman include the numbers, when he releases them to States Members, of the number of people who are recruited through recruitment agencies?

**The Connétable of St. Ouen:**

Yes.

**3.8.9 Deputy I. Gardiner:**

Thank you, Vice-Chairman, and that it is good that you have a review in November. I would like to ask the Vice-Chairman: a review with S.E.B. possibility of head counts flexibility for schools at the beginning of the new year at schools and schools are struggling to give extra support because of the head-count policy.

[10:45]

It is happening now and in November, December it is another 3 months on the row and we would like to see it happening earlier than later if possible at Education, at schools.

**The Connétable of St. Ouen:**

I thank the Deputy for her question. I have become aware over the last couple of days that head count is an issue within Education and she has brought to my attention that particular issue, which I will be addressing with the Assistant Minister for Education, given that the Minister is ill. We will be looking at ways to try and resolve the issue. I cannot give her confirmation that we will be able to find a solution. All I can say is that we will do our best to find a solution, particularly for the issue that she has raised through the Deputy.