

23.11.07

**12 Deputy B.B. de S.DV.M. Porée of the Minister for Justice and Home Affairs regarding vetting of companies employing individuals from Africa (OQ.216/2023)**

Will the Minister advise what processes exist, if any, for the vetting of companies facilitating the employment of individuals from Africa and the other countries in Jersey and what safeguards exist to protect these individuals from exploitation?

**Deputy H. Miles of St. Brelade (The Minister for Justice and Home Affairs):**

I thank the Deputy for the question. I am very proud that the majority of workers from overseas consider Jersey to be a safe place where their rights are secured and they are free from exploitation. Nevertheless, we have not been complacent and this Council of Ministers made this an early priority for improvements. The Population and Skills Ministerial Group was established back in September 2022 and has already been addressing many of the points raised in the recent Scrutiny Panel report. This has included the establishment of a new Employee Standards Oversight Group, which comprises representatives of the key industries, statutory agencies and the Jersey Advisory and Conciliation Service. The oversight group has been encouraging good employers to root out poor practices in their industries. It has also co-developed and distributed a new simple leaflet on employment rights, immigration rights and access to healthcare, which has been translated into several languages. Any on-Island employment agencies operating in Jersey have to apply for and obtain an annual employment agency registration under Employment Agencies (Registration) (Jersey) Law of 1969, which includes a code of conduct order before any business licence will be issued. This is administered through C.L.S. (Customer and Local Services) Business Hub under the remit of Social Security. We expect employers to employ those who have been ethically recruited, whether recruiting through an agency or directly, to ensure that there is a robust and tested recruitment process to ensure that only genuine employees are fairly recruited and that appropriate vetting has taken place. Lastly, I would like to thank Deputy Porée and the Scrutiny Panel for the work on this area, and I can confirm that we will be providing a full response to all of the findings and recommendations very shortly.

**2.12.1 Deputy B.B. de S.DV.M. Porée:**

I do thank the Minister for her thorough reply. The question itself was more directed to individual businesses having direct access to government bodies in different countries without being vetted by the Government. I do feel that is something that really needs to be taken as a priority in order to strengthen the work permit policy to protect the vulnerability of these workers who come to Jersey bypassing the Government or any sort of vetting process to the employment companies.

**Deputy H. Miles:**

I just wonder if the Deputy could just reiterate the question. I understand what she has stated but I am not clear what the question is.

**The Deputy Bailiff:**

Yes, what is your question, Deputy Porée?

**Deputy B.B. de S.DV.M. Porée:**

The question was that if the Minister considered this particular issue to be a priority, when the Minister is to look at the processes to strengthen the work permit policy, this particular area.

**Deputy H. Miles:**

I thank for the Deputy for that clarification. Yes, it is an area we are concerned about, how people are recruited who come to work in Jersey, but we have very limited ability as a Government to influence the policy and practices in those agencies that are operating off-Island. To reiterate, all our on-Island employment agencies are compelled to undertake ethical recruitment by law, but we do not have the same measures in place in the countries of origin of some of those work permit workers.

### **2.12.2 Deputy R.J. Ward:**

One of the safeguards that I would be very interested to hear about is in the fees that are paid for visas and so on, because I believe that they come through the U.K. Can I ask the Minister whether there is any protection for workers as to where those fees are directed, whether it is the employers who take on these fees, which can be very high, or whether they can be passed on to employees, thus at times trapping that employee in a quite significant debt to the employer, which is a very worrying situation.

### **Deputy H. Miles:**

The position as it stands is it is a contract between the employee and the employer as to what is paid, so that is in terms of visa costs, work permit costs and travel.

[11:15]

Indeed, this has been covered in the leaflet that has been produced known as *Your rights as an employee working in Jersey*. It states it is up to you to agree with your employer about the costs of travel to and from Jersey and you should agree this in writing with your potential employer before you book tickets or travel to Jersey.

### **2.12.3 Deputy R.J. Ward:**

In terms of the cost of visas, then, we could be in a situation where workers coming to Jersey could owe the cost of a visa and travel, have signed a contract to do that, and then be in a real significant issue. Can the Minister confirm that that could happen?

### **Deputy H. Miles:**

Yes, I can confirm that that could happen. At the moment, we have a variety of practices. Some employers pay the entire cost of the visa, the work permit and the travel, and some do not. It is certainly an area that the Scrutiny Panel raised and it is something that we will be making our comments on that recommendation in due course.

### **2.12.4 Deputy B.B. de S.DV.M. Porée:**

Would the Minister consider moving forward as an improvement to the work permit policy to provide recruitment based in the Island, a local recruitment company, rather than different agencies going out and seeking those employers?

### **Deputy H. Miles:**

That is an interesting question and it is most definitely something that we will be considering. As the Deputy will know, in the U.K. you have something called the gangmasters and labour association. Employers have to be a member of that association in order to obtain work permits. Clearly, we do not have a similar organisation in Jersey, but ethical recruitment is a concern to our department and it most definitely is something that we will be considering.