

19-21 Broad Street | St Helier  
Jersey | JE2 3RR

Deputy B Poree  
Chair, Work Permit Holder Welfare Review Panel

12 January 2024

Dear Deputy Poree,

**Ministerial Response – Review of Work Permit Holder Welfare**

I write in response to your letter of 13 December 2023. I am grateful to the Panel for agreeing to an extended deadline, to accommodate the festive period and may I wish all Panel members a happy new year.

I am sorry that you and your Panel are disappointed with the Ministerial Response to the Work Permit Holder Welfare Review, which I provided on behalf of all relevant Ministers.

It is noted that you have requested an updated version of the Ministerial Response. I am not minded to amend the response provided, which was the result of careful consideration. However, if the responses are not sufficiently clear to the Panel, I am happy to provide clarification as needed.

In particular, if it would assist the Panel, I would be happy to attend upon the Panel for a public or private hearing or meeting in order to discuss the response in more detail. Like the Panel, I take this matter seriously and would not want any misinterpretation or lack of clarity to persist.

I have addressed some of the specific points raised in the Panel’s letter below.

**Recommendations without target dates for completion**

Your letter refers to recommendation 3, 13, 14 and 16, 12 and 15 as being ‘accepted’ or ‘partially accepted’ without a target date of action or completion.

Please see below for comments in relation to each of those recommendations.

More broadly, I wonder whether consideration needs to be given as to whether the ministerial response template offers sufficient opportunity to reflect complexity, where the subject matter requires that, within current limitations.

| Recommendation |   | Comments   |
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| 3              | The Minister for Home Affairs and the Minister for Sustainable Economic Development should introduce specific guidance to work permit holders about the potential costs of travelling to Jersey and the potential costs incurred from meeting the | This included a target date for completion of Q1 2024. |

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|    | requirements of their United Kingdom visa and Jersey work permit, as well as agreeing the responsibility for these costs.  |  |
| 13 | The Minister for Home Affairs should consider ways in which the Work Permit Policy can be strengthened with a temporary stay for work permit holders who are pursuing a dispute or grievance.  | <p>I responded to clarify that work permit holders whose employment is ceasing will be given 'a sufficient amount of time...to put their affairs in order prior to being required to leave the island [which...] will necessarily vary depending on individual circumstances'. This was an important clarification of the suggestion that had emerged that there is a blanket policy of requiring such individuals to leave within 7 days. I did not however accept the recommendation that the policy required strengthening, the current position simply requires clarification.</p> <p>I felt that 'partially accept – clarify' was an appropriate reflection of this response, and preferable to rejecting it outright. However, I did not feel that there was a need to provide a target date as there was no commitment to take action in response to the recommendation.</p> <p>I appreciate that this perhaps deviates from the binary nature of the 'accept/reject' response template, but genuinely felt it was the best way to communicate my position to the Panel, and that this was clear from the content of the response provided.</p> |
| 14 | The Minister for Home Affairs and the Minister for Sustainable Economic Development should consult with industry and trade unions to ensure that work permit holders have access to trade union representation and support.  | <p>'N/A' was recorded under target date.</p> <p>This was because, in partially accepting the recommendation, my response made clear that whilst supportive of the spirit of the recommendation that work permit holders should have access to trade union representation, I did not believe this was a role for Immigration or Government more broadly.</p> <p>Again, I chose to 'partially accept' to indicate support but did not feel there was a need to provide a target date as the response did not commit to taking action.</p>  |
| 16 | The Minister for Home Affairs should work with the Minister for Sustainable Economic Development, the International Cultural Centre Steering Group and the Minister for Social Security to determine where a physical support resource should be located and provide detail of the information which will be provided. | <p>The response to this recommendation, which was agreed between Ministers, was as follows:</p> <p><i>Physical support resources are already available at the Customer and Local Services Department. Staff are available to support work permit holders with information on Jersey tax, contribution and benefit information. Ministers will work together to confirm the range of printed and online information that will</i></p>   |

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|    | This should be reported back to the Panel by no later than 31 December 2023.  | <i>be available. This information will also be accessible through the International Cultural Centre, based at the Town Library.</i><br><br>This recommendation was partially accepted, on similar grounds to other recommendations. Ministers accept the need for physical support resources, but would highlight that these are already available at CLS with printed materials also available from the Town Library. No new action is committed to and so no target date is given. |
| 12 | The Minister for Home Affairs should review the 12-month restriction in place preventing work permit holders to switch between employers consulting with both employer representatives and support groups. This review should consider human rights legislation and modern slavery legislation                                  | A review of the work permit policy is underway based on the Panel's Review and includes consideration of this matter. We expect the review to conclude in Q1 2024.<br><br>I apologise to the Panel for failing to make that clear in my response.  |
| 15 | The Minister for Home Affairs and the Minister for Economic Development, Tourism, Sport and Culture should commit to a regular review of the permit lengths which should be conducted in close consultation with industry bodies and support agencies to ensure that both employer needs and the rights of individuals are met. | The Panel's recommendation is for 'regular review', and in accepting the recommendation I committed to keeping this matter under 'regular review'.<br><br>I am of the view that this does not require further elaboration, and indeed would be difficult to put a single target to.  |

### The 'Your rights' advice leaflet

I note the Panel's comments in relation to the 'Your rights advice leaflet', specifically with reference to recommendations 2 and 23, the to which the response was 'accept – complete', and 17 and 20 which were rejected. I have provided further comment on each of these recommendations below.

The leaflet had already been released in its earlier form from Quarter 3 2023 onwards, as it was published as part of the material provided to work permit recipients and also via industry partners on the Employee Standards Oversight Group. Since then, we have continued to refine the content, based on feedback, and had it translated into several relevant languages.

The current version of the Your Rights leaflet is live on the 'Moving to Jersey' webpage, here: [Moving to Jersey: Work \(gov.je\)](#).

The intention is that this will be a living document, which is updated and added to periodically as and when required. Each time, operational colleagues in JCIS, CLS and JACS will be consulted, alongside industry representatives on the Oversight Group.

| Recommendation |  |  |
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| 2              | The Minister for Home Affairs and the Minister for Economic Development, | This was accepted on the basis that, since the new Government was formed and the |

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|    | Tourism, Sport and Culture should undertake a process of consultation with key stakeholders from community groups and industry representatives to identify gaps in the information provided to work permit holders.<br><b>[response – accept/complete]</b>  | Panel’s review started and, significant consultation has been undertaken with key stakeholders. One of the outcomes of this is the ‘your rights’ leaflet. This will be an ongoing effort, and the response should not be taken to mean that there will be no further consultation on this matter.   |
| 23 | The Ministers for Social Security and Health and Social Services should introduce specific guidance to work permit holders that includes information about their rights to healthcare in Jersey.<br><b>[response – accept/complete]</b>   | This was accepted as complete on the basis that the ‘your rights’ leaflet included information about access to healthcare for work permit holders.  |
| 17 | The Minister for Home Affairs should work with the Minister for Economic Development, Tourism, Sport and Culture, the International Cultural Centre Steering Group and the Minister for Social Security to ensure that the physical support resource includes independent and confidential support for work permit holders on matters related to employment disputes. This should be reported back to the Panel by no later than 31 December 2023<br><b>[response - reject]</b> | This recommendation was rejected because it was felt that it would be confusing to duplicate the existing statutory service provided by JACS.<br><br>Reference to the ‘your rights’ leaflet was made simply to highlight that it included information signposting to JACS.  |
| 20 | The Minister for Home Affairs should consider the introduction of a Jersey employer licensing scheme and licensing standards, with clear sanctions for noncompliance, for local labour providers.<br><b>[response - reject at this time]</b>  | The response to this recommendation explained that whilst this had been considered, and a decision was taken to pursue an alternative approach, namely to establish the Employer Standards Oversight Group to drive better practice in industry. Whilst this includes the development of the ‘your rights’ leaflet, the scope and work of the group is not limited to this. |

### Other matters raised

It is noted that ‘overall, the Panel was disappointed with the tone of the response’ and that you have therefore requested ‘details of the sign off process that was undertaken for this response and who held ultimate responsibility for approving this for presentation to the Panel’.

I would question whether this request is within the terms of the ‘Code of Practice for Engagement between ‘Scrutiny Panels and the Public Accounts Committee’ and ‘the Executive’ and indeed whether it is an appropriate question for the Panel to pose.

Nevertheless, I can confirm that all Ministers referred to in the Panel’s review, were sighted on the response and they and their officers provided contributions where the findings or recommendations were relevant to their area of responsibility.

For the avoidance of doubt, this includes the Minister for Social Security, the Minister for Health, the Minister for Sustainable Economic Development, the Minister for Housing and Communities and the Minister for Treasury and Resources.

Final approval was provided by me, subject to being assured that all other Ministers were content. My Private Secretary provided the report to the Panel, and I duly made a Ministerial Decision to present the report to the States.

I consider that the tone of the response was professional and appropriate, as should be expected of all engagement between the Executive and Scrutiny.

Yours sincerely

A handwritten signature in blue ink that reads "Helen Miles". The signature is written in a cursive, slightly slanted style.

**Deputy Helen Miles**  
**Minister for Justice and Home Affairs**