

**Work Permit Holder Welfare Review Panel**  
**Friends of Africa Jersey C.I response**

Thank you for the invitation and meeting with us on the 9<sup>th</sup> of March 2023, below is a summary of some of the issues we raised that we believe need to be considered by the panel. Friends of Africa (FoA) is a locally registered charity (239) which seeks to promote diversity and inclusion supporting people from Africa and the Caribbean's settle onto the island. One of the mandates is to encourage diversity and inclusion ensuring every islander no matter their background has an equal share in the current and future heritage of Jersey.

**1. To protect employees from 'Modern Day Slavery' and ensure their welfare is maintained.**

This is one of the 4 main purposes listed in the work permit policy which is noble, however we are deeply concerned that Jersey does not have a definition of 'modern day slavery'. This is not in place in any law or relevant legislature therefore does not give the policy any weight or how it can be adopted. It does not protect the individual against abuse from employers as there are no repercussions or legal implications that can be used. The policy does not go far enough and once again leaves the individual with the responsibility to 'prove this' when there is a claim put forward.

There also does not seem to be any appetite to ensure that this law is in place.

**2. Welfare of employees**

'In granting any work permit, the Minister for Home Affairs does so on the expectation that all employers give due consideration to the welfare of their employees both in and outside the workplace'. The law however as it stands is not doing any of this and legislation does not give any powers to the immigration department to support this.

Employers are given all the power and are expected to 'mark their own homework' if they are following these guidelines. There is a massive difference in how the 'Minister' puts trust in employers who we have evidence for a long time have been breaking these rules and putting short term profits over peoples welfare. People who should be guaranteed full time hour's contracts in the hospitality sector as per immigration and home office rules are then given zero hours contracts and not guaranteed those full time hours. The individuals are then not able to make enough money to be able to make their stay here in Jersey worthwhile, they do not have access to social security funds for the hours they do not get on a full time basis as any other resident on the island. They are not accorded the opportunity to earn a living that will not allow them to sustain their existence on the island even though this is the basis and the promise for bringing them to the island.

The contravention of work section does not make any sense whatsoever expecting an employer to report themselves. This needs to be accorded to some other agency to ensure these are followed.

Some are then forced to work over 70 hours a week when the work is there driving themselves to exhaustion in the fear that work will run dry at any point. Also being placed on zero hour's contracts means that when they do work over 70 hours a week they are not entitled to benefits such as overtime etc as any other employee.

Staff are being asked to house/room share at times when working different shifts leading to disturbed sleep. Deprivation of good quality sleep leads to poor physical and mental health outcomes with the potential for devastating health outcomes for this population. There is no consideration for the fact that these are grown people potentially from different tribes/cultures/religion and a real risk to their own working relationship. With increased reach by Jersey there is also a risk of people coming from countries with different time zones therefore time to engage with their families will be impacted. At times these are people coming from households where they have left their families to live in 'dormitory' style living therefore a very different lifestyle altogether.

We are also concerned that when the employer particularly in the care industry are deducting rent from employers living in their premises are/may not be declaring this income to the government. We do not believe that they are registered as landlords.

The costs to access healthcare are prohibitive to work permit holders in the first 6 months. This is relevant across both those on the Temporary visa or the Skilled work permit holders. Jersey is going further afield to recruit from low-income countries therefore the policy should reflect that. There cannot be an expectation that people from these countries have the resources set aside to cover the non-subsidised cost of care in the first 6 months every time they come back to Jersey. Some employers have gone on to 'lend' staff money to access healthcare putting them further in debt. This can only add to financial stress or individual ignoring health issues when they are still easy to manage only for them to become more complicated costing the island more.

For those with children on the island they are being missed out in identifying health and other needs due to poor cultural intelligence. Attainment for children who are multilingual is low, this is because services are not set up to support them. This has a detriment on their long-term prospects, health outcomes etc.

For those who are on the Temporary visa no matter how many years they have been coming to the island (in some cases 10+ consecutive years) have to start again on their return, after every 3 months. This cannot be morally right from the government when individuals contribute towards tax and social security from the day they start working, have to leave for 3 months and when they

return their contributions are not taken into consideration. If the Government of Jersey is serious about the welfare of work permit holders their previous contributions should be recognised in their next period on the island.

Some very unhelpful and misinformed comments have been made by some very senior politicians about the fear of 'health tourists' from the African and Caribbean community. These comments are baseless, ignorant and exhibit a level of arrogance that should not be coming from Jersey politicians. The fact of the matter is that Jersey recruits the youngest and fittest from these countries who will rarely need access to healthcare. At the times that they do need healthcare they have contributed through taxes and social security to be accorded this right. Not to also highlight that in the wider context this workforce is propping up and contributing to the islands second highest financial income generator.

### **3. Format of policy document**

The format of the document is disappointing as it continues to disempower a community that already does not have an equal say in their welfare. After each section there is only reference to what the 'employee' can and cannot do but not anything addressing/empowering the employee. It does not state what the employer can and cannot do. This unfortunately is in line with the current immigration policy which does not give any clarity to the individual but only the employer who continues to be empowered.

This policy should go further to empower the individual and stipulate what the employer can and cannot do as well.

### **4. Immigration trumps human rights and this policy**

The policy also does not address the fact that in Jersey immigration surpasses any other policy that's put in place. This highlights the clear disconnect of the policy, the law, its interests and preserving the safety and practicality to ensure the confidence of islanders and permit holders.

When issues arise the employer hides behind the law when the issues are more to do with the welfare of the individual. Due process is then difficult to take place when people are given 7 days to leave the island without means, time or resource to challenge the outcome. Our very own immigration department have admitted that the policy is discriminatory and does not protect the individual. This is a frightening place to be as an individual in a foreign land that you thought you were contributing to and that it should reciprocate. This does not address the challenges of the island when it comes to human resource and economic sustainability.

## **5. Immigration policy**

As defined above the fact that immigration policy trumps human rights would have been fair if it was balanced. Jersey has decided to adopt aspects of the UK immigration but intentionally avoided points that makes an employer responsible for their behavior. They have not adopted the ability to penalize the employer when not abiding by their own policy. In the UK should an employer be found guilty of breaking the immigration rules they can be fined up to £10,000 per case. In Jersey this is not the case therefore when employers are not giving people their contracted hours, changed contracts, lied to the immigration department there aren't any immediate repercussions. This does not provide any incentive for the employer to ensure staffs rights are upheld and when an employer complains about anything they fear for their visa being cancelled or not being offered another role in the future.

The balance of power is very much in the hands of the employer with no repercussions whatsoever.

## **6. Discriminatory policy through JACS**

Along with the above FoA is deeply concerned with the parameters with services that are meant to represent employees are unfortunately discriminatory by design. JACS which is meant to be the first port of call for employers when there are issues concerning their welfare has a mandate to only support people who have been in employment for 52 weeks. This eliminates a whole cohort of people who are on the temporary work permit (9 months) as they are only here for 38 weeks.

When there is a claim against an employer the options become very limited as to which category this is under. Individuals are being forced to try and fit it into inaccurate categories such as race and disability even though this will be difficult to prove. They also have to fight their case from their country of origin, in most cases in countries that have poor internet connections.

## **7. Political role**

We are also very concerned that the welfare of work permit holders is used more as a political tool rather than making lasting changes. Depending on where we are with the political cycle depends on whether this topic will be entertained or not. Our experience has been poor and when it is closer to elections we do get a lot of interest and sympathy from politicians. However once they have settled in their role there is deafening silence and very little in way of engagement to the point where as a charity we have had to lobby leaders to talk to us.

If this conversation remains in the political sphere we are concerned that this continues to be a talking shop with no mileage. Officers should be empowered

by the politicians by making sure we have policies and laws that protects everyone including the individual rights as enshrined by the World Health Organisation (WHO).

We are concerned that politicians/businessmen using their government role to 'broker' for their personal businesses therefore a massive conflict of interest. In the event that individuals would like to complain or speak up they are left very vulnerable as the politicians are meant to be the upholders of the law here. They cannot approach their own country representatives as they are going to come back to the same Jersey politicians who is infringing on their rights.

## **8. Unfair work practices**

Within the healthcare field most recently staff are being employed from Africa and the trajectory shows that this will continue to increase to manage the staff crisis in this area. Being individuals in lower paid jobs particularly in the home care industry the majority of them are being asked by the employer to pay to use the company vehicle. In the event that they cause damage to the company vehicle whilst in work they are being asked to pay for the damage even though the cars are insured. This leaves them with very little at the end of the month and also considering that they are only paid for the time they are with the client and not travel time. They are being asked to pay for the use of the vehicle from day one to cover insurance, fuel for a fundamental need for their role.

This is in contrast with their qualified nursing colleagues who are paid for their travel and if they start a shift at 0700- 1500hrs are paid for those hours excluding lunch in the community. Health care assistants who are lower paid could be for the same shift be paid for only 3 hours that they are in direct contact with clients. How do we justify those lower paid to have much harsher working conditions.

This we believe for a workforce on low wages is not sustainable, does not support their own wellbeing.

## **9. Unfair wages**

For those working in finance they are also getting an unfair deal as are paid less to locals even if they are qualified more than them and at times training them. The published salary thresholds are deceiving for anyone coming from abroad and does not reflect the actual market, let alone the cost of living in Jersey or move with inflation- this has been the same for the last 5 years.

Employers hide behind the fact that people 'can negotiate' their starting salary but if someone has never lived in the UK or Jersey, they do not have anything to benchmark against. They look at the salary offer from the perspective of their country of origin and what may look good on paper the reality is very different on arrival. The ability to renegotiate on arrival especially during probation period

means a number of these people are suffering and their health and wellbeing suffering.

They are then also realizing that they may also be paid much less to local people doing a less job and they are providing the training. This means once again the employer holds all the power with no opportunity to renegotiate.

### **10. Promotion**

The fact that an employer has to apply for another work permit when a permit holder is about to be promoted. This in itself does not offer an even playing field with peers based on ability. Employers are less likely to consider promotion where there is going to be an extra layer of bureaucracy involved and permit holders also see the many hurdles placed in front of them to progress. This does not support equity in any way.

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