



Work Permit Holder Welfare Review Panel

Work Permit Holder Welfare

Witness: Jersey Hospitality Association

Thursday, 11th May 2023

Panel:

Deputy B.B. de S.DV.M. Porée of St. Helier South (Chair)

Deputy M.R. Le Hegarat of St. Helier North (Vice-Chair)

Deputy L.V. Feltham of St. Helier Central

Witnesses:

Ms. A. Calvani, Co-Chief Executive Officer, Jersey Hospitality Association (1)

Mr. M. Calvani, Co-Chief Executive Officer, Jersey Hospitality Association (2)

[15:33]

Deputy B.B. de S.DV.M. Porée of St. Helier South (Chair):

Good afternoon and welcome to this review hearing with the Work Permit Holder Welfare Review Panel. Today is 11th May 2023 and this is our second public hearing of this review. First to you, but second to us. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live. The recording and transcript will be published afterwards on the States Assembly website. All electronic devices, including mobile phones, should be switched off or put on silent. For the purpose of the recording and transcript I would be grateful if everyone who speaks could ensure that their name is stated as well as their role. I will start by introducing myself. My name is Beatriz Porée, and I am the chair of this review panel.

Deputy M.R. Le Hegarat of St. Helier North (Vice-Chair):

I am Mary Le Hegarat, Deputy for District North St. Helier, and I am vice-chair of this panel.

Deputy L.V. Feltham of St. Helier Central:

I am Lyndsay Feltham. I am Deputy of St. Helier Central, and I am a member of the panel.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Ana Calvani, co-C.E.O. (chief executive officer) of the Jersey Hospitality Association.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Marcus Calvani, co-C.E.O. of the Jersey Hospitality Association.

Deputy B.B. de S.DV.M. Porée:

I will start off by asking the first question. This set of questions is with regard to the recruitment of work permit holders. Please could you provide an overview of how your members and employers in the hospitality industry recruit employees using the work permit holder system?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Maybe we need to introduce our Association just a little bit so it clarifies what the Association does and what it represents. First and foremost, the Association itself does not recruit nor does it do that on behalf of any of its members. So we do not get involved in the recruitment. We do represent over 200 businesses across our sector and it is a large variety ... it is not just hotels and restaurants. It follows events, supply chain, every aspect of hospitality from recreation to attractions all across the board of Jersey. We support our members should they need help with the application process itself or work permit. So it is a bit of a support mechanism that we have put in place. If one of our members needs help with the application process itself then we have subcontracted somebody - one of our partners - that is able to provide that support but we do not get involved in the recruitment part of it. It is completely up to them who they choose to recruit. We are just there to help with facilitating the forms, if they do need that help.

Deputy B.B. de S.DV.M. Porée:

My next question is with regards to Brexit. Since Brexit, which jurisdictions have the Jersey Hospitality Association and its members worked with most closely to recruit new employees? So after Brexit.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Again, I think just to clarify Ana's point, we do not actually recruit anybody ourselves. The Association, as an entity, is only myself and Ana. We are the only employees of the Association. We have a committee that are made up of different industry experts and it is structured in a subcommittee way. So we will have a head of hotels or a head of restaurants so we can get feedback from each of those particular subsectors. We have very heavily worked with the Government on the M.O.U. (memorandum of understanding) between the Government of Jersey

and the Government of Antigua and Barbuda; so we have been very much involved. Our predecessor was involved in the setup of that. We inherited that when we took on this role back in September last year. So we have regular conversations with our equivalent in Antigua and with the High Commissioner in London for Antigua and Barbuda. We help them with that recruitment process as far as gathering job opportunities on Jersey. So we deal with our side as far as the demand side. Then the Antiguan equivalents deal with the supply side. They interview the people, they put together that side and they run the online portal that joins those jobs to employees. Antigua and Barbuda have 50; so there are 50 people who came over last year. There are 50 people coming over again this year. From a number standpoint nothing huge. They are here for 6 months. Really more of a cultural exchange for hospitality professionals. These people have had to have done a degree or a diploma level hospitality training in Antigua or Barbuda. They then have to have work experience in order to qualify. They then come here to effectively experience what it is like to work in Europe for 6 months.

Deputy B.B. de S.DV.M. Porée:

When you say “experience”, is it part of their training or their experience is actually work experience?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

So they have completed their training already before coming. The agreement is that they have to return back to their employer in Antigua and Barbuda after the 6-month period. It is almost like a university exchange programme where they have an employer there. They come here for 6 months in the down season for Antigua and Barbuda. They experience work here. They play a hugely positive impact on our industry in Jersey when they come but then they go away and go back to their employer back in Antigua and Barbuda afterwards. That is a slightly unique situation comparative to other ...

Deputy B.B. de S.DV.M. Porée:

Would they tend to return or do they just do this exchange one-off and then do not come back again and go back home?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think there are around just less than 20 out of the 50 this year that are returning from last year.

Deputy B.B. de S.DV.M. Porée:

So some of them come back, so they come back in a different form then?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Different employer, so they will come back for a different ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

It just depends. Again, the agreement is between the employer and the employee, just like any other agreement. So it is completely up to them. If they want to return to the same employer or if they want to find experience working for somebody else and vice versa.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is much more controlled as a process though than typical recruitment because they have to have gone through an interview process with the Antigua Hospitality Association. They have to go through background checks and all that kind of stuff before they ever get their name on to the portal to be able to qualify for one of these experience exchange jobs.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

That was set up by the Economic Development Department.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

The Government of Jersey Economic Development Department and the High Commissioner of Antigua in London that originally structured that particular arrangement. Then I think other nationalities that we have seen an increase of, definitely, would be ... we have seen Nepalese come to the Island. We have seen Kenyans.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

It is a huge variety.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Indonesians, Philippines. So I think the industry in general has had to change substantially as to where it can recruit from and, as a result of Brexit, quite frankly, bizarrely it has to recruit from much further afield than it used to, to be able to recruit within Europe. So instead of recruiting from somebody who is an hour away on a boat you might have to recruit from somebody who is 9 hours away on an aeroplane.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Which has great impact financially for the employers and our members. For example, the M.O.U. that is in place with Antigua and Barbuda states that the employer has to cover all the costs involved with the transport and housing and everything else involved. The further afield the employees are obviously the more expense would be on the employer side. Are you happy to go back to your question, because we do not want to divert?

Deputy B.B. de S.DV.M. Porée:

So basically the question was about Brexit and since the Brexit where not yourselves, Jersey Hospitality Association, but the employers/members where they tend to recruit their workforce from right now. So you did say mainly Antigua and Barbuda, and then there is a selection of different countries outside Europe where the recruitment is coming from.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think we have seen as an Island and as an industry a huge reduction in the European country numbers. So the Romanians, Polish, Portuguese working communities in-Island, and a big increase in Filipinos, Indonesians, Kenyans, to replace those numbers. While we see media saying that the hospitality industry has had the most permits or has the highest numbers, the reality is that the number of employees on Jersey has not increased. In fact it is probably lower than it was prior to Brexit but there has been a change of E.U. (European Union) worker to permit requiring worker, which has seen that increase in that number.

Deputy B.B. de S.DV.M. Porée:

How aware are you of whether Jersey Hospitality Association members use recruitment agencies based in the countries that it is working with Jersey? So are you aware if some of your members go out there themselves to engage with agencies in those countries to make their own recruitment?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

In source country?

Deputy B.B. de S.DV.M. Porée:

Yes.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No. I would say that the mass majority of our members will use recruitment agencies based on-Island. They will have arrangements with equivalents at source. One of the things that we have been trying to do as an Association is to set a golden standard on-Island.

[15:45]

We have engaged with various different consultants and specialists in migrant worker recruitment, something that we certainly are not experts in ourselves. It made ourselves very aware of the type of problems that go on at source countries in some countries. So we have been made aware and we have educated ourselves specifically on that and have made our members aware of that so when

they make their choices here with which recruitment firm they use, that is something that they now will question the recruitment firm on.

Deputy B.B. de S.DV.M. Porée:

That was the next question I was going to ask you is if you know how members choose those agencies. Would you say they are as aware as yourself?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

As with any 9 by 5 there is a limited number of recruitment agencies, as you well know, on this Island. Some of the larger members of our industry will recruit themselves, so they will work with probably U.K. (United Kingdom)-based larger recruitment agencies. I would say the majority of them here work with probably less than a handful of different recruitment firms on the Island. Many of those are partners in our Association. As a supplier to the Association you are not a member, they have chosen to be partners. Again, we have made ourselves aware of things that we were not aware of when we started this role and have shared that information as much as possible with all of our members and have been trying to actively encourage Government to set a level above the legal requirement.

Deputy B.B. de S.DV.M. Porée:

Do you know how members maintain contact with recruitment agencies throughout the whole recruitment process; for instance, employment, termination of work, permit contract holders? Are you aware if that sort of communication happens with the agencies and the employers?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No. We do not get involved in specific cases. We have discussed this specific topic with our Islander's Immigration Department. We have put forward the fact that we, as an Association, believe that a work contract should be signed by employer and employee prior to a permit being issued, which is not a requirement at the moment. We think that that is a flaw. So we believe that both the employer and the employee should be very aware of their rights, everything that is written into the work contract that there should be information about the permit potentially added on to it so that everybody is an open book and understanding before they get involved and then the permit could be issued. Because there is nothing worse than somebody receiving a permit and coming and it is not what they thought it was or that kind of stuff is not good for anybody.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

I think previously it is not a requirement to see a signed contract when you submit the information over to the Immigration Department. That is something we suggested because I think that would eliminate some potential issues. Again, our Association does not represent every employer on the

Island that works within our industry. It is a voluntary paid membership and if they choose to be part of the Association to support they are, but not everybody is so we do not represent all employers on the Island that fall under the hospitality umbrella. That is one of the things we thought would be important to communicate back, is the signed contract, because that might eliminate some issues. Because I do not think that is a requirement at the moment.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think we have also had conversations in depth about how, as an Association with a golden standard, we would quite like to and would be very happy to hold our membership accountable to that golden standard. If we can find a golden standard that is higher than the law requires then our membership would stick to that standard. If they do not stick to that standard and they violate it then they will cease to be members. We have no issues in implementing that type of golden behaviour, as far as the industry is concerned.

Deputy B.B. de S.DV.M. Porée:

Sounds quite strict. Thank you for that. The Jersey Hospitality membership ranges from, say, for instance small to large employers. Does the Association provide advice on recruitment best practice for its members, particularly those without the in-house human resources facilities, let us say?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Not specifically. We do have members that call and ask general information and we are there to signpost them. But we are not in the position to provide any legal advice directly. We are there to signpost them to whatever their specified questions are. We do have, for example, a law firm that is one of our members so if they do need some legal assistance we can signpost them to that. Equally to associations and arm's length entities that are available in Jersey, J.A.C.S. (Jersey Advisory and Conciliation Service) and all sorts. That is the level that we get involved in.

Deputy B.B. de S.DV.M. Porée:

What is your understanding of the induction information which is provided by your members to work permit holders prior to and upon arrival in Jersey?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is changing. We were invited to the first meeting of a government group last week of stakeholders to look at employee welfare on permits.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Called the Employer Standards Oversight Board that was established.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We attended a virtual meeting for the first one last week, which we thought was very productive. At the same time, I have to say, I thought it was slightly strange that the Scrutiny Panel has been going longer than the panel of people who are putting together the standards because that would be a bit backwards. But we again said to them that we would like to create a golden standard. We were informed that it is our Government's decision at this stage that there is no need for a golden standard and that the law is sufficient. We made it publicly clear at that meeting that we still, as an Association, will strive for a golden standard because we believe that things can be done better. The majority of which all stems around communication. Just clarity and having clear easy communication for employer and employee will iron out 95 per cent of any problems that have been happening. There is just such a silo working environment within our government that even independent departments do not know what the other departments are doing. If the Government does not know what they are doing themselves then how on earth can an employer and employee be expected to understand the rules and requirements that go with permits. I think a lot of it just needs to be simplified and cleaned up and communicated much more easily for both sides; for the employees and the employers.

Deputy B.B. de S.DV.M. Porée:

Do you tend to provide that sort of advice to employers?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, and to these groups. I think one of the roles of our Association, we work with government, we are a part of the Economic Development Strategy Steering Group for the visitor economy. We probably spend more time in government meetings than we do with our own members at the moment. But a lot of that is to work on how can we break down barriers to businesses, communicate more clearly with employees and employers, get more transparency and make it an easier environment for people to work in and for people to employ in. I think that is probably one of our main jobs for the next 12-month period, is to try and resolve some of those things.

Deputy B.B. de S.DV.M. Porée:

I think it is needed, is it not?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We are trying.

Deputy B.B. de S.DV.M. Porée:

We are all trying so it is good to know. How well prepared do you think work permit holders are on their arrival in Jersey, for instance?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Based on the communication we have had from this last Tuesday meeting from the Employer Standards Oversight Board, which Immigration is part of, they have made some recent changes, which I think hopefully will communicate that better. There are still a few things that are misinterpreted or misread, depending on who is reading the information. Again, that is where we find issues come up, is the clarity. We have had members that read the work permit in a certain way and they understand these are the guidelines, but then within the same information that is read or misread completely differently to another member. Again, the key is to have access to get those questions answered and clarified and a lot of times our members unfortunately do not because of the lack or the timeframe or the accessibility of contacting somebody like an immigration officer because you cannot get through. That information sometimes can be ...

Deputy B.B. de S.DV.M. Porée:

Is it fair to say that what you are saying is that due to the fact that information is not flowing towards the members, does that mean it is affecting how well-prepared the work permit holders are when they first arrive in Jersey? When they arrive, after having their interactions with the potential employers, when contracts are exchanged and that person arrives in Jersey, how do you feel they are prepared to a life working in Jersey?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think it is totally dependent on the employer. I mean I think it is impossible for us to say across the board what it is like. Immigration have now informed us, as of last week, that the employee will now receive an information package in their email when they also receive their permit but up to this point they have not done so.

Deputy B.B. de S.DV.M. Porée:

Give us a framework of time.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We do not know because it is not ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We are not informed.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We are not informed, so we are just going based on the information.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We try and work immensely closely with the Immigration Department, sit there and make agreements across the table like this, and then changes will take place and we are only informed because we have seen it in a States hearing or our Comms Department have picked it up in an appendix change of a document.

Deputy B.B. de S.DV.M. Porée:

This is maybe to do with the fact that you say communication needs to be much better.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Absolutely, yes.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

And there is absolutely no reason for there not to be. Nobody is hiding anything. I think flowing communication in both directions will make everybody's life a lot easier.

Deputy B.B. de S.DV.M. Porée:

I have to agree with you on that. So in your opinion, what do you think would be most useful to work permit people in terms of additional information to give them a better stay and a better understanding of Jersey?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We were asked by various Ministers to put together a paper for what the industry needed now as far as work permits were concerned, and this was 3 or 4 months ago. We went out to our membership and carried out a consultation with the membership, spoke to people directly, put out a questionnaire via email, gathered all the information back and put together a paper that simplified the work permit options. To us it was very clear that there are some people that would like to settle in Jersey for the long term and call Jersey home. There are equally plenty of people that do not want to settle in Jersey and would like to come here and work and make as much money as possible and take it home. I think that is the same wherever you live in the world. For us the permit is an option to come and work here, make as much money as you want and go home. If you want to settle in the long term the visa is a route that can be taken, which we can get into more details of afterwards, because again overly complicated. From a permit standpoint, the 9-month permit was working for our membership that run seasonal businesses, and that is an absolutely tiny minority of the industry that have that demand. The industry as a whole is moving to a 12-month a year, levelling off the bell curve, extending out the season from a visitor economy standpoint, and therefore a 12-month permit is more suitable to those business owners. So we proposed that the 9-month stayed as it was to keep things simple and that a rolling one-year work permit was put into place, understanding that the challenge for Jersey with no population policy in place was to prohibit people

from going over that 5-year period and getting settlement status. So we proposed a rolling up to 4-year period, and then the person could leave for a 3-month period, the same as has been standard with the 9-month, and then come back again and apply for a new job or continue. What we proposed was that this needed to be clearly communicated to the employer and the employee. We actually proposed that it could be done into legal paragraphs put into work contracts. So it would say: "If you want to seek a route to settlement then you need to go through a visa process. If you do not and you just want to work then there is the permit, so there is a choice for you. Under the permit process you do not accrue settlement rights over time, you are on a fixed-term contract and when it comes to an end you go away and you can start again. Or if you want to settle you can go on to a visa route." There was the option for the employee and the employer.

[16:00]

That was rejected when we sat down with Immigration because we had recommended that they could start on 18 months to begin with and at 18 months our understanding was, we were told, you could bring all of your dependents here with you. We were asked to change that to 12 months starting as opposed to 18. So we changed it to 12. We brought in business licensing as well because that is yet another checking point in the process. Everybody around the table agreed that the process worked. It was then put out, I believe, to the States by the Minister to say that they were putting all of this into place but that they had added a condition that whoever came on-Island on the one-year rolling would have to stay off the Island for the same period of time that they were on the Island for. Our industry turned around and said that does not work. Effectively all the work that we had now put into it has been made pointless because why would you ever employ somebody that then needs to remain off the Island for the same period of time. So we spoke to a number of Ministers who are experienced in this and they said there is absolutely no legal reason for this at all and that you should go back as an Association and question it. So we have continued to question it. It is not a legal requirement. We can make our own permit rules as an Island. We do not want to upset the U.K. but we do not necessarily have to align with the U.K. So we have got some Ministers telling us to keep pushing and that this is not acceptable and other Ministers to tell us to back off, effectively. We have got complete contrast. It makes it very difficult for us. We are certainly not legal experts in policy writing for permits but what we try and do is understand what the industry wants and try and understand what is legally capable as an Island, and then try and find some compromise in the middle that works. We, as a strategy steering group, have 87 barriers to business that are listed as current problems for our industry. We are trying to work through those as efficiently as possible. So when you sit around a table and everybody agrees that this is a solution and then 3 weeks later you discovered it has been tweaked, it is frustrating to just carry on.

Deputy B.B. de S.DV.M. Porée:

Thank you for that. I am going to be a bit specific about this question. It is in regards to the permit holder and what is your understanding of the permit holder's travel and administrative expenses? Are you aware of this, that they may need to be paid back? Are you aware of employers who have that reservation put upon the permit workers where their fees need to be paid back at some point?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think international golden standard would be that the employer pays for those fees. I think it is recognised somewhat that if the person is coming for a longer period of time, that if agreed before signing a contract that those costs could be split over the length of the employment process, then it may be acceptable. Certainly from the Antigua and Barbuda scenario the employer pays the costs. The golden standard and the standard that we would propose as the preferred one, would be that the employer pays the cost. Now obviously from a business owner standpoint, if you employ somebody that is rolling from a 3-year period that is more easy to suck up if you are spending thousands of pounds on travel expenses than somebody who is only coming for 6 months, because it is the same costs wedged into a 6-month period. But again I think having an Island-wide golden standard or recommendation on how that can work and, if it is not affordable for the employer to be done, how it is communicated to the employee prior to signing and how it is fairly split up and charged would be something that we would recommend.

Deputy B.B. de S.DV.M. Porée:

In your submission to the panel, you describe some of the obstacles caused by the removal of the skilled work job roles from an approved list used by Jersey Customs and Immigration. Please could you outline the difficulties that this causes to the employer and prospective employees?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We understand, again from gathering information of how things have changed since Brexit, is that the policies that were set in place for a work permit and visa route that U.K. operates under a list of approved job roles and that list of approved job roles is quite vast. So you can pull it up and see as an employer: "I am trying to apply for this type of role and I need to check that within my sector this type of role is an approved job role for me to apply." From what we understand is that unfortunately when all of this was happening for Jersey there was an active action that was taken from immigration and business licensing to limit that list for Jersey. What that has resulted in is a lot more hoops that our employers have to jump through now. There are a lot of things, yes, that are not every day but do fall under our sector. For example, a baker or a butcher, a boat. So if you are recreation business and you drive a boat, a captain on that boat does not qualify. All of those sort of roles, for an example, are there already in the U.K. approved list however our local Immigration Department has eliminated quite a few of those, which now means that that employer has to go through a process of putting together a special case application and putting a case across to Immigration, which takes

a lot of time to prove why you would need that exception to be made. Again, it has added a level of barrier to business that we felt was unnecessary.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

That is once they have been rejected. You have to be rejected first and then you can put together a case because the list that Jersey has is not publicly accessible so they will point you to the list of the U.K., you go down the U.K. list and find the thing that you need to apply for, apply for it, get rejected and then told that that number does not exist in the Jersey list. So you need to make a special case to ask them to add the number back into the Jersey list that they took out for ... well, we cannot get a straight answer why they took it out. Because the needs at the time did not look like the industry needed those job roles. But the needs at the time are not the needs of now. So that U.K. list continues to change. From a business owner standpoint, the concept of paying for maybe a recruitment firm to pay for that application process to then discover it is rejected after we, as an Association, have probably told you we have a great working relationship with Immigration and they have told us that there are no problems to get people to come and work for you as an industry, to then get a rejection, to then be told that you have to put together a special case. With a special case they want you to prove that it is not just you that needs that employee role, that somebody else does as well. So in the case of one of our members, they need a butcher. They are part of our supply chain. They need a butcher because they are supporting local agriculture and Jersey beef. They have had it rejected multiple times from a visa and a work permit standpoint so they have given up butchering Jersey beef. So now the farmer cannot sell Jersey beef to that supplier and, as an industry, the industry cannot buy Jersey beef from that supplier either. Whereas if it was just the U.K. list that would have been approved on the first application.

Deputy B.B. de S.DV.M. Porée:

That causes quite a lot of community destruction.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We felt it was unnecessary.

Deputy B.B. de S.DV.M. Porée:

Like you said, it makes the employers change their roles or, on the other side of it, we have got issues where permit holders come to work in Jersey with permit contracts describing their job roles, when they arrive in Jersey they get given different jobs as well. So this is the other side where you are trained and prepared and expecting to be paid for a certain job and once you arrive in Jersey you realise actually things have changed. There are things there that we need to look into, in terms of job roles and this list.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Can we just add to that, as an Association, we have an absolute objection to the word “skilled worker”. I am not quite sure who is the person who defines who is skilled and who is not skilled from a job standpoint, but I know plenty of friends with PhDs that would not be able to carry out a number of the jobs that would be deemed unskilled. So I think we need to find a different term. Even if that is a standard terminology in the U.K. I think as part of our standard in Jersey we could find something that is more acceptable.

Deputy B.B. de S.DV.M. Porée:

What is the J.H.A.’s (Jersey Hospitality Association) understanding of the proportion of staff employed on work permits who return to the Island for more than one contract period? Do you have any ideas in terms of, say, for instance, the 9 months?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

So the 9-month rolling permit has been used for a decent period of time by seasonal businesses. If you are a seasonal hotel you may bring in the same people, they then go home for 3 months, they then come back for 9 months, they go home for 3 months. For that business model that has worked. We were shocked when we took on this role that our Government’s Health Department had a scenario where these people were not qualified for medical coverage. We had one scenario where a gentleman who had been coming backwards and forwards for more than 20 years that had a heart attack and had zero coverage in our hospital. We took a pretty strong approach to that and said that we would not put our name on a policy for Antigua and Barbuda that did not have that. Changes have been made so that you can now leave for up to a 3-year period and that initial 6 months at least continues. Our opinion is that is a lovely little step but the minute that you pay tax contributions to our Island you should be entitled to the coverage at the same time. I think that is something that is incredibly important that needs to change.

Deputy B.B. de S.DV.M. Porée:

Typically in your experience, the returning of the staff tends to return to the same employer or they return and find jobs elsewhere?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think the 9-month rolling it returns to the same employer.

Deputy B.B. de S.DV.M. Porée:

Do they have a choice on that, the employees?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

It varies. From what we understand, with the 9 month ... yes, they absolutely have a choice. Again it comes down to the understanding between the employer and the employee. What some of our members have had to do is stagger employees with the 9 months because that is all they have had to work with. Because obviously they are not a seasonal business they have had to really work out how the timing of each employer would leave every time. You cannot have a kitchen closed for 3 months because the work permit has finished, so you have to constantly, as a business owner, be on this rolling system and pay for the work permits every 9 months and make sure you have your right employees in place. But, as always, it is always ultimately the agreement between the employer and the employee if they wish to come back to them or if they want to apply for another employer to work for somebody else. That is up to them because the minute their 9 months is up under that format then it just starts completely from scratch.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We have a member at the moment that has an employee that they wanted to extend because the employee wanted to be here and they needed the employee for an 11-month period. So the 9-month is what the employee is on. You cannot extend the 9 months for a secondary 9-month anymore. That has been eradicated since the rolling one-year has been put in. The only option would be to put them on to the rolling one year. So he put them on to the rolling one year for the 2 months extra that you need. They then go away but you cannot bring them back again for 11 months because they have been here 11 months so they have to leave for 11 months. That is an example of where this policy does not work. We were talking with another member who has a hotel. I was talking to the head chef of a very reputable high-end hotel. He said that he had not had a day off in 2 months because he was waiting for somebody on the 9-month to complete the 3 months away. During the 3 months this person was sat at home with no income, having no job, just waiting, ticking away the days, in order to come back to continue their job again. They cannot recruit somebody into that job because they want that person back for that job. So they have to find the staffing from within their means in order to cover it for the time. It then puts extra pressure on the employees that are here because they are then expected to work overtime and extra time, waiting for this person to be able to come back because they are not here. It is a very difficult situation.

Deputy B.B. de S.DV.M. Porée:

It is tough for the employers, is not?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Absolutely.

Deputy B.B. de S.DV.M. Porée:

Again, we will put it on to the employees, what feedback have you got about the employees in this sort of experience?

[16:15]

Co-Chief Executive Officer, Jersey Hospitality Association (2):

On permits?

Deputy B.B. de S.DV.M. Porée:

Yes.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

The employees, the Antiguans and Barbudans we did exit surveys with. I actually went and interviewed them and chatted with them, we made a video that the Government has got on its website about the whole experience. In general, so I think as human beings, it is never going to be 100 per cent success rate when you bring people from ... I think the other thing that has become complicated, the further afield you recruit from the greater challenges culturally you are going to get mixing into society. We are far more alien as a society to somebody coming from 9 hours on an aircraft away than somebody who lives an hour away in Europe. We may not speak the language but we behave in a much more similar way. One of the things that we, as an Association, have introduced is cultural diversity training classes because that is not very important for the employer but it is important for the other employees within businesses on-Island to understand that when people come from other cultures into the Island they are going to be different. That is great. If we get that right as an Island we can celebrate a diverse cultural mix as an industry, and that can be ... this is not new to Jersey. The Madeiran population, I would not be here if the Italians had not come to the Island in the early years. This is not new. But we have to educate and train people who are on-Island already to understand these different cultures and understand the further afield they come may be cultures that you have not learnt about in school or in your working career. There is stuff there. I think, in general, the first year for Antigua and Barbuda went very well. There were only a couple of situations of probably what would be defined as racism or cultural clashes that happened. A couple out of 50 in the first year with no cultural diversity training prior to it happening is all right. We do not accept that any number is acceptable so therefore we have introduced cultural diversity training as part of our Association to try and help that. I love talking to anybody that is from anywhere in our industry. In general they love being in this Island. I think the key part is the communication needs to be there for them to understand and I think we need to resolve some of the permit situations that you have a choice. You are not owned by that employer. You have a choice and you have chosen to come and work here. You should be able to move. At the same time, you should also realise the fact that if the employee is expected to put up all the finances to bring you here you need

to somehow, on your contract, be responsible that you do not jump ship and expect employer A to pay when you have gone to employer B the week afterwards. There needs to be processes put in place as part of a standard for Jersey as to how that is dealt with. But we should be embracing cultures from all over the world. I would say that if we can recraft our relationship with the E.U. it would probably resolve a lot of these problems as well because it seems insane that we are having to recruit from that far afield when there are great opportunities on our backdoor step. If we are not tied as an Island to have to be exactly as the U.K., then why would we not be doing that? If it is going to be an advantage to our Island to differentiate ourselves a little bit and help our economies, then we should be looking at that as a priority.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Overall information that comes back again is about information or the lack thereof or miscommunication of what they understand, so the feedback that we have had is more around not necessarily just the conditions but the I.T.I.S. (income tax instalment scheme) issues as far as tax rates and social security and the rest of it.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We probably have half an hour on I.T.I.S. in a minute.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes, sorry.

Deputy M.R. Le Hegarat:

Just one quick question and it lends from when you were talking about induction and what you have decided to provide. Do you get any induction provided from any States department at all for any employees that are coming from overseas?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No. So we receive no ... we receive - well, I do not know the word - nothing from any States department so ...

Deputy M.R. Le Hegarat:

What about the employees?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Up to whenever this change was made by Immigration, the employees would have received an information packet if their employer had forwarded it from Immigration. So the Immigration Department would have sent this package. This package has now been changed. So we saw the

package last week and made recommendations as to bits that needed to be added and changed to it. We were not initially consulted in the creation of this package. In general, it is pretty good. It is not the most jolly brochure of hospitality-filled happiness. It is black and white, government document, with a nice States of Jersey logo at the top. But I think it is relatively self-explanatory. Where bits have been complicated we had made recommendations that wordings should be changed. This is now going to be sent out to the employees as part of their work permit package before they come as well.

Deputy M.R. Le Hegarat:

Do they get anything ... there is a reason why I ask these questions. Do they get anything from, like, Health or the States of Jersey Police?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No, as far as we know. There is not a document ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

They go and register and whatever is given to any other individuals that go to register for social security.

Deputy M.R. Le Hegarat:

So there is no input ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

There could very easily be one document that says: "Welcome to Jersey" that explains the police, the healthcare system, how you file for your taxes, your rights under a permit or your rights under a visa. This is not rocket science. This just needs the right departments to come together.

Deputy B.B. de S.DV.M. Porée:

Thank you, Marcus, for that. Appreciate it. So Lyndsay will ask you a set of questions now.

Deputy L.V. Feltham:

We are going to talk a bit more about the work permit policy and the flexibility around the permits and the permit length. We have covered a bit of this ground already but I am going to ask the questions because I get the sense that you probably have more to tell us. The current work permit policy currently prohibits permit holders from switching to another employment category and also restricts the ability of the employees to take on additional employment. What impact, if any, does that have on the hospitality industry?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

It is quite substantial because our industry is very, very much about cross-training, very much about the concept of working similar to maybe what you have heard if you work on a cruise ship. Everybody kind of gets stuck in. You do not do just one role sometimes. As an industry, we thrive on that cross-training. We thrive on giving individuals opportunity to try different areas. So if somebody is working in what we call front of house and they show a great skill and interest in wanting to work what we would call back of house, let us say cooking, we would absolutely give them that opportunity. That is historically what the industry is all about. So it really limits and restricts the employers not being able to do that. Some of the members have said that, again because of the way the policy is written, they feel that is limiting not just them as a business to be able to develop and grow their talent but really limiting their employees. They do not find that quite fair, if you will. So there really is not a clear way or a process in place where if somebody comes over for a season to work front of house, however, they have again, as I have said, showed great interest in working in a different role, they would be breaking the work permit policy rules if they are doing that, even if they choose to do that in their off time. Some of the members, they feel that would be breaking the work policy rules, so they do not want to do that.

Deputy L.V. Feltham:

Then the penalty for breaking the work permit policy rules would be?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

They would lose the permit completely from what we understand. So, yes, it does limit them.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think am I right in saying that you can work for another job if you have a letter of permission ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

If you have permission, yes, you can.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

... from your current employer?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes.

Deputy L.V. Feltham:

What do you think those conditions do in relation to staff welfare?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think back to our conversation at the beginning about transparency and breaking barriers to business, which are priorities for us. The reality is that the more you nanny state control industry, the more industry and employees - so employers and employees - will find ways to continue to run their businesses that duck around all of these different barriers. We have said for years if you limit the number ... previously, if you limit the number of work permits that you were allowed even prior to Brexit, if we were told as a business: "I need 10 employees" ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Licence.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Or licences. I need 10 employees, so the Licensing Department say: "You can have 8." That is not a solution. You asked for 10 because you need 10 specific roles in order to run your business. So now you have 2 positions that are non-licensed. It is naïve to think that that business is not going to fill those 2 positions because the business could not operate under its model. So, therefore, people just go in there that are not on a licence. So then in order to bypass that you start to increase cash-in-hand payments and, therefore, the Government do not take any taxation from it. You do not know who is here. You do not make any social or I.T.I.S. contributions. So by trying to nanny state control you have ended up with complete chaos as far as the situation is concerned, whereas if that approach had been: "Business owner, thank you for investing your money in opening a business and we understand you need 10 people because that is what your business plan says; here are your 10 licences", then: "But in exchange for your 10 licences we would like you to guarantee that you are going to name the 10 people and that you are going to quantify every pound that they are paid", then the business owner can operate their business as needed and the Government makes the taxation from each employee in that role. There has not been any barrier or any strain or any discomfort in the actual operations and economically everybody has done better as a result of it. So I think these restrictions from a permit standpoint are somewhat the same. Is every person on a permit in Jersey that is not supposed to be working for somebody else not working for somebody else? Probably not. We could not give you a number. We do not know how many are, but I think it would be naïve to think that nobody is going off and getting a few extra hours of cash-in-hand work on the side from another employer that a friend of theirs might work for and might need extra staff that night or that lunchtime. At the same time, that I think is an unnecessary pressure for that person to know: "Well, I would like the extra money, I would like to go and help my friend, I would like to go and work in the other thing, but at the same time I run the risk of losing the permit that I am on." So I think some of these things we have to look at and say: "Is it really necessary? What is the purpose of having those controls there?" If there is not a purpose, then just get rid of it.

Deputy L.V. Feltham:

Thank you. You talked a bit before about the job roles and the categories in employment and also Deputy Porée mentioned earlier around the panel being aware of occasions when people have come to a job, been expecting to undertake certain work and then being asked to undertake different work. There are 2 different sides to that, one from the employee's perspective and also the employer's perspective. Let us start with the employer's perspective first around the ... you said around the list that is maintained by Customs and Immigration. Are you aware of what methodology Customs and Immigration use to put that list together that is different for Jersey?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think the first question we have to step back on and say: what is the purpose of the list? So if you as an employer need to employ somebody and they have proven through their C.V. (curriculum vitae), their qualities and their interview that they are the person that you want to employ, what is the purpose of categorising this person as to whether they are a demi-chef or a pastry chef or a butcher or all the rest of it? We have a need on Island for people to come to our Island to work. The lack of a population policy is clearly causing frustration and friction interdepartmentally within government because on one hand historically we have been controlling our population and worried about overpopulating our Island. Now the understanding is that we have an ageing demographic in our Island that is going to need further care, that automation is going to have a huge impact in industries that can more easily be automated. Human-to-human interaction cannot be automated so, therefore, healthcare, nursing, hospitality, those kind of things are not going to see the same implications that maybe financial services can from an automation standpoint.

[16:30]

So we need people that are skilled to come to Jersey to make our life quality better and to play a huge role in our economy. So I do not understand as an employer, and I think our employers within our Association would say the employee knows who they are going to work for. The employer has selected that person for their C.V. and for the online interview. Why does there need to be this listing? Why do they need to be categorised as a number as far as their skill is concerned? From what Ana was saying before, we have members that have brought somebody for front of house. There is one particular case. This person has come as a front-of-house bellman, is incredibly culinary skilled, wants to train as a chef. The employer is feared to train that person to be a chef. Now, that is wonderful because we are told on one hand by Immigration: "You as an industry should upskill your staff." You cannot upskill the staff because that is violating the work permit that they are on because they are not allowed to be employed in the kitchen. They are only allowed to be employed as the whatever, 5, 7, 6, 4, whatever the bellman number is. So I think again: are they necessary and, if they are not necessary, then why do we need them from a numbers standpoint?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

But to maybe describe the process, what we understand had happened is that when it came into effect, Jersey just copied and pasted following obviously what is there in place already by the immigration in the U.K., but our Immigration had gone to business licensing and said: "Do our roles fit whatever is registered in your system?" and whatever was not registered in their system potentially at the time or they did not have records of that particular job role, it was just eliminated. So that hopefully answers a bit of that.

Deputy L.V. Feltham:

Okay. The panel will follow it up as well, I think.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It is critically important that the employee knows what they are coming to Jersey to experience. I think as an Association we cannot make that clearer. We do not want anybody coming to Jersey that arrives here and experiences something that has not been sold to them or told to them or communicated with them through their work contract. So we would encourage any methods and steps that can be put in place to more clearly communicate what is expected of somebody before they come. Myself, I left Jersey. I went and educated myself in America and worked in America. It was incredibly foreign and it is a scary thing to get on an aeroplane and move your life for that number of hours. I think had I arrived there and experienced something completely the opposite of what I was expecting, that would be an awful situation for any human being. So I think we as an Island should champion and put in place those type of things so that when people do come here they know what they are expecting and at the same time anybody who is employing somebody that does not follow through with that should have some kind of penalty as a result of it.

Deputy L.V. Feltham:

Thank you. We have touched on the 12-month permits and you have given us some of the feedback from the industry. Was there any further feedback on the length of the 12-month permit that you wanted to give us?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We have not really received a full answer on the reasoning why that stipulation was put in place when it comes to they have to leave the Island for as long as they have been on the Island. One of the things we wanted to bring up is it would seem that there are already checkpoints in place that have been in place by other departments' policies. So, for example, the residential and employment status policy, the Control of Housing and Work Law already has these checkpoints in place. So, from what we understand, if somebody has an entitled to work status and they leave the Island, they

have been working here for a certain amount of time and they leave the Island for 6 weeks or more, then they automatically lose that status. So, to us, adding again more conditions, it creates more checks unnecessarily put in place. The Island already has that check in place, so for Immigration to put a stipulation that somebody has to be off Island for such a long period of time does not really provide a reasoning why that is necessary.

Deputy L.V. Feltham:

There is obviously the impact on the employers with that. What impact do you observe on the welfare of the employees of having to leave the Island? You touched, for example, before on somebody not being able to work for that amount of time. Are there any other impacts?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

This process effectively completely deskills our visitor economy every 3 years. So from an Island visitor economy and hospitality industry standpoint ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

At the moment it is every 9 months.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Well, if you are on the 9 month, but the 3-year one ...

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes, every time you start all over again and retrain and everybody knows it takes at least a good 3 to 6 months to kind of get settled in a role and then you have to finish a few months later and then you start from scratch with somebody new. So yes, it is a huge disruption.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

So the 9-month, unless you are operating seasonally, effectively just damages your income for a 3-month period every 3 months, but those people can return and they are trained and their skillsets continue to grow with you if they choose to come back each year. The rolling one-year with leaving for the amount of time that you were on Island effectively just eradicates and deskills the industry on an every 3-year process. I think that somebody who wants to ... I do not like to use the word "use" but somebody who wants to use Jersey as a place of income, so they want to ... I went to America to work, make as much money as I can and come home. If they want to do the same thing, so they choose Jersey as the place that they want to take their skills and make as much money as possible, then why limit them to that period of time? There is a pathway to settlement if they want to. They can go down the visa route. If they do not want that path and they just want to come here and work, then why say: "You can only be here for 3 years and then you have to be away for 3 years"? If there

is no law in place and there is no law from a U.K. standpoint either, then ... our Association asked us to deliver the paper that we proposed. We have had communication back to industry again saying: "Are you satisfied with what has been achieved so far?" We are told by our members: "No, we are not. We would like you to deliver the paper that was originally put forward." So our job in our role is to continue to try and find a solution for that.

Deputy L.V. Feltham:

I am conscious of time and we have covered quite a lot of ground there, so I will hand over to Mary.

Deputy M.R. Le Hegarat:

I am going to just ask some questions in relation to working conditions and support. Do you believe that the work policy strikes the right balance between the interests of the employers and the protection of the work permit holders from exploitation?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes. I think as long as those clear communications are put in place prior to a permit being issued and signed on both sides, then yes, I think it does.

Deputy M.R. Le Hegarat:

Okay. Are these models of best practice followed by yourselves and members in relation to the work permit holder working conditions and support?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

So we would like, as I think we have said before, to have a golden standard document that not just our Association adheres to but that Government agrees and recognises. I think as an Association we would encourage Government that while the law is there and the law may not need to be changed, there is nothing wrong with having a document that says you can do it a bit better on top of what the basic requirement is.

Deputy M.R. Le Hegarat:

Okay. In your experience, what working hours would be typical for a contract held by a work permit holder in the hospitality sector?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Again, employer to employer, but I would say on average you are probably looking at 40 to 45 hours a week would be a kind of standard work contract. Some employees will come and they will actively ... we have members that have said: "I do not know what to do. My employee wants to work more and more and more and more. Am I allowed to?" I think you have to take a case-by-case situation

with that and see what people are ... obviously mental health comes into play and people will burn out eventually.

Deputy M.R. Le Hegarat:

Obviously, you need to fit in with the Employment Law.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, absolutely.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes, and because the current work permit ... well, we are up to this one year now, which makes a slightly different option, but prior to that this 9 months, I think the employee would want to come here and earn as much as they could before they went home. So it is this timing restriction where they feel like: "I am here. I had better earn as much money as I can to send back home to my family." Whereas if they know: "I have some time. I have 3 years. I can in the meantime go visit home and see everybody and then I can come back. I understand I cannot work towards that 5 year", but again those rules and policies are already in place from our social security standards as far as a right to work, entitled to work permit. So again, we are just trying to figure out what ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

There are hundreds of jobs in our industry or job positions that would not qualify on the skilled worker visa numbering system for the U.K. So we see that there is a problem potentially that you could come to Jersey, you can leave your family, this is your own choice. You can make as much money as you can on that rolling one year, upskilling yourself, but maybe you do not want to upskill yourself to be a chef, maybe you are extremely happy being somebody that manages the laundry department for a hotel or somebody that does the groundwork. There are literally hundreds and hundreds of diverse jobs in the industry. There, therefore, is not that route. You know you have a lingering time bomb over your head that come that 3-year period you are going to have to relocate somewhere else on this earth because there is no way that you are going to stay off-Island for 3 years to come back to a job 3 years later. The employer cannot keep the job open for 3 years. You are not going to sit around waiting for 3 years. So I think from that standpoint that does and will ... it obviously does not yet because we have not got to that stage yet, but I think that will play a role in the mental wellness of migrant workers on the Island in not feeling, again back to that skilled level, at an equal level. There is nothing worse than: "You are a skilled worker. I am an unskilled worker and I do not have that option to continue afterwards. I do not want your job. I want to carry on doing my job. I am very happy doing it." So I think from that standpoint it will start to impact after that 3-year period.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes. More importantly, it just puts away the employers from even using that route altogether. Some of them have said: "I am just going to keep using the 9 months and have to keep doing this juggle, juggling between work permits", which is again high cost and a lot of operational heartache. A lot of them do not have an H.R. (human resources) department to sit there to fill in forms and pay for work permits every 9 months. But at the moment, because that is their only option, they would rather do that than feel like they have to keep somebody away for 3 years because that just ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

That negatively impacts industry growth.

Deputy M.R. Le Hegarat:

I think I will just skip through some of these because I think we have had quite a lot of discussion. Are you aware of any grievances between work permit holders and employers and how these are handled by the J.H.A.? So does the J.H.A. deal with any of these matters if there are any grievances or disputes?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No, only on the Antigua and Barbuda. So with the Antigua and Barbuda, wherever there was ... there was a problem with one of our members. So one of our members had some issues with their employee that had come over, and that was cultural between their existing employees here and the person who had come over. The J.H.A. and the High Commissioner in London dealt with that situation and have stopped that from happening again. Equally, there was a situation where an employee had come in and caused a relatively serious issue, and again from that the High Commissioner and her department in London have far better experience of dealing with these situations, but that employee was sent back to Antigua and has been told that they are not allowed to partake in any further work scenarios from this M.O.U. But individually we do not get involved.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

But individually we do not because we are not ...

Deputy M.R. Le Hegarat:

You do not get involved in any of those?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Legally, no, that is not our capacity. We do offer, again, advice and we are there to sign point but we do not get involved legally in any capacity.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Correct me if I am wrong, I would say in the 8 months or 9 months we have been in this role we have not had one employer come to us asking for any assistance with an issue.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Not that we are aware of, no.

Deputy M.R. Le Hegarat:

Okay. I will skip on then to the accommodation situation. In feedback provided by one of your members, the provision of accommodation for staff members is highlighted as a key issue. Please could you outline for the panel what the hospitality industry's concerns are in relation to accommodation for their staff?

[16:45]

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think it is fair to say we no longer have a recruitment crisis. The industry has changed its ways and recruits, as we discussed for the last hour or so. There is the ability to recruit skilled people to come and fill the roles wherever they are coming from globally. The challenge we have is housing and as an Island the challenge we have is housing. We have, again, a siloed approach within Government. The Housing Department's priority is housing locals, which is totally understandable. At the same time, that is going to jeopardise ... and there are various other consultations that we are involved with at the moment where we will have no self-catering, no Airbnb on this Island at all, if policy goes through that is being proposed at the moment. So we will completely jeopardise our visitor economy and our offering as far as the hospitality industry is concerned when we are trying to provide housing for locals and putting policies in place that are completely unrelated. So we have a shortage of first-time buyer and affordable housing. This might be a unit that is inside some incredibly wealthy person's house that is extremely expensive to rent per week and is suitable for an affluent visitor and is not suitable for a first-time buyer or affordable housing, but equally it kills off that in order to protect the other. So I think we need to ... we have discussed it at length as an Association. I think a number of people have recommended that they maybe need to put a new category into our planning that is for worker housing on Island. We have seen incredible examples of worker housing. So the Gurkhas are incredibly experienced in worker housing and moving large numbers of people around. There is volumetric modular construction, wonderful terminology. It is very high quality, high living that might not have the same size floor plan that is required if you are going to call it home for life. You have come there to work. It has a bed, a sofa, a washing machine, your kitchen, everything you need, but you are not going to think about settling down and having a family in it. So I think we need to look as an Island now at these solutions, and there are solutions out there. I think we maybe need a new category within our Planning Law that can help with that. I think equally there

are quick wins. One of the other conversations that had come up was is there a way that the companies can rent so that if you are entitled to work here at whatever level you are at, you should be entitled to live as well. So if there are these barriers in place from a planning standpoint, can the company maybe go out there and rent for their employees into accommodation that maybe at the moment the employee is not qualified to rent? That might be a short-term solution.

Deputy M.R. Le Hegarat:

Do you think that these issues impact on the welfare of the employees?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Well, it is very limited resources so yes, it is a bit of a ... numbers. It will be because you are limited to what they will be able to rent. So statistically if a certain size house is going to be taken up or accommodation is going to be taken up by somebody that is qualified, then it does not leave ... again, it is supply and demand. It does limit the selection.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It more negatively impacts, I think, the people who are already working here. So I think that the people who are already working here, because you cannot bring the number of employees you need in because you cannot find housing, that negatively impacts the working environment of those that are working now because they are having to work more hours and cover for the role that cannot be filled because you cannot find a house to put the person into.

Deputy M.R. Le Hegarat:

So how is the accommodation provided or sourced, if you like, for the work permit holders? Is that done by the employer or is the employee left to ...?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Yes, that is part of the stipulation on some of the work permits. You have to provide them accommodation in order to get approved the permit. So very few of our members have the capacity to provide that. So if you are a hotelier, you have had to make the financial decision to basically cut out some of your stock for your operations and give it to your staff. So they are able to provide that because they have the room; that is the sort of business model they have. But you have, for example, restaurateurs that do not have accommodation as part of their business model so they cannot hire anybody that is not part of the Common Travel Area or does not have the 5 years on the Island. It is extremely limited resources.

Deputy B.B. de S.DV.M. Porée:

There are a lot of businesses suffering from that in Jersey.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Absolutely, yes. So it really limits ...

Deputy M.R. Le Hegarat:

Is the accommodation monitored or checked that is provided? Do you do any monitoring or checking on the accommodation?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

No, the Association does not.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No, and there is no longer any monitoring of even hotel room quality. So when Jersey Tourism ceased to exist and Visit Jersey started, there is no longer any governmental checking of hotel standards in place either. I think it should be clear that this is not just the hospitality industry that is struggling with this. This is across the board, even governmentally, are renting hotel rooms to put temporary workers for Government, to be housed in hotels as opposed to having a house because there are not any.

Deputy M.R. Le Hegarat:

This is just a question. They introduced this scheme for renting rooms in people's houses which are underoccupied. Have any of your members used any of that?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

So the members that are using that in place, they were thrilled to be able to continue to be allowed to do that because it supports them. So, overall, it is a harder thing to do as a business to try to reach the community to say: "Hey, I have an employee. Can you please help me out?" Yes, while that really helped with the current ... like, the students and that, that sort of scheme was already in place. That really helped out because that was an established route for them to use that system. For somebody new to enter that and take advantage of that new policy I think it is a bit harder because those routes and relationships have not really been established.

Deputy M.R. Le Hegarat:

Thank you.

Deputy L.V. Feltham:

You said that you had lots to say on tax and social security. I am mindful that we do not have a lot of time. How do you feel that the Jersey tax and social security obligations impact on the work permit holders in the hospitality sector?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I am going to say a short period and then I will let Ana talk more because she has far more experience in this. We touched on healthcare and, therefore, your social security. As an Association, we believe that as soon as you pay your social security you should be entitled to the benefits of what you are paying for. Or, if you are not entitled to them, you should be refunded at the end of it. But for decades and decades our industry has been paying in contributions of employees' and employers' contributions for people who have worked here for short periods of time, gone away, come back, gone away, and our Island has offered those people no benefits. So from a taxation standpoint the Government has reaped huge rewards off the industry that the employees have reaped nothing in return. So that definitely needs to be resolved. Do you want to talk about I.T.I.S.?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Well, overall, when we were talking previously about complaints, what sort of feedback and complaints we have had from employees through their process of being on work permits, that is definitely up there, up to the top, is the huge variances of the tax rates of individuals when they come and register on to the Island. Just for an example, one of the Antigua and Barbuda delegates has arrived. They went to register. Their tax rate is 27 per cent. So they have said: "I cannot stay on this scheme. I have to pay 27 per cent I.T.I.S. plus 6 per cent plus a deduction of my monthly housing. I will not be able to stay on this scheme. It does not make any financial sense for me." So there are huge discrepancies. We have had members come to us and say: "How is it 2 employees, same job, same job title, same employer, same salary, get completely 2 different rates?" They are not just by a couple of percentages, they are huge discrepancies in percentages. Those are the sort of things that, again, will provide issues with employees.

Deputy M.R. Le Hegarat:

Are you aware if they ... or were they aware what things they were able to claim for while they were here so that that would impact on those rates?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Clearly, those percentages and the individual with the incredibly high percentage is as a result of a mistake. So somewhere in the online process or the filling in they have ticked a box that they should not have ticked because there is no way that ... the salary levels of these individuals coming in are not going to, in general, be in the high teens, 20 per cent. They are coming in from scratch. So,

again, it is a communication thing. These things are too complicated and use terminology that is misunderstood by people who are coming, maybe not multilingual options on website, et cetera, so these mistakes are made. Then I do not think that they realise that you can debate it or question it. To get in contact with somebody again has been incredibly difficult. It is not like you could just walk in there anymore and stand in a line and wait. It is not an easy, accessible, hospitable process. It is very difficult.

Deputy M.R. Le Hegarat:

What impact does the requirement to leave the Common Travel Area for 3 months have on work permit holders with the ability for them to file tax returns on time? Is it them that is submitting them or is it their employers that are submitting their tax returns?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Well, the personal ones they will have to submit themselves, yes, absolutely. The employer is there to, again, probably signpost them but they will not be in the position to file. They would have to ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

It probably depends on where your 9 months has fallen into the calendar year because the 9 months is not January to September, it can be any 9-month period.

Deputy M.R. Le Hegarat:

Over 2 years.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

But the taxation year is set the same every year. So goodness knows. Good question.

Deputy M.R. Le Hegarat:

Effectively, in your view, there is probably inefficient information or assistance given to them in order for them to be fully able to understand both social security and tax implications?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We would not want to guess. We would have to ask our Association because we have not asked them this. From a guess standpoint, I think you are completely correct. There would be a lot of people that if it did not fall into the right area of the calendar year might not have even been here during the time period where people were talking about filing personal tax.

Deputy M.R. Le Hegarat:

Okay. I think I will leave it at that.

Deputy B.B. de S.DV.M. Porée:

Thank you. I think we have about come to the end of it, which is good. We are doing well anyway. So, in addition to the tax and social security contributions that you know employees have to pay, are you aware of any other responsibilities or wage deductions that employees do suffer?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

There are different levels of accommodation, obviously. Again, that is going to be varied between employer to employer and location to location, depending on ...

Deputy B.B. de S.DV.M. Porée:

So would you say there is no set amount to be taken off the ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No, I think it totally depends because ...

Deputy B.B. de S.DV.M. Porée:

It depends on the employer ...?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Employers that own their own accommodation are in a different situation from employers that will have to go out and find somewhere that qualifies for them. I think in general the things that we see being taken out of people's pay are housing and then the question of if your travel and your application process is being deducted over a period of time during your employment. But those are the only things that I think we have seen being taken out.

Deputy B.B. de S.DV.M. Porée:

Maybe an approximate rate that employers do talk about that they ...?

[17:00]

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We would not be able to comment on that because honestly it is such a huge variance.

Deputy B.B. de S.DV.M. Porée:

It can be anything and everything then, it is completely up to the employer?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We have heard of some members that are able and have the capacity to have zero deductions because they own the properties, they have potentially no mortgages on those properties, whatever. That is part of the total package. Our industry does very much revolve around a total package as well. So it is not just about accommodation that our employers are able to offer but it is meals. That is never deducted really that we know of. Meals are ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Transport.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

... customarily always included. If you are working, you are going to get a meal. You are fed 3 times a day. A lot of times potentially there might be discounted other benefits and things like that. But we cannot comment overall as an average because we would not be able to give you a correct figure. Some employers are able to give quite good packages on the accommodation and some just literally have to, no other means. This is the cost from the landlord and this is the cost ... some of them can subsidise some of that and some of them just have to pass that on. But again, that is communicated and should be communicated prior to as part of that contract.

Deputy B.B. de S.DV.M. Porée:

It is fair to say that your organisation, Jersey Hospitality Association, does not have that sort of conversation with the employers in terms of advice of approximate amount of what they should be charged or not? So it is not within your area of communication?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

No, because we do not get involved in the details of salaries and accommodations and all that kind of stuff.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

We would not have the capacity to do that as an Association, and that is not something that ...

Co-Chief Executive Officer, Jersey Hospitality Association (2):

I think the recruitment firms will have a far better idea for you on those kind of details and those percentages and that kind of stuff.

Deputy B.B. de S.DV.M. Porée:

Thank you. We are very much coming to the end of our interview. Would there be anything you would like to talk or let us know that we have not had an opportunity to cover yet?

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Do you have any other ...?

Co-Chief Executive Officer, Jersey Hospitality Association (1):

No, I think we were able to squeeze in a couple of things that we wanted to say.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

We have deviated off some questions to squeeze in some bits. I think we have done all right.

Deputy B.B. de S.DV.M. Porée:

Save your time. It means you are free. Thank you.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Thank you very much for your time.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Thank you very much, and can we just say as an Association we are here to engage with you guys not just through formal scrutiny but all the time if there are ideas or better communications or golden standards that can be put in place. We answer the mobile. We answer the emails. We are very happy to talk any time to try and help. We all need to work holistically as an Island to resolve these things.

Deputy B.B. de S.DV.M. Porée:

That is really good and it is good to know that you are extending that extra support for information if we need to. We probably will take that up.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Absolutely, any time. Happy to share.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Happy to.

Deputy B.B. de S.DV.M. Porée:

It is good to know that in an ideal world we are all working towards the same aim.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, definitely.

Deputy B.B. de S.DV.M. Porée:

To have happy people working in Jersey.

Co-Chief Executive Officer, Jersey Hospitality Association (1):

Absolutely, yes.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Definitely.

Deputy B.B. de S.DV.M. Porée:

With the right respect and all fair.

Co-Chief Executive Officer, Jersey Hospitality Association (2):

Yes, absolutely, quite right.

Deputy B.B. de S.DV.M. Porée:

Thank you. So I think our meeting is now over.

[17:03]