

STATES OF JERSEY



WORK PERMIT CHANGES (P.57/2026): AMENDMENT (P.57/2026 AMD.) – COMMENTS

**Presented to the States on 24th March 2026
by the Minister for Justice and Home Affairs**

STATES GREFFE

COMMENTS

The Minister for Justice and Home Affairs is grateful to the proposer for her engagement on this Proposition, and for bringing an Amendment addressing some of the Minister's concerns. Accordingly, the Minister is content to accept part (a) of the Proposition as amended.

The Minister is however unable to accept part (b), and this Comments paper will set out the reasons for this.

Engagement with proposer and position on part (a)

The Minister met with the proposer in relation to this Proposition on 19th February and again on 9th March, and officials from the Jersey Customs and Immigration Service (JCIS) have also met with the proposer on several additional occasions since lodging.

The Minister is grateful for the collaborative and open approach taken by the proposer, and is committed to working with the Deputy in order to ensure all migrant workers are treated with dignity and respect. The Deputy's personal commitment to this is recognised and is to be commended.

This constructive engagement has led to the lodging of this Amendment and the Minister is accordingly pleased to accept part (a).

It is recognised that the Work Permit Policy requires review to ensure that it is best able to meet the needs of the Island, whilst ensuring the welfare of those who come to work in Jersey. Much has changed since the Policy was introduced in the 1990s and whilst regular and substantive amendments have been made since that time, it is now accepted that a full and independent review should take place.

Part (a) of the Deputy's amendment commits the Minister to undertake such a review and sets out some criteria which should be included. It commits the Minister to undertake and publish that review by June 2027 and to bring forth any resultant policy or legislative amendments by December 2027. This is considered achievable.

Ongoing concerns in relation to part (b)

The Minister is however unable to support part (b) of the Amendment.

Part (b) as amended requires the Minister to '*undertake an examination of the Employer Pays Principle (as set out by the International Labour Organization (ILO)) and produce a roadmap for implementation of the principle in the Island by June 2027, ensuring that recruitment fees and related costs for the employment of migrant workers are not collected from the workers themselves, either directly or indirectly.*'

It would not be appropriate to commit to the implementation of such a change at this stage, prior to the review being undertaken and without any consultation on the matter.

Whilst the Deputy's amended part (b) provides for 'an examination' of the principle, it still presupposes the outcome of the exercise, in that it also requires the implementation of the principle. This is what creates a difficulty for the Minister.

Changes to our work permit system, particularly where they are significant, can have complex and often unintended consequences for the island. Accepting that migrant labour welfare and equity of treatment is an essential component of the work permit policy, any identified risks must be carefully considered and consulted upon. These may include:

- ensuring the work permit scheme is economically sustainable and supports the Island's attractiveness and competitiveness;
- likely sectoral and economic impacts that may affect recruitment into critical skills gaps or labour shortage occupations;
- the impact on employers absorbing potentially unrecoverable costs in a more mobile overseas labour market;

It is not clear at this stage what our work permit framework will look like after the review and any changes it recommends. There could be significant changes as a result and any changes such as the Employee Pays Principle should be subject to detailed examination and consultation.

The Minister's preferred approach in relation to the Employer Pay Principle would therefore be to consider how it could fit into that framework as part of the overarching review.

Aside from these concerns, it is also not clear what implementation of the Principle would represent on the basis that it is not expressed as being a mandatory obligation.

The 'Employer Pays Principle' (EPP) is one of a series of Principles published in 2012 by the Institute for Human Rights and Business and relates to the fair treatment of migrant workers. The principles are not an International Labour Organisation (ILO) initiative and are voluntary in nature.

In that respect, consideration would be required as to how a voluntary principle could be practically implemented.

None of the ILO Conventions to which Jersey is a party impose an obligation to apply the 'Employer Pays Principle' as a means of demonstrating compliance with the Conventions." Nonetheless, the Minister agrees that it would be helpful to include consideration of the 'Employer Pays Principle' in the independent review mentioned in Part (a) of the amendment.

Clarifications in relation to the Work Permit Policy

Whilst this comment is focused on the Proposition as amended, there is a need to highlight some misunderstandings which were contained in the original Proposition in order to ensure that publicly circulating information about the Work Permit Policy and the work of JCIS are clear and accurate.

Work permits are currently issued to an employer to recruit a named individual into a specific role for a specified period of time.

The current work permit policy does not seek to grant the employer control over the worker, including where they live and how they live. The policy does place obligations on employers to take reasonable steps to ensure that migrant workers are living in safe and suitable accommodation in compliance with the necessary standards. It does not mandate that a migrant worker has to live in accommodation provided by the employer, although of course some do provide this as part of the employment package. Whilst it has been long-standing practice for employers in the agricultural sector to provide accommodation this is not mandated.

Following feedback received through the Work Permit Holder Welfare Review published in 2023, a number of changes to the Work Permit Policy were made, including reducing the period during which a temporary work permit holder must remain with their original employer.

This requirement has been reduced from 12 months to 6 months, thus increasing worker mobility, giving individuals greater flexibility, and importantly, reducing long term dependency on a single employer. Overseas workers are able to take on part-time employment in addition to their contracted hours with an alternative employer in a role that a work permit would be ordinarily issued for.

It is also important to note that JCIS will always consider each individual's circumstances on a case by case basis. If there are valid reasons for switching employers earlier than 6 months, this can be permitted. This is an important safeguard for workers who may be experiencing difficulties or have concerns requiring urgent intervention.

In 2024, the Work Permit Policy was amended to prevent employers from passing recruitment costs or work permit fees to employees, directly or indirectly.

Conclusion

The Minister recognises the proposer's positive intentions to drive forwards improvements in respect of work permit holder welfare.

Part (a) of this proposition provides a valuable opportunity to commit to a full scale review of our Work Permit Policy. This work is necessary and timely.

It is unfortunate that agreement could not be reached on Part (b) – this requires more consideration and would benefit from being considered holistically as part of the overall review of the Policy. The Minister therefore asks Members to reject this.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were submitted to the States Greffe after the noon 20th March deadline, as set out in Standing Order 37A, due to the time required to consider the Amendment lodged on 17th March.
