

**REPLY BY THE PRESIDENT OF
THE COMMITTEE FOR HOME AFFAIRS
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY L QUERPEL**

QUESTION 1

Please can you tell me what regulations are currently in place to ensure that local businesses in need of labour, exhaust every possibility of employing local labour, before applying for licences to employ overseas labour?

ANSWER

Roles are listed in the Employment Permit Policy (“EPP”) because a significant and continuous labour and/or skills shortage have been identified and documented in Guernsey. These pre-approved job roles are referred to as ‘in-policy’ posts.

The EPP is intended to be a flexible working policy that is adaptable to the island’s unique needs. For example, if unemployment rises in a particular post or sector, the Committee *for* Home Affairs (“the Committee”) can choose to suspend or remove a post. The Committee may also vary the criteria for posts if reasonable. This for instance, could be following new academic or professional opportunities offered locally. The Committee would likely consult with industry, governing bodies, other political Committees (such as the Committee *for* Economic Development and the Committee *for* Education, Sport & Culture) and other service areas of the States of Guernsey.

Employers wishing to access ‘in-policy’ permits have to undergo the Employer Assessment (EA) process which is regulated by the Employer Assessment Policy. The EA is effectively permission for an employer to be able to make in-policy applications. The EA aligns with the States Strategic population objectives.

A principal focus of the EA process is how the business supports employees. This includes what their general local recruitment efforts are (where they advertise locally, how long for, what is included within a job advert, do they attend careers fairs, engage with school leavers, etc.), how the business benefits the employment market in Guernsey – specifically support given in the way of training and development programmes, and any other support such as bursaries. The employer also needs to provide information on what flexible working arrangements they have, whether they support work experience placements and take part in the apprenticeship schemes (or offer a similar programme). These are just some of the elements required to ensure that the businesses are responsible employers.

QUESTION 2

Please can you tell me whether or not there are any regulations in place currently, that direct local employers employing labour from overseas, to ensure, wherever possible, that the skills of their employees from overseas, are passed on to locals, thereby ensuring that when the licence of the overseas employee expires, a local person is then qualified to take over that vacant position?

ANSWER

The EA process noted in response to question 1 sets out how businesses are required to demonstrate that they are responsible employers with a commitment to supporting the development of their workforce.

Businesses may also apply for 'out of policy' permits. Whilst data has already been provided for posts listed within the EPP to evidence a shortage, for roles which are not listed in the EPP, if there is not an identified significant and continuous skill/labour shortage locally, an Employment Permit may still be a possibility, however, this may be an 'out of policy' Employment Permit application. This type of application is typically used for (but not limited to):

- Bespoke role
- Combination of multiple 'in-policy' posts
- One-off or only recent recruitment challenges
- Variation of an 'in-policy' role which is unique to the business.

As part of the application process, very detailed local recruitment efforts must be provided, regardless of whether the request is for a Short or Long Term Permit or a Seasonal Employment Permit.

The employer is also expected to provide in-depth information on how the role fits within the overall business plan, how the role will be of benefit to upskilling other existing employees and what tangible impacts there would be on the business if a Permit could not be secured. Consideration is given to whether there are any succession plans in place (i.e. whether a Permit is needed to bridge the gap to upskill an existing employee [who may not require an Employment Permit]). Each application is reviewed by senior management on a case-by-case basis (even if it is a repeat application for the same role). If these requirements cannot be satisfied, this will likely result in an application being rejected.

Any assessment also takes into consideration whether the role is eligible for a work visa in the UK, Jersey and Isle of Man now that the EPP regulates immigration clearance and Employment Permits, which will assist in determining the level of Employment Permit that can be granted (if applicable).