

STATES OF JERSEY



WORK PERMIT CHANGES

**Lodged au Greffe on 19th February 2026
by Deputy B.B. de S.DV.M. Porée of St. Helier South
Earliest date for debate: 24th March 2026**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to request the Minister for Justice and Home Affairs to undertake any necessary legislative and policy actions required to –

- (a) update and strengthen the current work permit policy, whilst undertaking a review into the feasibility of changing the registration process for work permits so that they are held in the name of an employee (and not the employer), whilst maintaining the existing restrictions on migrant workers regarding work permit category and length of stay, such review to be completed and published by June 2027; and
- (b) implement the Employer Pays Principle (as set out by the International Labour Organization (ILO)) and ensure that recruitment fees and related costs for the employment of migrant workers are not collected from the workers themselves, either directly or indirectly.

DEPUTY B.B. DE S.V.M. PORÉE OF ST. HELIER SOUTH

REPORT

Recently the Government took the decision to confirm their intent to bring forward modern day slavery legislation. Whilst I consider that this long overdue, I welcome the commitment to bringing this necessary legislation forward.

However, I consider that this is only addressing a part of the problem. This proposition is therefore intended to address two other significant elements – the registration of work permits and recruitment costs applied to migrant workers.

Part (a) – Work Permits

A worker who comes to the island on a temporary basis – a migrant, or seasonal worker, comes under the terms of the Work Permit Policy, and therefore under the terms of the [Immigration \(Work Permits\) \(Jersey\) Rules 1995](#) (the “Rules”). These Rules set out terms for “a person not having the right of abode in Jersey seeking leave to enter or remain in or variation of leave to enter or remain in Jersey for the purpose of employment subject to a condition that the person holds a work permit”.

I am not arguing that such rules should exist, or that we need to have controls in place on workers entering the Island.

It is the terms of these rules that causes the issue –

2 Application for work permit

- (1) An application for a work permit shall be made to the Minister by the person wishing to employ the entrant.

The work permit is in the name of the employer. This grants the employer control over the worker – not just where and how they are employed but often where they live and how they live. A migrant worker who comes to the Island has no ability (except for specific cases) to change their employer. They are trapped into that position, and I have spoken to many migrant workers who are too afraid to speak out, who have no options but to continue in the position they find themselves.

We often hear ‘if you don’t like it there is a boat in the morning’. Not only is this extremely economically short sighted, but it is also not usually an option for migrant workers. They are brought to the Island tied into contracts and often owing money to employers – they are left with the option of a boat in the morning that they cannot afford, to return home with outstanding debts they will struggle to pay off.

The proposed change under part (a)

After discussion with the Minister and Officers I have reluctantly reduced the scope of this proposition by introducing a review element to the work permit changes. I remain strongly of the view that these are changes that are needed, but I accept that there are areas that must be investigated.

Given the recent landmark legal case, and the public view on this matter, Government have agreed to take steps – this proposition asks them to take two further steps towards

equality. If one of those requires some work before it is taken I can accept that – and hope that this proposition goes some way to holding Government to account.

My proposition seeks a strengthening of the existing work permit policy whilst requesting the department to investigate the feasibility of a change which would see the work permit being held in the name of the employee.

I would like to reinforce that this would be a limited change –

- The employee would still need an offer of employment to come to the Island.
- The employee would still need to undergo the same checks and visa requirements.
- The work permit would still be limited to one area of employment (for example hospitality/agriculture/construction) and related time frame.

What the change would do is give power back to the individual. If they find themselves in a position where they are poorly treated, accommodation is not acceptable, they are asked to undertake roles outside of their contracted position, then they would have the power to change this and to apply for other roles within the same industry.

I would like to note that all of the above examples are happening in our Island and all of these have elements of modern day slavery.

The current work permits system can lead migrant workers into servitude where every aspect of their lives is run by their employer, a position they cannot get out of – and in most cases are too scared of deportation, or worsening conditions, to report. By giving migrant workers the freedom to change roles within the same industry there is an equalisation of power, with the employers obligated to maintain the promised levels of salary, accommodation and security, if they wish to keep workers.

False arguments

Migrant workers are often treated with suspicion. There is an ingrained prejudice that they will ‘steal’ jobs from Islanders, that they are just here for the money (to which I would just like to point out that very few people would decide to travel halfway around the world to undertake a manual job for which they were not being paid).

Implementation of work permits is designed to counter a number of issues and I would like to demonstrate that these will remain in place –

Immigration control - by linking the permit to a specific job and company, authorities can prevent "job hopping" that might bypass immigration rules.

- There would be no significant change here – the work permit would remain linked to a specific industry. A migrant worker who changed job or company would be obligated to inform immigration control (and any employee in breach of this would face sanctions). The length and terms of that work permit would not change.

Employer accountability - the named employer is legally responsible for the worker's welfare, including ensuring suitable accommodation, fair pay, and compliance with local employment laws.

- This would not change – the employer would remain legally responsible through the terms of the employees work contract.
- Presently this ‘employer accountability’ is not often tested due to the balance of power lying with employer and the onus of proof lying with the employee.

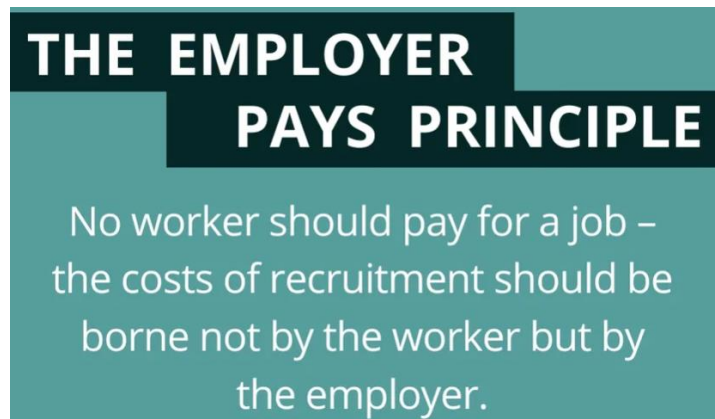
Regulatory Monitoring - permits allows Government officers to conduct compliance checks at specific work premises to ensure the worker is performing the role for which the permit was granted.

- Once again there would be no change here. As noted above, the employee would need to report if they change role and the regulatory database would reflect that.

Labor Market Protection - tying a permit to a specific employer allows Governments to verify that a genuine labour shortage exists for that specific role.

- This position would not change. A migrant worker would not be able to come to the Island to work without formal written agreement to be employed within a specific role. Just because the work permit would be in the employees name does not mean that anyone could apply and come to the Island to find work. They would need to have in place a genuine and agreed offer of employment, as at present.

Part (b) – recruitment fees



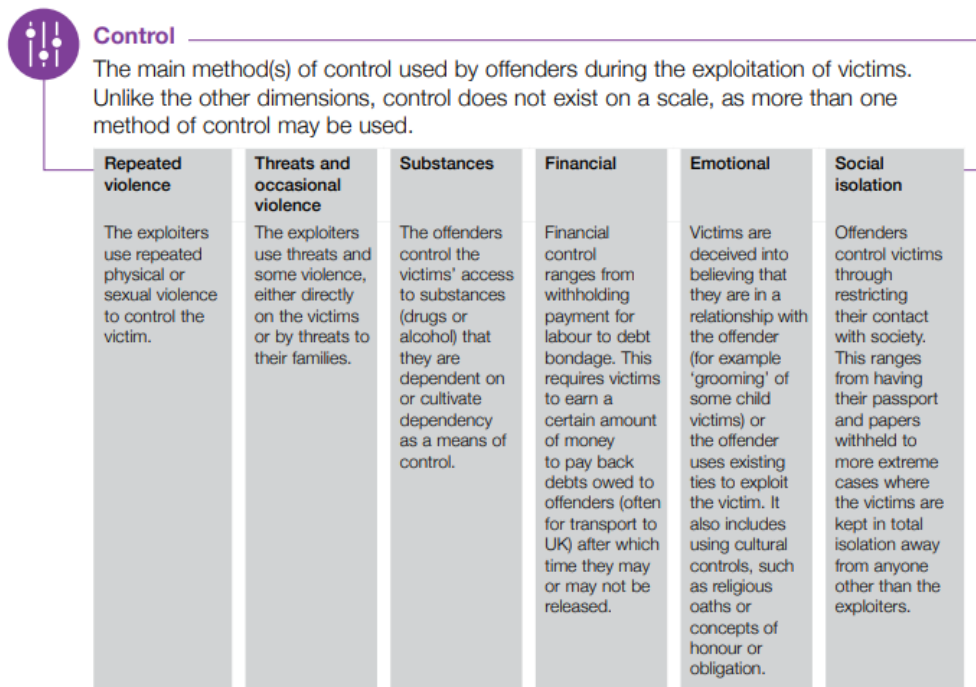
The Institute for Human Rights and Business summarises the background and intent of Part (b) of the Proposition clearly –

“The issue of recruitment fees is widespread globally, particularly for low wage migrant workers who are frequently expected to pay fees to agencies and brokers for recruitment to jobs abroad. These fees may cover a variety of costs including: the recruitment itself, travel, visa and administrative costs and other unspecified fees and service charges.

¹ <https://www.ihrb.org/projects/employer-pays-principle>

Adoption of the Employer Pays Principle across all industries is fundamental to combatting exploitation, forced labour, and trafficking of migrant workers in global supply chains and represents an important step in achieving the UN Sustainable Development Goal of decent work for all.”

Recruitment fees are used to retain workers in ‘debt bondage’, one of the factors of financial control identified in modern day slavery –

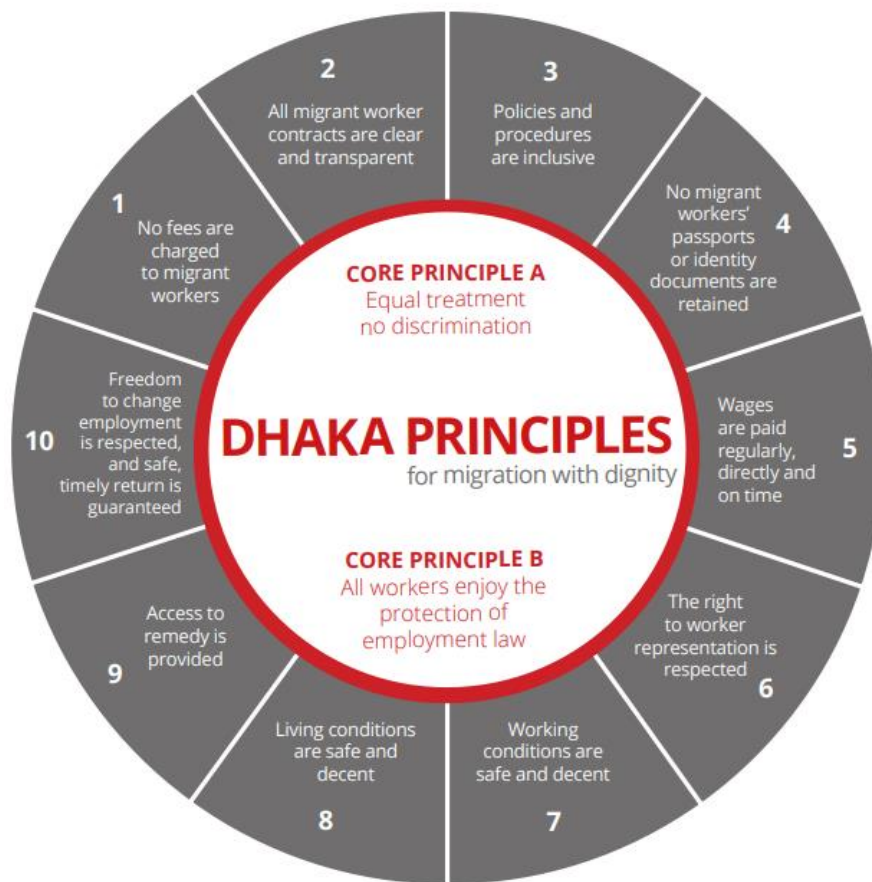


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The recharging of recruitment fees to migrant workers is a way of trapping them into their roles – and at odds with process found in any other employment sector.

The introduction of the [Dhaka Principles for Migration with Dignity](#) in 2012 includes as its first item that no fees should be charged to migrant workers. I have to ask why are we, as an Island are not following the established international guidance and principles in relation to our migrant workforce? It is likely that some employers are following these principles, but it is essential that all employers do so going forward.

² [A typology of modern slavery offences in the UK](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/652652/typology-modern-slavery-offences-horr93.pdf



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I hope that Members will agree that stepping forward to implement the Employer Pays Principle not only protects workers from servitude but also promotes the Island as a fair and aspirational workplace.

Conclusion

In conclusion, as an Assembly we need to not only move forward with the definition of modern day slavery, but change the entire narrative, through the rebalancing of power between the employer and the employee.

I would like to reiterate, as noted within Part (a) of the Report, that very little would change for the migrant worker process. Migrant workers would arrive on the same terms, in the same manner as at present. The only difference is that those (hopefully few individuals) who find themselves in a position of servitude would have a chance to find another employer and complete their time in the Island in a humane situation that is best for them and also for the Island economy.

³ [Dhaka Principles Implementation Guide.pdf](https://dhakaprinciples.org/images/uploads/general-uploads/Dhaka_Principles_Implementation_Guide.pdf)
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Financial and staffing implications

It is acknowledged that there would be financial and staffing implications involved in this work in order to draft the changes to the Law and Policy, and to undertake the review required. It is also acknowledged that such implications will likely require additional funding to be allocated within the next Budget.

However, the ultimate implications of any change would be limited and should not change the existing processes in place for customs officers or related functions, therefore this is considered to be a one off cost.

Children's Rights Impact Assessment

I consider that this proposition has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the Children (Convention Rights) (Jersey) Law 2022.