

Can the Population Office/Minister in Jersey remove our business' employment licences?

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The States of Jersey has recently made it clear that it has a policy of ensuring that employment licences are reviewed and where appropriate removed, in order to limit inward migration into Jersey.

Before any employment licences can be removed from a business, the Minister must serve a notice on your business informing you of the proposed variations, and allow you the opportunity to argue why your business should not have its employment licences reduced. You would normally be able put your arguments in writing, and if necessary attend an appeal hearing.

There is also an important limitation on the Minister's powers. The Minister cannot remove an employment licence if you are already employing someone under that licence.

Therefore, if you have five registered permissions and five registered staff, the Minister cannot remove any of those employment licences. However if you have five permissions but only four registered staff, the excess permission is vulnerable, unless you can show a business need to retain it.

However, you also need to decide whether you want to retain the employment licences. Registered permissions are going to attract an annual fee of £50 per permission (not per actual employee), and licensed roles already attract an annual fee of £225 per licence.

The key is to understand your current and future staffing needs, and whether you actually need those employment licences going forwards.

This article first appeared in the JEP Business Panel series.

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