

An Employer's Introduction to The Population Management Law



States of Guernsey
Population Management

May 2016

What today's session will cover



Why the Law is changing

What's new for employers

- Population Employment Advisory Panel
- Employer portal

Absences and Breaks in Residence

Employment Permits

- Local Market
- Open Market

Other Permits & Certificates

What today's session won't cover



Transition

- **Masterclasses in June – still time to sign up!**
- **all current documents remain valid until their expiry date**

Debate on the content of the new Law

- the Law has already been approved by the States

Operational policies

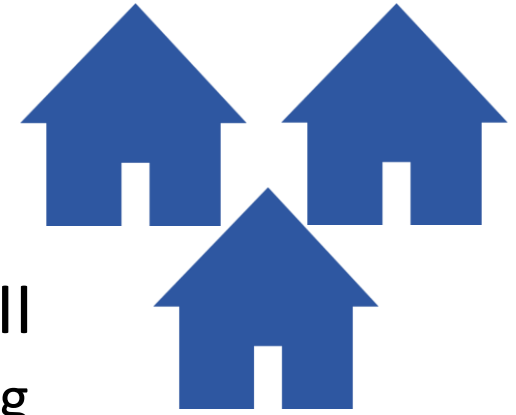
- these are still being developed with the new Committee

There will be time for questions at the end of the presentation

We have a small team here to answer one-to-one queries



Why the Law is changing



The Housing Control Law was a reaction to the impact of WWII

- primary focus is on controlling who can live in Local Market housing
- only a small % of the population is 'controlled' by the Law

Shift in political focus from housing to population

- Guernsey needs to have the right make-up of people to meet the States social, fiscal & environmental objectives
- the Housing Control Law isn't the right tool for the job

Guernsey's demographic challenge

- ageing population = more demand on services
- smaller working population = more financial pressure



Population Management Timeline



2011 – 2014

- Island-wide consultation & framework of new system agreed by the States

December 2015

- States approved new population objective – focused on meeting the States' strategic policy objectives, not absolute numbers

March 2016

- States approved:
 - “The Population Management (Guernsey) Law, 2016”
 - “The Open Market Housing Register (Guernsey) Law, 2016”

May 2016

- Committee *for* Home Affairs elected & have political responsibility for the new Law

3 April 2017

- Population Management Law due to come into force

NEW! - Population Employment Advisory Panel

Non-political advisory body consisting of 6 sector representatives and a chairperson



- Construction & Infrastructure/Utilities
- E-Industry & New/Emerging Sectors
- Finance & Professional Services
- Public Sector (incl. private sector health/education)
- Service Industries (incl. retail, security, horticulture etc.)
- Tourism & Hospitality



NEW! - Population Employment Advisory Panel



Mandate - to provide:

- Regular information about areas with:
 - persistent skills shortages
 - insufficient skills to meet demand
 - labour shortages
- Independent advice & evidence-based recommendations to:
 - inform the Committee *for* Home Affairs about employers' needs
 - assist with Employment Permit policy development

New! - Published Policies



Employment Permits

- what types of job attract what length of Permit

Agreed Absences

- permitting time away from Guernsey without impacting qualification

Unforeseen changes in circumstance

- more certainty over a Permit holder's future in Guernsey if their situation changes
 - redundancy, ill health, relationship breakdown, etc.

Criminal Convictions

- what convictions will lead to Permit refusal

NEW! - Employer Portal



Online applications

- simpler processing for Employment Permit applications
- quicker turn-around times, especially for:
 - 'fast-track' employers
 - 'in policy' jobs
- track application progress

Online access to current employee Certificate / Permit data

- helps employers to monitor Certificate / Permit expiry dates & conditions
- removes the need for other forms of record keeping
- 'virtual' Permits



Residence Milestones



1st Milestone

- 8 consecutive years' lawful Local Market residence = Established Resident
- right to remain in Local Market accommodation no longer tied to employment
- no automatic right to return to Local Market accommodation after a break in residence

2nd Milestone

- 14 consecutive years' lawful Local Market residence = Permanent Resident
- permanent right to live in Local Market accommodation
- right to return to Local Market accommodation after a break in residence

Absences from Guernsey



Agreed Absence

- the Law allows for two agreed absence types:
 - residence either side of the absence to be treated as continuous residence
 - absence to be treated as though the person was still living in Guernsey

Recognised Break in Residence (RBR)

- an absence from Guernsey that is at least as long as the last period of residence in Guernsey



Certificates & Permits



Resident **Certificates**

- holder is entitled to live/work in Guernsey

Employment / Resident **Permits**

- holder's ability to live/work in Guernsey is conditional

Permit conditions can include:

- employment in a specific post
- living and working in a specific Open Market property
- living with a named person
- living in a specific type of property
- residence time limits
- ad-hoc additional conditions if necessary

Employment Permits



Short Term Employment Permit (STEP)

- Duration: up to 1 year
- Renewable: annually up to 5 years' aggregate residence
- Accommodation: Local Market shared (can't house family members)
- Breaks in residence: Non-RBR absences count towards 5-year total

On Island 1 year	On Island 1 year	On Island 1 year	On Island 1 year	On Island 1 year
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On Island 1 year	Off Island 1 year	On Island 1 year	Aggregate residence = 2 years
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On Island 1 year	Off Island 6 months	On Island 1 year	Aggregate residence = 2 years & 6 months
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On Island 9 months	Off Island 3 months	On Island 9 months	Aggregate residence = 1 year & 9 months
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Employment Permits



Medium Term Employment Permit (MTEP)

- Duration: up to 5 years
- Renewable: no – must take a RBR between Permits
- Accommodation: any Local Market dwelling (can house immediate family members)

Long Term Employment Permit (LTEP)

- Duration: up to 8 years
- Renewable: Established Resident status after 8 years' continuous residence
- Accommodation: any Local Market dwelling (can house immediate family members)



Open Market Employment Permits



Open Market Employment Permit (Part A)

- Renewable: indefinitely
- Accommodation: Open Market live-in (can house immediate family)

Open Market Employment Permit (Parts B & C)

- Duration: up to 5 years
- Renewable: no – must take a RBR between Permits
- Non-RBR absences count towards 5-year total
- Accommodation: Open Market live-in (can't house family members)



Employment Permits - General



Applications are made by employers

Issued for full-time employment

- full-time = 35 hours p/w

Applications can't be made after:

- the prospective employee has arrived in Guernsey
(if they are not already ordinarily resident)
- the employee has commenced employment in the post
(published policy exceptions will apply)

Permits can be refused for people with serious criminal records

- including Permits for Open Market employees



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