

DEPARTMENT OF TRADE & INDUSTRY

REPORT OF THE

WORK PERMIT COMMITTEE

FOR THE YEAR ENDED 2007

Foreword by Hon. Mr David Cretney MHK, Minister for Trade & Industry

The Work Permit Committee exists under the delegated authority to carry out the functions of the Department relating to work permits. The Department is pleased to bring the Committee's report for the year ended 31st December 2007.

I have enjoyed meeting with the Committee on several occasions throughout the year and have been impressed by their dedicated and professional approach. I would like to extend my personal gratitude to the Committee for all the work they have undertaken in my term of office to date.

Whilst this is first and foremost the Committee's own report, I would refer readers who would like to know more of the Department's efforts to modernise the work permit system to our website at www.gov.im/dti/employmentrights.

Department of Trade and Industry

Report of the Department of Trade and Industry Work Permit Committee for the period 1 January 2007 to 31 December 2007

The Work Permit Committee is authorised by the Minister for Trade and Industry to carry out the function of the Department in determining the outcome of applications made under the Control of Employment Act 1975, and in accordance with the Control of Employment Regulations 1993.

This Report has been approved by the Work Permit Committee.

Date

Chairman**Mrs Susan Corlett**

Vice Chairman**Mrs Carol Jempson**

Member**Mr William Noble**

Committee Report

The Secretary is authorised by the Work Permit Committee under its delegated authority from the Minister for Trade and Industry to administer certain aspects of that authority in making decisions in respect of work permit applications within clearly defined parameters.

The role of the Secretary is to prepare agendas for Committee meetings and review hearings, record and minute all meetings and keep the Committee aware of matters of concern, and to make decisions on a day to day basis to provide an efficient service to employers.

The Work Permit Committee has delegated to its Secretary certain of its functions, in particular the consideration of the overwhelming majority of applications which are routine and non-controversial and for which there are patently no Isle of Man workers available, let alone suitable Isle of Man workers. The parameters within which the Secretary can make decisions on its behalf are clearly defined – any applications falling outside these parameters, or over which there is any doubt as, for instance, where there is 'a possibility' that there are suitable Isle of Man workers available, are referred to the Committee.

During 2007 the Committee convened on 25 occasions to consider those cases that did not meet the criteria for decision by the Secretary, and, at 8 of those meetings the Committee also considered requests for the review of decisions which had either been made at previous meetings, or by the Secretary under her delegated authority.

Throughout the year a total of 48 applications for a work permit were refused - 31 of these by the Secretary and 17 by the Committee. The number of permits refused during 2007 was 31 less than in 2006

Of the 48 refusals 4 were subsequently overturned, either upon review by the Committee (3 cases), or by an independent Appeals Tribunal (1 case).

Any person aggrieved by a decision of the Work Permit Committee at review, is entitled to appeal to an independent tribunal. During 2007, 8 such appeals were submitted to the Work Permit Appeal Tribunal (WPAT), and of those, 3 appeals were upheld (2 cases having being held over from 2006), 2 dismissed and 3 were withdrawn.

During the year, 2 appeals against decisions of the WPAT were made to the Staff of Government Division of the High Court of Justice and of those 1 appeal was upheld and 1 appeal was dismissed.

The Committee remains conscious of employers' recruitment needs and continues to focus on balancing employers' needs with those of available Isle of Man Workers by giving fair and consistent consideration to applications submitted. Additional sessions to support the application process were held, where necessary, in order to allow suitable dialogue with employers and/or IOM Workers. It is noticeable from discussions that an increasing number of employers are recognising the benefits of succession planning as an effective solution to some of their recruitment needs and are including in-house development when considering their recruitment needs.

During the year, the Department's Inspectors continued to promote a greater understanding of the requirements of the legislation through educational visits to employers, which undoubtedly contributed to a 40% reduction in permit refusals and a 30% reduction in complaints of non-compliance with the legislation. Occasionally, difficulties have been experienced with employers assuming that the granting of a permit is merely a formality, which subsequently caused problems and delays with their applications. Employers are welcome to contact the Work Permit Department, in advance of submitting applications, for guidance on the legislations and/or the process involved.

The Minister's increased focus on the legislation and its requirements has resulted in improvements to the Department's computer systems and the recruitment of two additional members of staff. This has contributed to improved efficiency and enabled the Secretary and her staff to reach their target of a five-day turnaround for applications, which do not require referral, whilst continuing to provide invaluable preparation and support for the referrals process.

Inspectors

The Inspectors have continued to concentrate on an educational process providing information to employers, so that they are better able to regularise their own position in order to help prevent employers continuing with outdated and potentially illegal practices. The Inspector's continue to be available to work with employers of all sizes to assist them if those employers have concerns about their own processes. However during 2007 the Department has instigated a more proactive approach to enforcing the legislation.

During 2007 the Inspectors conducted a total of 168 liaisons with employers, including 18 visits to construction sites. This represents a reduction of 104 liaisons on 2006, due to the temporary reduction in staffing levels during the year. From the beginning of 2008 the number of full time inspectors will be increased from two to three. The Inspectors also responded to 95 complaints alleging non-compliance with the various pieces of legislation (including non work-permit related employment legislation). This represents a 40 decrease on 2006.

The Inspectors continue to be heavily involved in close workings with other enforcement agencies to prevent illegal workings, and to deal with other crimes at the same time. This resulted over the year in several high profile multi agency operations over the year.

Appendix A

shows approvals for the year with comparative figures for the previous four years. The total number of permits approved during the period showed an increase of 6% over the figure recorded for 2006. Within the total figure for 2007, new permits granted for employed persons showed an increase of 7% over 2006, such permits including persons taking up residency, temporary contract workers and those changing employment or taking additional part time work.

Renewals of employed permits have shown an increase from 3474 in 2006 to 3669 in 2007, an increase of 6%

Approvals for self-employed persons decreased by 35 and renewals for self-employed decreased by 7 compared to those issued during 2006.

Appendix B

shows the total of all employed and self employed applications in the year by sector, gender, temporary/ renewable and 5 year term. In determining the duration for which a Work Permit is to be granted, Control of Employment legislation requires the Work Permit Committee to have regard to the likelihood of suitable Isle of Man workers becoming available within a period of twelve months. Where the Committee is satisfied that there is no likelihood a five year (indefinite) permit will be issued.

Appendix C

shows the total of all employed and self employed renewals.

Appendix D

shows monthly unemployment figures 2007

APPENDIX A

Approvals for 2007 with comparative figures 2003

Employment Type	2003	%	2004	%	2005	%	2006	%	2007	%
Horticulture/Agriculture	32	0.2	57	0.5	53	0.5	38	0.4	40	0.4
Building Craftsman	332	2.6	117	1.1	142	1.5	210	2.1	140	1.4
Building Labourers	850	6.6	389	3.6	246	2.6	442	4.5	609	5.9
Hotel/Catering	1000	7.8	1051	9.7	931	9.7	937	9.6	979	9.5
Cleaner/Domestics	166	1.3	203	1.9	248	2.6	241	2.5	271	2.6
Clerical/Temp/Gen. Of	132	1	189	1.7	302	3.2	194	1.9	183	1.8
Driver/HGV/PSV	128	1	103	1.0	67	0.7	67	0.7	56	0.5
Engineering Craftsmen	101	0.8	98	0.9	149	1.6	216	2.2	44	0.4
Machinist/Factory	92	0.7	84	0.8	86	0.9	124	1.3	170	1.6
General Worker	41	0.3	66	0.6	298	3.1	37	0.4	93	0.9
Nurse	238	1.9	298	2.7	206	2.1	152	1.6	149	1.4
Professional/Admin	1697	13	1512	14.0	1158	12.1	1390	14.3	1574	15.2
Shop/Sales	541	4.2	548	5.1	386	4.0	469	4.8	433	4.2
Warehouse/Security	65	0.5	32	0.3	30	0.3	19	0.2	20	0.2
Miscellaneous	1464	11	1092	10.1	652	6.8	782	8.0	969	9.4
Temp. Agency	374	2.9	312	2.9	160	1.7	204	2.1	210	2.0
Govt. Employee	200	1.6	148	1.4	160	1.7	233	2.4	199	1.9
Total	7453	58	6299	58.1	5274	55.2	5755	59.0	6139	59.3
Renewed employed	4779	37	4051	37.4	3634	38	3474	35.6	3669	35.4
New Self-employed.	354	2.8	256	2.4	467	4.9	320	3.3	355	3.4
Renewed Self-employed	229	1.8	232	2.1	185	1.9	203	2.1	196	1.9
Total Issued for Year	12815	100	10838	100	9560	100	9752	100	10359	100

APPENDIX B

Displays total of employed and self-employed applications in 2007 by sector, gender temporary/renewal and 5 year term

* Male(S) – Permits granted under Section 3a of the Act
 **Female(S) – Permits granted under Section 3a of the Act

OCCUPATION	MALE		*MALE(S)		FEM		**FEM(S)		TOT
	5YR	TEMP	5YR	TEMP	5YR	TEMP	5YR	TEMP	
Horticulture/Agriculture	3	46	0	0	0	23	0	0	72
Building Craftsmen	0	209	0	1	0	2	0	0	212
Building Labourers	0	817	0	1	0	9	0	0	827
Hotel/Café/Catering	0	705	0	0	0	640	0	1	1346
Cleaner/Domestic	0	184	0	0	0	198	0	2	384
Clerical/Temp/Gen Of	0	121	0	1	0	189	0	6	317
Driver/HGV/PSV	0	99	0	0	0	1	0	0	100
Engineering Craftsmen	0	163	0	1	0	2	0	0	166
Machinist/Factory wrk	0	195	0	0	1	43	0	0	239
General Worker	0	88	0	2	0	57	0	1	148
Nurse	2	59	0	2	5	225	1	3	297
Professional/ Adminis	43	1787	3	14	13	1026	1	26	2913
Shop/Sales	0	298	0	6	0	380	0	7	691
Warehouse/Security	0	42	0	0	0	6	0	0	48
Miscellaneous	1	1017	0	1	1	360	0	6	1386
Temp. Agency	0	83	0	0	0	166	0	0	249
GOVT. Employee	20	108	0	5	25	235	0	20	413

69	6021	3	34	45	3562	2	72	9808
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OCCUPATION SELF-EMPLOYED	MALE		MALE(S)		FEM		FEM(S)		TOT
	5YR	TEMP	5YR	TEMP	5YR	TEMP	5YR	TEMP	
Horticulture/Agriculture	0	24	0	0	0	4	0	0	28
Building Craftsmen	0	39	0	0	0	1	0	0	40
Building Labourers	0	52	0	0	0	1	0	0	53
Hotel/Café/Catering	0	14	0	0	0	22	0	0	36
Cleaner/Domestic	0	12	0	0	0	27	0	0	39
Clerical/Temp/Gen Of	0	1	0	0	0	5	0	0	6
Driver/HGV/PSV	0	14	0	1	0	1	0	0	16
Engineering Craftsmen	0	0	0	0	0	0	0	0	0
Machinist/Factory wrk	0	2	0	0	0	0	0	0	2
General Worker	0	0	0	0	0	8	0	0	8
Nurse	0	1	0	0	0	2	0	0	3
Professional/ Adminis	0	69	0	0	0	32	0	0	101
Shop/Sales	0	18	0	0	0	22	0	0	40
Warehouse/Security	0	0	0	0	0	0	0	0	0
Miscellaneous	0	104	0	0	0	74	0	0	178
Temp. Agency	0	0	0	0	0	0	0	0	0
Govt Employee	0	1	0	0	0	0	0	0	1

0	351	0	1	0	199	0	0	551
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Appendix C

Displays total of employed & self – employed renewals 2007

* Male(S) – Permits granted under section 3a of the Act

**Female(S) – Permits granted under section 3a of the Act

OCCUPATION	MALE		MALE(S)*		FEM		FEM(S)**		TOT
	5YR	TEMP	5YR	TEMP	5YR	TEMP	5YR	TEMP	
Horticulture/Agriculture	0	21	0	0	0	11	0	0	32
Building Craftsmen	0	70	0	1	0	1	0	0	72
Building Labourers	0	214	0	1	0	3	0	0	218
Hotel/Café/Catering	0	192	0	0	0	175	0	0	367
Cleaner/Domestic	0	49	0	0	0	63	0	0	112
Clerical/Temp/Gen Of	0	55	0	0	0	77	0	0	132
Driver/HGV/PSV	0	44	0	0	0	0	0	0	44
Engineering Craftsmen	0	120	0	1	0	1	0	0	122
Machinist/Factory work	0	57	0	0	0	12	0	0	69
General Worker	0	36	0	2	0	17	0	0	55
Nurse	1	30	0	1	2	111	0	0	145
Professional/ Admin	3	796	0	11	0	511	0	0	1321
Shop/Sales	0	110	0	4	0	141	0	0	255
Warehouse/Security	0	27	0	0	0	1	0	0	28
Miscellaneous	0	297	0	1	0	113	0	0	411
Temp. Agency	0	13	0	0	0	26	0	0	39
GOVT. Employee	2	59	0	4	5	130	0	0	200
	6	2190	0	26	7	1393	0	0	3622

OCCUPATION	MALE		MALE(S)*		FEM		FEM(S)**		TOT
	5YR	TEMP	5YR	TEMP	5YR	TEMP	5YR	TEMP	
Horticulture/Agriculture	0	12	0	0	0	2	0	0	14
Building Craftsmen	0	18	0	0	0	0	0	0	18
Building Labourers	0	16	0	0	0	0	0	0	16
Hotel/Café/Catering	0	4	0	0	0	5	0	0	9
Cleaner/Domestic	0	3	0	0	0	12	0	0	15
Clerical/Temp/Gen Of	0	0	0	0	0	2	0	0	2
Driver/HGV/PSV	0	7	0	0	0	1	0	0	8
Engineering Craftsmen	0	0	0	0	0	0	0	0	0
Machinist/Factory work	0	0	0	0	0	0	0	0	0
General Worker	0	0	0	0	0	0	0	0	0
Nurse	0	1	0	0	0	0	0	0	1
Professional/ Admin	0	25	0	0	0	14	0	0	39
Shop/Sales	0	4	0	0	0	8	0	0	12
Warehouse/Security	0	0	0	0	0	0	0	0	0
Miscellaneous	0	34	0	0	0	28	0	0	62
Temp. Agency	0	0	0	0	0	0	0	0	0
GOVT. Employee	0	0	0	0	0	0	0	0	0
	0	124	0	0	0	72	0	0	196

APPENDIX D

Displays end of month unemployment figures 2006 Vs 2007

Month	Males	Females	Total unemployed 2007	2006 Comparison
Jan	372	214	586	622
Feb	389	227	616	646
Mar	345	207	552	615
Apr	393	231	624	563
May	347	222	569	545
Jun	358	186	544	544
Jul	395	219	614	602
Aug	410	223	633	600
Sep	373	220	593	571
Oct	391	220	611	604
Nov	375	187	562	568
Dec	387	184	571	577