

Statement By The GSLP/Liberal Opposition 31/2007

7 March 2007

The GSLP put questions in the Parliament to try to determine from the Minister for Employment and the Port the status of East European workers working in the Ship Yard.

The question asked the Minister to confirm that the status of these workers was that of “detached workers”. In his initial answer, the Minister confirmed this, saying that Cammell Laird was making use of “detached workers” as it had been doing in the past.

However, in answer to supplementaries, the Minister gave the impression that Cammell Laird could employ workers for their operations in Gibraltar using an employment agency in another EU state and that these could be brought to Gibraltar to work generally on terms governed by the law of that EU State.

When challenged by the leader of Opposition on this issue, the Minister said he would check the position.

In fact the position in law is very clear.

The definition of a detached worker provides that he is a person who—

(a) is not ordinarily resident in Gibraltar, and

(b) is in employment in a country outside Gibraltar,

and is required by his employer to whom the provisions of paragraphs (a) and (b) also apply to perform work of a temporary nature in Gibraltar in the course of his employment.

The worker can therefore only be in Gibraltar temporarily and cannot be contracted to work here like any other employee.

Since the minister does not appear to be aware that this has been the law since 1994, the Opposition considers it is right to make the legal position clear so that employers cannot use foreign labour on the guise of these being “detached workers” if they do not meet the criteria for such employment.

ENDS