

STATES OF JERSEY



VOTE OF NO CONFIDENCE: STATES EMPLOYMENT BOARD

Lodged au Greffe on 21st May 2019
by Deputy G.P. Southern of St. Helier

STATES GREFFE

PROPOSITION

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

that they have no confidence in the States Employment Board.

DEPUTY G.P. SOUTHERN OF ST. HELIER

Note: In accordance with the requirements of Standing Order 22, the following Members are additional signatories to this proposition –

1. Connétable of St. Helier
2. Deputy M.R. Higgins of St. Helier
3. Deputy of St. John.

REPORT

Jersey is in crisis. This Government has lost the trust of the Island's public sector workforce, with the result that we have seen, and continue to see, public sector employees, teachers, headteachers, civil servants and firefighters forced to take strike action in order to get their case for a fair pay award heard and respected.

I have brought 2 propositions to attempt to allow the States Employment Board to properly and honestly engage in negotiations with our employees' representatives, in order to reach a fair outcome to their request to achieve an award which merely matches inflation over the years 2018, 2019 and 2020.

Following the defeat, by one vote, of my first proposition, [P.137/2018](#), and the circumstances surrounding that vote, I believed that the Assembly deserved the opportunity to reconsider its position with regard to the ongoing dispute with our public sector workforce over pay. Therefore, [P.20/2019](#) was the second opportunity to release some additional resource for the 2019 award.

The States Employment Board ("SEB"), and indeed the Chief Minister himself, maintained the mantra of "there is no more money", which meant that any pretence at meaningful negotiation was out of the question. Public sector representatives and their members had enough of being ignored and enough of being treated with total disrespect. The public sector workers charged with delivering vital frontline services have been forced into a position of having to take action to protect their standard of living, after years of imposed austerity and below-inflation pay awards.

Faced with the intransigence shown by SEB over the imposition of the awards for 2018 and 2019, including unconsolidated sums, the representatives of States' employees have been forced into a corner. The promise of some flexibility in negotiations for 2020 is simply inadequate. The unions have taken the position that until the 2018/19 dispute is settled, there can be no progress on negotiations for 2020.

With no prospect of any genuine negotiations, public sector workers in all sectors and States' Departments have been balloted over taking action, including strike action. Our public sector workers are far from being militant. The prospect of having to strike is taken with extreme reluctance on the part of many. In the past, a decision even to hold a ballot on taking action would provoke the employer back to the negotiating table for fresh discussions to agree a way forward.

On this occasion, our employees have clearly said "enough is enough". In doing so, they have been influenced, not only by the decade of wage restraint, producing a real terms reduction in the value of their pay, but also by the insecurity brought about by the pressure of structural change, and with no certainty that anyone will have a job after services are subject to outsourcing and downsizing.

Notwithstanding all these additional factors, in the face of national shortages in qualified and specialist health workers, we have pay levels which have fallen in real terms, resulting in vacancy rates in nursing and other specialist fields going through the roof. The use of temporary locum staff is routine. How long will it be until our inability to recruit and retain staff extends to specialist teaching posts? This is a crisis which has its roots in the refusal of the SEB to negotiate rates of pay and terms and conditions which match the increasing cost of living in the Island.

We have backed our public sector workers into a corner. Faced with total intransigence on the part of their employers, our traditionally conservative and co-operative workforce: teachers, nurses, radiographers, civil servants and the like, have reluctantly, but overwhelmingly, voted for strike action.

We currently face the prospect of an ongoing series of strikes by teaching unions, potentially up to 8, which will close down selected schools over the coming months. Having failed to release any additional funding as the basis for negotiation on the 2018/19 award, the States Employment Board has resorted to bargain with alterations to teachers' terms and conditions, as follows:

THE EMPLOYER'S PROPOSALS

During the talks to resolve the pay dispute, the employer has put forward a raft of proposals for education reform that it would like to see implemented through further negotiation – in return for an increase in pay in January 2020.

These were presented as draft proposals and therefore subject to further revision, but included –

1. *The restoration of 2 INSET days to bring the number of days back up to 5 days per year within teachers' existing 1,660 contracted hours.*
2. *Consideration of extending lunchtimes (e.g. from one hour to 1.5 hours and, therefore, extending the length of the school day).*
3. *Clarification of teachers' contracted 1,660 hours allocations over the 192 day year, so that teachers have agreed time allocations, e.g. max contact per week of 22.5 hours; max annual cover of 38 hours and max meetings of 90 hours, etc.*
4. *Agreement in principle to a list of issues for further negotiation, to include, but not be limited to:*
 - a. *teachers' pay progression*
 - b. *supplementary allowances and eligibility*
 - c. *hours of work*
 - d. *length of the school day*
 - e. *allocation of planning, preparation and assessment time*
 - f. *a new approach to teachers' appraisal and performance management*
 - g. *introduction of Higher Level Teaching Assistants (HLTAs) and/or Cover Supervisors*
 - h. *rollout of the leadership spine to include the responsibilities, pay, terms and conditions for the role of Assistant Headteachers.*

Subject to reaching agreement regarding the above, the employer proposed an increase in pay for January 2020 of RPI plus 1.3% plus not less than 0.8%. The actual increase of the latter figure being dependent on cost savings achieved, as an outcome of the implementation of the reforms.

THE NEU RESPONSE

The NEU response focused on the need for discussion about pay in order to resolve the current pay dispute. Furthermore, the NEU did not believe that members would accept a transactional approach that required members to trade off terms and conditions of service, for a pay increase of RPI plus 1.3% plus not less than 0.8%. Especially given members had already rejected a pay offer of RPI plus 1.3%.

The NEU put to the employer in the negotiations various proposals that included from January 2020:

A 3-year pay increase of RPI plus 2.1% with a commitment to engage in negotiations on education reform:

A 2-year pay increase of RPI plus 2.1% on the same terms and, a final offer of a single-year deal of RPI plus 2.1% on the same terms.

The employer rejected all of the above, reiterating its position on the need for education reform and for cost savings to be made before any pay settlement could be reached.

The Chief Minister has reacted to the situation with this statement –

“We are extremely disappointed at NEU’s stance, which is deliberately harming our children’s education and causing cost and inconvenience to parents and employers. Given we have agreed a positive way forward with the NASUWT, we can only conclude that NEU are not serious about seeking resolution.”

The accusation, by the Chief Minister and current Chairman of SEB, that the Island’s teachers are **deliberately** harming our children’s education is wantonly irresponsible and inflammatory. It cannot assist the return to the negotiating table, and indeed may have a lasting impact on future relationships between the Government and teachers. I believe that this statement alone deserves censure, but when combined with selective and inaccurate statements which amount to nothing more than propaganda, I believe the SEB is acting in bad faith.

In choosing to work selectively with only one of the teaching unions (NASUWT), described as “the largest of the teaching unions”, and not to engage with the NEU “which represents (only) 208 members”, SEB misrepresents the situation.

The claim that the number of teachers represented by the NEU in Jersey is only 208 is an error of fact. The NEU currently represents 539 Jersey teachers (a figure which excludes retired and honorary life members). Furthermore, and in specific reference to the strike action commencing 1st May, the Chairman of the SEB was notified by e-mail and letter dated 17th April 2019 that: “... the Union will be calling upon 352 NEU members who are teachers at Jersey schools”.

The major obstacle to achieve an agreement however, is the list of changes to the terms and conditions of teachers which have been thrown into the pot at this late stage. Many of the current terms and conditions were only accepted by teachers as a result of hard bargaining and negotiations over the last 2 decades, often in response to compensate for below-inflation pay awards, appeals to tighten their belts, pay awards that were not agreed but imposed. Some were only accepted as a result of a ballot for strike action.

These hard-won conditions cannot just be thrown away for the sake of a 0.8% pay award.

The restoration of 2 INSET days to bring the number of days back up to 5 days per year.

Extending lunchtimes (e.g. from one hour to 1.5 hours and, therefore, extending the length of the school day).

Extension of teachers' contracted hours allocations and contact time.

Agreement in principle to a list of issues for further negotiation, to include but not be limited to:

- a. teachers' pay progression*
- b. supplementary allowances and eligibility*
- c. hours of work*
- d. length of the school day*
- e. allocation of planning, preparation and assessment time*
- f. a new approach to teachers' appraisal and performance management*
- g. introduction of Higher Level Teaching Assistants (HLTAs) and/or Cover Supervisors*
- h. rollout of the leadership spine to include the responsibilities, pay, terms and conditions for the role of Assistant Headteachers.*

These are major changes to terms and conditions of the Island's teachers. It is irresponsible that SEB should threaten to do away with any of them in order to make savings on the overall education budget to fund a pay award. The SEB has in effect made a public statement about entering into negotiation with NASUWT regarding education reform, but did so without any consultation with the Minister for Education.

It strikes me that this action suggests SEB is out of control and exceeding its remit.

The NEU have stated that they will continue to seek improvements to the current pay offer, but have stated that they will not take part in the discussions about educational reform and securing higher pay rises through sharing savings.

It is my belief that the actions and statements of the States Employment Board have been needlessly combative, resulting in a lack of genuine negotiations and a consequent loss of trust by our employees in the States as employer. I believe Members can have no confidence that the Board can bring the current dispute to a satisfactory conclusion.

Financial and manpower implications

There are no direct financial or manpower implications for the States arising from this proposition.