

# **STATES OF JERSEY**



## **MANUAL WORKERS' JOINT COUNCIL CONSTITUTION: AMENDMENT**

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**Lodged au Greffe on 30th June 2006  
by the Chief Minister**

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**STATES GREFFE**

## PROPOSITION

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

to refer to their Act of 9th November 1961, approving the constitution of a Manual Workers' Joint Council on the basis set out in ANNEX B to that Act, and to approve the following amendments –

In Section 3 – Membership of the constitution –

- (a) *in the first line of paragraph 3(a), delete the number “16” and insert the number “10”;*
- (b) *in the second line of paragraph 3(a), delete the number “8” and insert the number “5”;*
- (c) *in the fifth line of paragraph 3(a), delete the number “8” and insert the number ‘5’;*
- (d) *in the third line of paragraph 3(b), delete the number “6” and insert the number “4”;*
- (e) *in the fourth line of paragraph 3(b), delete the words “St. Helier Parish– 1 representative”.*

In Appendix B of ANNEX B – Rules for the Conduct of Business –

- (a) *In the first line of paragraph 7, delete the word “eight” and insert the word “four”;*
- (b) *in the second line of paragraph 7, delete the word “four” in both cases and insert the word “two” in both cases.*

CHIEF MINISTER

## **REPORT**

In November 1961, the States made an Act establishing a Manual Workers' Joint Council whose main function was to determine pay and conditions of service for manual workers employed in States departments and in the Parishes (Appendix). The Council has continued to meet on a regular basis since that time.

Under the Act of 1961, the membership of the Council consists of 16 members, of whom 8 represent the States and Parishes, and 8 represent the manual workers employed by the States and Parishes.

Of the 8 members representing the States and Parishes, 6 are representatives of the States; 1 a representative of St. Helier Parish; and 1 a representative of the Constables of Jersey. All 8 representatives of the employees are appointed by the Transport and General Workers' Union.

The States Employment Board, which is the employer for all manual workers employed in States departments, has agreed with the Transport and General Workers' Union that 16 members on the Council is too large a number and that a more realistic number would be 10. Of these 10, 5 would represent the States and Parishes and 5 would represent the employees.

Of the 5 members representing the Employers 4 would represent the States and 1 the Constables of Jersey. This has been agreed with the Comité and the Constable of St. Helier, with the former confirming that it would normally expect its representative to be the latter.

It is also intended that the quorum for Council meetings will be reduced from eight to four, with a minimum of two from each Side.

It is also intended to reduce the composition of the Disputes Committee from 4 members from each side to 2 members from each side, but the Act does not need to be amended to achieve this. In moving to this position, the States Employment Board has given an undertaking to the Transport and General Workers' Union that at a meeting of the Disputes Committee at least one member of the Employer's Side will be a States member, unless agreement is reached to the contrary on any occasion.

There are no financial or manpower consequences arising from this proposition.

## ANNEX B

**1961 ACT OF THE STATES – MANUAL WORKERS’ JOINT COUNCIL****1. Title**

The Council shall be known as the Jersey Manual Workers’ Joint Council, hereinafter referred to as “the Council”.

**2. Scope and function**

The functions of the Council shall be as set out in Appendix A and shall relate to manual workers in the employment of the States and other local services in Jersey except such workers as are already covered by separate agreement with any other representative organisations.

**3. Membership**

(a) The Council shall be constituted of 16 members, of whom eight members shall represent the States, and other local services (hereinafter called “the employers”) and eight members the workers employed by the States and other local services (hereinafter called “the employees”).

(b) The Employers’ representatives shall be appointed as follows –

States of Jersey	–	6 representatives
St. Helier Parish	–	1 representative
The Connétables of Jersey	–	1 representative.

(c) The representatives of the employees be appointed by the Transport and General Workers’ Union.

(d) Each side shall have power to appoint advisers to assist generally or on particular matters. The advisers shall be entitled to take part in discussions, but shall have no power to vote.

**4. Retirement of members**

The members of the Council shall retire on 30th day of June in each year and shall be eligible for re-appointment.

**5. Conduct of business**

The rules for the conduct of the Council’s business shall be set out in Appendix B hereto.

**6. Amendment of constitution**

Amendment of this constitution may be proposed only after notice thereof has been given to the Secretary or Joint Secretaries and circulated to the members of the Council and to each of the organisations referred to in paragraph 3 hereof at least three months before the meeting at which the proposal is to be removed.

Any proposal to amend this constitution must be approved by the majority of at least two-thirds of the members on each side present and voting at the meeting at which it is moved; and any amendment of paragraphs 2 and 3 hereof must receive the assent of all the organisations referred to in paragraph 3 hereof.

## **APPENDIX A**

### **FUNCTIONS**

The functions of the Council shall be to determine the terms and conditions of employment of the workers within its scope.

It shall be permissible for the Council to take any action that falls within the scope of the foregoing general definition. Amongst the more specific objects are –

- (i) The consideration of wages, hours and working conditions.
- (ii) The establishment of machinery with the object of preventing disputes and securing the speedy settlement of differences. For this purpose the Council shall appoint a Disputes Committee consisting of an equal number of representatives of the employers' and employees' sides. For this purpose the members of both sides shall constitute a panel from which the representatives will be selected to sit as and when a dispute has to be dealt with. The decision of such Committee shall not require confirmation by the Council. The procedure for the reference and settlement of disputes shall be in accordance with Appendix C. The establishment of this machinery implies that there shall be no 'lock-out' by the Employers nor withdrawal of labour or refusal to work normally by the workers and that the decisions of the Disputes Committee shall be binding on the parties.
- (iii) The collection and publication of such statistics and information as may be required.
- (iv) The consideration of the safety, health and welfare of the workers.
- (v) The consideration of education and training.
- (vi) The consideration of measures for the maintenance of and improvement in working methods.

## **APPENDIX B**

### **RULES FOR THE CONDUCT OF BUSINESS**

#### **1. Committees**

The Council may appoint from its own members such Committees as may be considered necessary.

Save in the case of the Disputes Committee the proceedings of which shall not require confirmation by the Council, the Council may refer particular matters to any such committee and the reports of all such committees shall be submitted to the Council for approval. Such approval may be given with or without modification.

#### **2. Co-opted members**

The Council or any committee thereof may invite the attendance of any person whose special knowledge would be of assistance, but such person shall not have the power to vote.

#### **3. Chairman and Vice-Chairman**

At its annual general meeting the Council shall appoint a Chairman and Vice-Chairman.

#### **4. Officers**

The Council shall appoint a Secretary or Joint Secretaries and may appoint a Treasurer, Auditor and such other staff, if any, as it thinks fit.

#### **5. Meetings**

The Council shall meet annually in the month of July and at such other times as may be necessary. The Chairman shall call a special meeting, if so requested by members of either Side of the Council. The requisition and notice summoning any special meeting shall state the nature of the business proposed to be transacted thereat and no other matters shall be discussed. A special meeting shall take place within 14 days after receipt of the requisition by the Chairman.

#### **6. Voting**

The voting on the Council and on all committees, including the Disputes Committee, shall be by show of hands or otherwise as the Council or committee, as the case may be, shall determine. No resolution shall be regarded as carried unless it has been approved by a majority of the members present on each Side of the Council or committee as the case may be.

#### **7. Quorum**

The quorum of the Council shall be namely eight, namely four representatives of the Employers and four representatives of the Employees. In the absence of a quorum the Chairman shall vacate the chair, and the business then under consideration shall be the first business to be discussed either at the next ordinary meeting or, if the meeting was a special meeting, at a further special meeting to be held within fourteen days after the date fixed for the first special meeting.

The quorum of a committee shall, subject to any directions given by the Council, be determined by the committee.

#### **8. Notices of meetings**

All notices of meetings of the Council and of any committee therefore shall provide full particulars of the

business to be transacted thereat and shall be sent to the respective members at least seven days before the date of the meeting. Such notices shall also be sent simultaneously to each of the organisations referred to in paragraph 3 of the Constitution.

**9. Settlement of differences**

In the event of the Council failing to reach agreement on any matter, such matter shall be referred to arbitration by the Industrial Disputes Tribunal or to such other form of arbitration as the parties may determine.

**10. Finance**

Common expenses of the Council which shall be deemed to include the expenses of any committee thereof, but not any expenses incurred by members in attending meetings, shall be shared equally by the two Sides of the Council. Each Side shall bear its own expenses.

## APPENDIX C

### PROCEDURE FOR THE SETTLEMENT OF DIFFERENCES

#### Introduction

1. When it is apprehended that circumstances have arisen which may lead to a dispute over terms and conditions of employment between a department and its employees or a section of its employees the following procedure shall apply with a view to the consideration and settlement of the matter in dispute. The procedure shall lie through the following stages –
  - (a) initially, at the departmental level, between the chief officer and the departmental representative of the employees, and thereafter the employing committee level if the first stage has failed to produce agreement;
  - (b) thereafter, on continued failure to reach agreement, at Joint Secretary level, in consultation with the employing committee and the chief officer and the departmental representative of the employees;
  - (c) thereafter in the event of still further failure to agree, before the Disputes Committee of the Council.

The procedure is set out in further detail in the following paragraphs.

#### Departmental level

2. The departmental representative of the employees will report the existence of the difference or dispute to the chief officer and request an interview for consultation. The report will normally be in writing with a full indication of the circumstances and the question at issue. This procedure shall not however, so act as to prevent an oral report if the matter is of urgency.
3. The chief officer will, after examination of the representations, consult with the departmental representative with a view to resolving the matter. If, in the opinion of the chief officer, the matter is one for reference to the Employing Committee in the first place, he will, after consultation with the departmental representative, so inform them and refer the matter to the Employing Committee.

#### Departmental Committee level

4. If the consultation between the chief officer and the departmental representative fails to settle the matter in dispute, or if the chief officer decides that the matter is one for consideration by the Employing Committee, the matter will be referred to the Employing Committee for consideration at the next appropriate meeting or at a special meeting if the circumstances justify. At such meeting the employees shall be entitled to be represented by the Jersey Official of the Union accompanied, if desired, by the Union's departmental representative.

#### Disputes Committee

5. Where reference to the Employing Committee fails to produce a settlement the matter shall be referred to the Joint Secretaries for reference to the Disputes Committee of the Council. The Joint Secretaries shall first consider the circumstances as reported and if they deem it appropriate endeavour to use their good offices to secure a settlement.
6. If the Joint Secretaries are unable to secure a settlement the matter shall be considered by the Disputes Committee whose decision shall be final and binding.
7. In the event of the Disputes Committee failing to reach agreement the matter may by agreement between the Employers and the Employees' Sides of the Council be referred to the Industrial Disputes Tribunal or such other form of arbitration as they may determine, on terms of reference to be agreed by the two Sides.



8. The proceedings of the Disputes Committee shall be reported to the next appropriate meeting of the Council.

**Strikes, lock-outs, working to rule or other unauthorised action**

9. In consideration of the foregoing procedure the Employers and Employees' Sides agree that there shall be no strike, lock-out, working to rule or other unauthorised actions, either before or at any stage of the procedure for the settlement of disputes and that they shall use their best endeavours to prevent such action or to bring it to an end if it occurs.