

STATES OF JERSEY



DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT No. 5) (JERSEY) REGULATIONS 201- (P.22/2010): AMENDMENT

Lodged au Greffe on 9th March 2010
by the Deputy of St. Martin

STATES GREFFE

DRAFT EMPLOYMENT OF STATES OF JERSEY EMPLOYEES (AMENDMENT
No. 5) (JERSEY) REGULATIONS 201- (P.22/2010): AMENDMENT

1 PAGE 8, REGULATION 3 –

In the substituted Article 5(1)(c)(ii) for the words “appointed by the States, on the recommendation of the Chief Minister,” substitute the words “elected by the States”.

2 PAGE 8, REGULATION 4(a) –

In the substituted Article 6(1)(b) delete the words “, including at least 2 who are members under Article 5(1)(a) or (b)”.

DEPUTY OF ST. MARTIN

REPORT

On 16th October 2009 I lodged P.175/2009 Employment of States of Jersey Employees Law: Proposed Changes.

The primary purpose of my proposition was to amend the Law to provide for the States Employment Board to comprise of the Chief Minister as Chairman (or another member of the Council of Ministers nominated by the Chief Minister in his or her place and one other Minister appointed by the Chief Minister and 2 elected Members of the States who are neither Chief Ministers nor Assistant Ministers elected by the States. I also sought to end the Chairman's casting vote in the event of a tied vote.

On 11th November 2009 one week before the debate on 18th November, the Chief Minister lodged an amendment. Whilst giving support to there being 2 non executive members on the Board, the Chief Minister's amendment was to ensure that the Council of Ministers via the States Employment Board would have a 3 to 2 majority. This was because his amendment would allow for the Board to comprise of 3 Executive members, one of whom would be the Chief Minister and 2 elected members of the States who were not Ministers but nominated by the Chief Minister.

At the beginning of the debate the Chief Minister sought and was granted consent to amend his amendment whereby Members were asked to agree that the composition of the States Employment Board should comprise of the Chief Minister as Chairman (or another member of the Council of Ministers nominated by the Chief Minister in his or her place) together with 2 other Ministers or Assistant Ministers appointed by the Chief Minister and 2 elected members of the States who were neither Ministers or Assistant Ministers elected by the States.

Following the debate, the States approved the Chief Minister's amendment by 28 votes to 17. There was no debate in relation to Article 6 of the law dealing with quorums which states "the quorum of the States Employment Board shall be constituted by half of its members or if the number of members is 3, 5, 7, 9, shall be constituted by 3, 3, 4 or 5 members respectively.

Members will have noted that Article 5(1)(c)(ii) of the Chief Minister's proposal on page 8 of his Proposition almost mirrors his amendment before it was amended on 18th November 2009. In my opinion the Article should not provide for the 2 non Executive Members to be appointed by the States on the recommendation of the Chief Minister but should be appointed by the States following an election process. That is what the States approved and that should now be reflected in the Proposition.

Neither my Proposition nor the Chief Minister's amendment made any reference to a quorum. As mentioned above if the constituted States Employment Board comprises of 5 members then the quorum should be 3. However in Article 6(1)(b) the Chief Minister is stipulating that the Board will only be quorate when there are at least 2 Executive members present. Such provision is not only undemocratic but it implies that the 2 non executive members are only on the Board to make the number. There is also the possibility that the Board would only meet when it is known that there are 2 or more Ministers available.

My first amendment reflects the States decision on 18th November and the second is keeping with the existing Law which should remain unaltered.

It should be noted that if approved the Regulations will come into force 7 days after they are made. However if my amendment is adopted (which is line with the decision on 18th November) the States Employment Board cannot be constituted and function unless it comprises of 2 States Members who are neither Ministers nor Assistant Ministers. To overcome this difficulty the Greffier has advised, after consultation with the Bailiff, that an election for the 2 States Members will be held at the States Sitting on 11th May 2010.

Financial and manpower statement

There are no financial or manpower implications arising from this amendment.