

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY BY  
DEPUTY G.P. SOUTHERN OF ST. HELIER**

**ANSWER TO BE TABLED ON TUESDAY 11TH MARCH 2008**

**Question**

1. Following his response to a question on 26th February 2008 concerning codes of practice associated with the Employment Relations Law, does the Minister accept that comparison between States employees and employees in the UK is more properly made with Local Authorities with a similar sized workforce, where none has drawn a distinction (as the States have) between the employees of different departments of the same Authority?

**Answer:**

No.

**Question**

2. Will the Minister seek legal advice as to whether the treatment applied by the States to its employees could be deemed a disproportionate restriction on the right of States employees to take industrial action?

**Answer:**

The Minister does not intend to seek legal advice, being satisfied that no disproportionate restrictions exist.

**Question**

3. Notwithstanding his partial response to that part of the question asked on 26th February dealing with articles 31 to 35 of code 2, will the Minister state clearly:
  - a). which persons or body is responsible for enforcing articles 31 to 35,
  - b). which persons or body will decide to which services articles 31 to 35 should apply, and
  - c). what actions will he take, and in what timescale, to ensure that articles 31 to 35 are put in place?

**Answer:**

- a) The Deputy has misinterpreted the purpose of Codes of practice. The provisions of the Codes are admissible in evidence and may be taken into account in determining any question arising in proceedings before the Jersey Employment Tribunal or a court.
- b) Employers and trade unions are responsible for agreeing which services (or elements of services) such minimum service agreements should apply to.
- c) It is not the Minister's responsibility to ensure that agreements are in place; it is for employers and unions to negotiate and reach an agreement, which may be reached with the assistance of the Jersey Advisory and Conciliation Service, where necessary.