

## **2.5 Deputy D.J. De Sousa of the Minister for Social Security regarding the conformity of the actions of Jersey New Waterworks Company Limited with the conditions laid out in the Employment (Jersey) Law 2003:**

Will the Minister be examining whether the actions of Jersey New Waterworks Company Limited in making 20 workers redundant conform with the conditions laid out in the Employment (Jersey) Law 2003 and, if not, why not?

### **Deputy I.J. Gorst of St. Clement (The Minister for Social Security):**

It is not for a Minister to give a legal opinion as to whether an employer's actions in proposing or making redundancies conform with the conditions of the Employment Law. However, it is my understanding that the employer is endeavouring to not only meet the conditions of the Employment Law but also the provisions of the yet to be enacted redundancy legislation.

#### **2.5.1. Deputy D.J. De Sousa:**

How can the Minister be sure of this when in J.A.C.S.' (Jersey Advisory and Conciliation Service) own literature it states that jobs should not be made redundant if the job is still there?

### **Deputy I.J. Gorst:**

I have been assured by the company, and I think States Members will have received a letter overnight from the company outlining the process and the procedure that the company is taking. We must remember that the Employment Law is there to try and ensure, where possible, that good practice is followed and that employers are fair and even-handed with their employees. It is not to impinge upon the operational activities *per se* of the company. I would just say as well that I understand that one of the members of the board is also on the board of J.A.C.S. so is fully aware of what good practice is and, therefore, I would expect and believe that they are following that.

#### **2.5.2 Deputy G.P. Southern:**

The Minister is obviously aware of the letter received by Members last night from Jersey New Waterworks which suggested that there may be up to 10 positions available in Jayen. Can he assure Members that terms and conditions for these employees, should they apply or should they succeed in getting jobs at Jayen, will not be substantially reduced and labour obtained on the cheap?

### **Deputy I.J. Gorst:**

I think the Deputy thinks I have greater powers than I have. I do not believe that it is my responsibility to ensure that; however, I expect that that is one of the considerations that the existing employer will be considering. It is my understanding that they are now going through the 30 days process of consultation and it should at this stage be far from certain that they will in fact be making these employees redundant. There are a number of options that I, wearing my employment hat, would hope they would consider. That might be changed working hours, it might be changed remuneration, it might be the way in which they work. All these should be considered in this 30-day consultation period with the help of the employees' union and that is what I believe that they will be doing.

#### **2.5.3 Deputy G.P. Southern:**

Supplementary. Does the Minister not accept that best practice in this area has been demonstrated largely by Jersey Telecom which has given up to a year's notice of potential redundancies and not just the minimum statutory 30 days?

**Deputy I.J. Gorst:**

We must remember that the statute is not yet in place. The company are themselves agreeing to undertake the ... basically, in effect, follow the amendment 5 which we approved in this Assembly early in the year. It has not yet, unfortunately, received the approval of the Privy Council but the company have - off their own bat, as it were - said that they will follow that amendment recognising that we in this Assembly believe that that is the way that employers should act.

**2.5.4 Deputy D.J. De Sousa:**

Does the Minister really consider that best practice is being carried out and also if this was a small business it would be held to account? Does the Minister not feel that this business should be held to account as well?

**Deputy I.J. Gorst:**

I am not sure quite what the Deputy is referring to when she indicates that if this were a small business it would be held to account. The employees of this business have the right of appeal to the tribunal should they feel that these potential redundancies - also the consultation - the way that it has been handled, has been inappropriate. It is my understanding that the employer is in consultation with J.A.C.S. and that is the appropriate party. It is my understanding that the employees are members of the union. I would say in these times it is appropriate that all employees are members of unions because they help to fight on their behalf and ensure that good practice is followed. If any employee feels that they are being inappropriately selected or things are not happening in the way that the law requires, then I would encourage them as individuals to consult J.A.C.S. and perhaps make a claim to the tribunal. Thank you.

**The Deputy Bailiff:**

We now come to question 6 where Deputy Le Hérissier will ask a question of the Minister for Home Affairs.