

3.13 Deputy G.P. Southern of the Minister for Social Security regarding the progression of TUPE (Transfer of Undertakings (Protection of Employment) Regulations) and redundancy legislation:

Will the Minister inform Members when he expects to be able to bring to the Assembly the 2 items of legislation relating to T.U.P.E. (Transfer of Undertakings (Protection of Employment)) Regulations and Redundancy (Law and Regulations) listed on the 2009 law drafting programme, and will he account for the delay since May 2008, in progressing the employment law amendments which have been drafted?

Deputy I.J. Gorst (The Minister for Social Security):

A draft amendment to the 2003 Employment Law (Amendment 5) has been prepared, which will give qualifying employees the right to a redundancy payment, as well as placing a duty upon employers to consult with employees where redundancies are proposed. I will lodge the draft legislation in February for States debate in April this year. Later in 2009, I will bring to the Assembly further legislation to protect employees whose employer transfers their business to a new owner, as soon as outstanding issues have been resolved with the assistance of the Law Officers Department. The business transfers part of the amendment was particularly complex and the definition of what constitutes a relevant transfer for the purpose of the law remains to be resolved, particularly in terms of the jurisdiction of the law. The delays in receiving advice on that aspect of the law persuaded me to split the original amendment into 2 parts. This will enable me to progress the statutory right to a redundancy payment more quickly, particularly as the legislation will require the approval of the Privy Council.

3.13.1 Deputy G.P. Southern:

The fact that the Minister has decided to hurry up and bring redundancy law to the States in such short order seems to indicate the importance that he places on such an issue. Will he support the proposition before the House to guarantee compensation for the current situation with Woolworths' workers?

Deputy I.J. Gorst:

My department is charged with bringing forward employment legislation and that is what I am doing now to the best of my ability, and I have endeavoured to do as speedily as possible, since I was placed in office. The Deputy will rightly be expecting me to give a reasonably long speech in response to his proposition, and that is what I will be doing at that time.

3.13.2 Deputy R.G. Le Hérissier:

Could the Minister comment on whether the legislation, which he is bringing forward with commendable speed, will it cover redundancy payments either by the employer, and in default of that, by the Government of Jersey?

Deputy I.J. Gorst:

The Deputy raises a pertinent point, one which we must not forget. The legislation that has been drafted, that was together, was for redundancy payments and T.U.P.E. which is business transfer. In that legislation there is not provision for an insolvency fund which is the second part of that legislation. If the Deputy has heard any of my comments in the media I have also given a commitment that while this particular legislation is laid for debate I will be reviewing again the provision of an insolvency fund and I propose also to bring that forward now in early course. However, one must

remember that the Employment Forum themselves, their recommendation was made in a time when the economic climate was very different from what we find ourselves in today. Therefore, perhaps the model that they have proposed will not suffice for the conditions we find ourselves in today. They themselves recommended that further consultation was recommended. I give a commitment that that also must be brought forward as speedily as possible.

3.13.3 Senator A. Breckon:

Is the Minister aware that the Employment Forum had a consultation exercise and made recommendations about redundancy in August 2006 [**Approbation**] and the previous Minister presented a report to this House in April 2007 that said redundancy provisions would be in place in fairly short order following that, and it was contained within the strategic plan that indeed this would be done?

Deputy I.J. Gorst:

As politicians are fond of saying, we are where we are. I am the new Minister, I have given an undertaking in the Assembly today and I do not doubt that if I do not bring forward the legislation as I have given in the undertaking today, people will be calling for my head. I intend to keep to my undertaking.

The Bailiff:

Deputy Southern, final brief supplementary.

3.13.4 Deputy G.P. Southern:

Is the Minister aware that many of the Woolworths' workers are ineligible to claim income support and in dire need of some form of compensation to tide them over?

Deputy I.J. Gorst:

As the Deputy is aware, there are boundaries within which claimants of income support have to meet to qualify for those payments. Some of that is connected with household income. It is not for me to surmise about the personal circumstances of each ex-employee of Woollies.