

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 17th NOVEMBER 2009**

Question

“Will the Minister inform members whether the redundancies recently announced by Jersey New Waterworks Company Limited meet the conditions set out in Article 2 of the Employment (Jersey) Law 2003?”

Answer

It is not for the Minister to determine whether the proposed dismissal of an employee constitutes a “Redundancy” in accordance with article 2 of the Employment (Jersey) Law 2003.

Where dismissals are proposed on the grounds that an employer decides to contract out part of its business, it is likely those dismissals will constitute redundancies as the dismissals are wholly or mainly attributable to the fact that the employer intends to cease to carry on the business for the purposes of which the employee was employed by him. Article 2 also states that the business may cease or diminish for “whatever reason”.

It is the Minister’s understanding, on the basis of the information available at this time and having consulted with the Jersey Advisory and Conciliation Service, that the proposed dismissals at the Jersey New Waterworks Company Limited meet the definition of “Redundancy” that is set out in the Law, however this would ultimately be a matter for the Jersey Employment Tribunal to determine.