

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 5th MARCH 2013**

Question

Will the Chief Minister report what progress, if any, has been made towards finalising a set of principles “as good or better than” the UK Transfer of Undertakings (TUPE) legislation to be applied to transfers of undertakings in Jersey promised for the end of 2012 and, if not, why not?

Does he accept that the presence of TUPE style legislation would have enabled a smooth transfer of staff from Connex to CT Plus on “the same terms and conditions as apply at the date of issue of any tender documentation” as agreed by the Environment and Public Services Committee on 30th August 2005, in its response to the Committee of Inquiry into the award of the bus services contract and, if so, will he act promptly to bring forward TUPE style proposals as a matter of some urgency to prevent such difficulties following transfer of undertakings in the future?

Answer

Deputy Southern will recall from his meeting with the States Employment Board (SEB) in September last year about TUPE style legislation, that Officials are working to develop a Code of Conduct that the Public Service will use when or if such transfers are considered.

He will also recall that a joint (Employer /TU) working party, led by the CEO Ports of Jersey is looking at the issues of staff transfer from States of Jersey to a States owned entity as part of the planning for Ports Incorporation. The dialogues in this working party are a live, practical example informing the development of the Code. The progress on this issue is on the agenda of the meeting of the SEB on 22nd March 2013. I would be happy to update Deputy Southern after that meeting.

I cannot accept that TUPE style legislation would have helped in the scenario with the bus drivers, as the dispute was over working practices and not core contractual terms and conditions.