

2. Oral Questions

2.1 Deputy G.P. Southern of St. Helier of the Chief Minister regarding the introduction of a Jersey equivalent to Transfer of Undertakings Protection of Employment (TUPE) Regulations:

Will the Chief Minister inform Members, this week preferably, what progress, if any, has been made towards the introduction of a Jersey equivalent to the Transfer of Undertakings Protection of Employment (T.U.P.E.) Regulations and when he envisages that they will be debated by the Assembly?

Senator I.J. Gorst (The Chief Minister):

I refer the Deputy to my answer to him on 5th March of this year, and his attendance at the States Employment Board meeting in September of last year. At the meeting of the States Employment Board on 22nd March this year, a presentation was received from the Chief Executive of the Ports of Jersey on the current progress of the joint working between the trade unions and the ports, regarding the employee transfer as a result of incorporation. Positive progress was reported and the working group is continuing its work.

2.1.1 Deputy G.P. Southern:

So the Chief Minister does not know when he might be bringing some measures before this House?

Senator I.J. Gorst:

I do not have a fixed timescale for the completion of that particular work. When that is happening in partnership, as I said, with the trade unions, and very positive progress is being made, when that has been completed, then it is considered that that will be appropriate to roll out should there be any other need for it across the public sector.

2.1.2 Deputy G.P. Southern:

It is very pleasing to hear that co-operation is taking place between the Port Authorities and the trade unions. Is the Chief Minister aware that, as far as the transfer of staff to the bus company, we now have chaos? The bus company now refuses to recognise the trade union concerned and, I believe, is breaking the Employment Law. Will the Chief Minister take urgent action to ensure that the bus company obeys our Employment Law?

The Deputy Bailiff:

I do not think that comes out of the question, which is about the introduction of T.U.P.E. Regulations.

Deputy G.P. Southern:

It is about the transfer of staff from one company to another company.

The Deputy Bailiff:

It is a detailed question about a particular organisation rather than a question about the timing for the introduction of Regulations.

Senator I.J. Gorst:

I am quite happy to address it nonetheless.

2.1.3 Deputy M.R. Higgins of St. Helier:

Can the Chief Minister tell us where this particular piece of legislation or need for legislation is prioritised within his legislative programme? Is there, for example, any other pressing

employment legislation that he is looking at other than this particular one? Where is it in the pecking order and is there anything else in train?

[9:45]

Senator I.J. Gorst:

There seems to be some confusion. This is not employment legislation; this is the creation of a Transfer of Public Service Employees Good Practice Code and that is happening, as I said, in conjunction with the unions and will be used in the first instance, with regard to the incorporation of Harbours and Airports and the Housing Department and, as I have said, it will be considered by the States Employment Board and used as the model for rolling out right across the Public Service, should that be needed in future. As the Deputy knows, employment legislation falls within the portfolio of the Minister for Social Security.

2.1.4 Deputy G.P. Southern:

In terms of the transfer of staff from one body to another on this Island, is the Chief Minister content that the guidelines, the Good Code of Practice, are being adhered to currently?

Senator I.J. Gorst:

As I have indicated, they are being worked on now so I am not sure how we can expect them to have retrospectively been followed. I think he is trying to resurrect his answer, Sir, that I believe you ruled out of order. I would be very surprised if it were the case that the bus company was acting outside of the Employment Law and I have no indication that they are.