

2015.04.14

3.8 Deputy A.D. Lewis of the Chief Minister regarding policies of transfer of terms and conditions for staff redeployed to Visit Jersey:

Given the established policy arrangements T.O.P.S.E. (Transfer of Public Sector Employees) used for the transfer of staff from Housing to Andium Homes and the Chief Minister's commitment to the principles of U.K. T.U.P.E. (Transfer of Undertakings (Protection of Employment)) legislation, did the offer of significantly lesser terms and conditions to redeploy Economic Development Department staff to Visit Jersey have the full consent of the States Employment Board and if so why were policies of transfer of terms and conditions not observed?

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

The States Employment Board has developed a framework in consultation with the Prospect and Unite Unions to support the transfer of its employees into arm's length bodies or similar. This framework was used, as the questioner says, with Andium Homes and will be used when the proposed Ports incorporation is approved by the Assembly. The framework was not used when setting up Visit Jersey as the functions for the new organisation are not directly comparable with those at Jersey Tourism. S.E.B. (States Employment Board) was not involved in the establishment of the terms and conditions of Visit Jersey as the organisation is not part of the public service. S.E.B., in accordance with its existing policy, is working to redeploy all Jersey Tourism staff within the public service.

3.8.1 Deputy A.D. Lewis:

In that case can the Minister state how many of the present employees of Tourism will be facing compulsory redundancy as they have not found the alternative employment in the new Visit Jersey body and if so what cost to public finances will there be?

Senator I.J. Gorst:

A number of staff were interviewed for roles in the new Visit Jersey. As I understand it, a number have accepted but there currently remain 8 on the redeployment register and we continue to work towards redeploying those individuals.

3.8.2 Deputy G.P. Southern:

Does the Minister not accept that this really is ... I would describe it as shameful behaviour on the part of the S.E.B. to state baldly that these people were no longer going to be in the public service therefore they do not have the rights of transfer of terms and conditions which happen in the U.K. under T.U.P.E. and are supposed to happen in Jersey with their new-fangled T.O.P.S.E. arrangement? The fact that transfer to a private sector body was in place those T.O.P.S.E. regulations should have applied, should they not? Otherwise we are talking about negotiating in bad faith.

Senator I.J. Gorst:

They should not have applied, no. There are circumstances, as I have just said, in my opening answer why they would not have applied but with regard to Andium Homes and with regard to Ports incorporation where the same jobs are being transferred then the T.O.P.S.E. provision which has been negotiated does apply, so I do not accept the Deputy's question.

3.8.3 Deputy G.P. Southern:

If I may, supplementary? What assurance will the Chief Minister give to all those public sector workers whose jobs may be moved into the private sector or incorporated? What assurance can he give to those that their terms and conditions will in any way be protected?

Senator I.J. Gorst:

As the Deputy knows, we have negotiated the T.O.P.S.E. terms with both Prospect and Unite Unions but each case we have to consider individually because Visit Jersey, the new setup, which was recommended by the Shadow Board and agreed by the previous and the current Minister for Economic Development and accepted by the States Employment Board, is different from the transfer of a wholesale function like Andium Homes and like the Ports incorporation and therefore has to be treated differently.

3.8.4 Deputy S.Y. Mézec:

Given the Chief Minister's answer just now, does he agree with me that the time has come for the principles of T.U.P.E. to be enshrined properly in legislation for both public and private sector as it is across the European Union and as it has been in the United Kingdom since Margaret Thatcher was Prime Minister?

Senator I.J. Gorst:

It is not my policy nor the policy of this Government to wholesalely incorporate E.U. directives into domestic legislation and in this case I do not propose to do so either.

3.8.5 Deputy K.C. Lewis of St. Saviour:

Can the Chief Minister inform Members exactly how many members of staff have transferred from Jersey Tourism to Visit Jersey?

Senator I.J. Gorst:

As I understand it, the latest information that I have is that 6 have.

3.8.6 Deputy A.D. Lewis:

There was a report presented to the States about Visit Jersey, as the Minister will well know, and I have it in front of me here. I will just quote something from it and I would like the Minister to answer a brief question. It says under 7.1: "It is anticipated the majority of current employees of the Jersey Tourism team will continue within the new P.P.P. (Public Private Partnership). It is therefore considered that these employees should be transferred to their new employer under the same terms and conditions that they currently enjoy." That does not appear to have been the case. Does that suggest then that this report that was produced and presented to the House in 2009 has been ignored?

Senator I.J. Gorst:

Did the Deputy say that there was a report presented in 2009?

The Deputy Bailiff:

That was my understanding, yes.

Deputy A.D. Lewis:

23rd December 2009.

Senator I.J. Gorst:

I do not think I can be held accountable for things which previous Ministers ... I was not in the role of Chief Minister during 2009. I act upon advice. The Shadow Tourism Board came forward with a proposal for transfer for a new Visit Jersey. I do not even believe they had started their work in 2009 so I find it strange that the Deputy thinks that we should hold to a document that was produced in 2009 prior to even the creation of the Shadow Tourism Board.