

**WRITTEN QUESTION TO THE CHIEF MINISTER  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 28th APRIL 2015**

**Question**

The Chief Minister stated in his answer to question 8745 from Deputy A.D. Lewis of St. Helier, asked on 14th April 2015, that the new Transfer of Public Sector Employees (T.O.P.S.E.) agreement to protect the terms and conditions of States employees, which applied in the case of the incorporation of Andium Homes and will apply to the Ports incorporation, did not apply to the formation of the public-private partnership “Visit Jersey” to replace the Tourism department and under which “it was anticipated that the majority of current staff would transfer”. Can the Chief Minister give a detailed explanation of why he believes that the protection of T.O.P.S.E. should not have applied in this case?

Will he further assure members that, in the case of any further public-private partnership formations to reduce the numbers in public sector employment, T.O.P.S.E. protection will apply, and if not, why not?

**Answer**

The position of the States Employment Board (SEB) remains unchanged. The Transfer of Public Sector Employees (TOPSE) protocol is a code of practice that we will consider when issues such as public-private partnerships, third sector opportunities or outsourcing are being considered.

The SEB is a good employer and takes into account all aspects of any propositions put to it. It reviews the appropriateness of the application of the TOPSE protocol, which will be the default position, unless there are valid operational reasons not to do so.

As the Visit Jersey proposition has shown, there may be times when the use of the protocol is not appropriate because the functions of the new organisation are not directly comparable with those of the relevant public sector department.

In such circumstances, the SEB will seek to ensure outcomes for existing Public sector employees that are fair, appropriate to their contract and within the existing policy framework.