

**WRITTEN QUESTION TO THE CHAIRMAN OF THE STATES EMPLOYMENT BOARD  
BY DEPUTY K.G. PAMPLIN OF ST. SAVIOUR  
ANSWER TO BE TABLED ON TUESDAY 21st JANUARY 2020**

**Question**

Will the Chair advise whether the Government of Jersey can change any part of the employment contract of a States of Jersey employee without the employee's agreement or consent; and, if that is the case, what (if anything) is being done to review and, if necessary, change this situation?

**Answer**

As employer, the States Employment Board always wishes to progress any contractual changes by agreement if at all possible. Agreement may be by collective agreement with the union(s) recognised for the relevant pay group(s), or by agreement with the individual.

However, agreement is not always possible. On occasion, the employer may wish to vary individual contracts. This is normally achieved through consent of the individual concerned. In circumstances where an individual does not agree to the proposed changes, notice may be given on the original contract and a new contract offered.

It is important that the employer, where appropriate, can progress contractual changes, including in extreme situations, without agreement. For example, where there is a legislative change that requires the employer to introduce new terms of employment. In such cases, the employers must undertake an appropriate consultation about the changes and any such changes must then be implemented following a contractual notice period. In certain instances, the employee or representatives may appeal or submit a grievance related to the change, and an independent person or body will consider the appeal.

Such changes are governed by contract law and therefore any changes must be within the law to avoid a challenge to the change or a breach of contract. The law provides protection and safeguards for employees and there is no basis to review the legal basis of such changes.

Additional, independent support for employees is available through the Jersey Advisory and Conciliation Service, to seek to resolve any disputes through mediation. In some cases, where agreement is not found, employees may, subject to certain criteria, submit a claim for a breach of contract to the Employment and Discrimination Tribunal.