

**WRITTEN QUESTION TO THE PRESIDENT OF THE EMPLOYMENT AND SOCIAL SECURITY
COMMITTEE
BY DEPUTY G.P. SOUTHERN OF ST. HELIER**

ANSWER TO BE TABLED ON TUESDAY 28th SEPTEMBER 2004

Question

- (a) The Employment Forum has recently sent out a consultation document on the codes of practice to be created under the proposed Employment Relations Law. Will the President publish the full list of consultees initially contacted?
- (b) Is the Committee satisfied that the proposed Law complies with the requirements of Article 3 of the ILO Convention Number 87 on Freedom of Association, and of Article 8(1)(d) of the International Covenant on Economic and Social Rights of the United Nations, which states that parties to the Covenant undertake to ensure “the right to strike, provided it is exercised in conformity with the laws of the particular country”?
- (c) Is the Committee prepared to make a reference to the ILO Committee of Experts to seek the view of the ILO before the proposed Law is introduced, and what assurance can the President give to employees and their representatives on the Island over the protection of their current rights?

Answer

- (a) The consultation database belongs to the Employment Forum. It has been built up during the five years of the Forum’s existence and consists of organisations and individuals who have been in contact with the Forum about the employment legislation. Respondents are allowed to remain anonymous in their replies and it would clearly be inappropriate for the Committee to publish names.

The Forum uses the database to communicate with key interest groups and people, and as new ones respond or come into contact with the Forum they are added to the list. There are currently around 120 individuals and organisations on the list from wide ranging perspectives, including employer associations and trade unions. However, I would add that the Forum’s consultation and recommendation papers are also published on the Department’s website and promoted through the media so that all other interested parties and members of the public may contribute.

- (b) The Committee is confident that the draft Law complies with Article 3 of the International Labour Organisation (ILO) Convention Number 87 on Freedom of Association and Protection of the Right to Organise. The Committee is required to prepare regular reports to the ILO on measures taken to give effect to the provisions of the Convention. The most recent report, prepared in July 2004, outlined the background to the development of the Employment Relations Law and its main aims, and informed the Committee of Experts that draft legislation was being prepared and would be widely consulted on in due course.

The proposed Law was never intended to conflict with common law principles or the associated conventions, including Human Rights, to which the Island is a signatory, but is intended to improve industrial relations. As the Committee’s Report to the States on ‘Employment Relations Legislation’ (RC.28/2002) pointed out, the intent is to ‘underpin and support a cultural shift to collective bargaining in good faith’ and also provide and encourage a ‘speedy and effective dispute management process’ whereby collective employment disputes may be resolved in a structured and supportive way.

- (c) Following the Committee’s most recent response to the ILO on the application of Convention 87, a draft of the Employment Relations Law has become available which the Committee is referring to the ILO Committee of Experts before it is brought into force, as is standard practice when developing new employment legislation. The Department will continue to provide responses regarding the application of this Convention, as requested by the ILO.

I would add that the intention of this stage of the consultation period, (ending on 1st November), is to receive views on the perceived impact and practical effect of the draft Law from a wide cross-section of the public and relevant bodies, so that the Committee may consider the full picture and develop certain aspects of the Law before presenting a draft to the States.

The Committee would encourage anyone who wishes to comment to respond as soon as possible because it is our intention to debate the Employment Relations Law in time for it to come into force at the same time as the Employment (Jersey) Law 2003, on 1st April 2005.