

STATES OF JERSEY

r

DRAFT ACT ANNULING THE EMPLOYMENT RELATIONS (CODES OF PRACTICE) (JERSEY) ORDER 2007 (P.9/2008): COMMENTS

**Presented to the States on 29th January 2008
by the Minister for Social Security**

STATES GREFFE

COMMENTS

Written Comment on Proposition to annul R&O.184/2007

The Minister is of the view that the codes, as finalised, meet the policy intent and balance the range of interests of employees, employers and the general public. Further to extensive consultation over many years, the Minister considers the codes to be proportionate for a small island community.

Consultation

The Employment Relations codes of practice have been issued after a 7 year consultation process with the public and interested parties.

The International Labour Organisation (ILO) has commented positively on the extensive consultation conducted by the Minister, with all interested groups, prior to the enactment of the Law.

Secondary action

Deputy Southern's proposition claims that union members may be imprisoned for taking secondary action that is not in accordance with the codes. This is misleading.

This definition of secondary action is not unworkable, is similar to the U.K., but reflects local conditions and the interests of Islanders. The ability for trade unions to widen industrial action to involve others who are not party to the primary dispute would be extremely disruptive to the Island and the provision of necessary services to citizens.

Essential services

The code does not prohibit industrial action in essential services. It provides that a service becomes essential if the interruption of key aspects of that service would endanger the life, personal safety or health of the whole or a part of the population, or where the extent and duration of a strike in aspects of that service could result in an acute national crisis.

The ILO has recommended that where a strike occurs for a prolonged period of time, services that are not essential in the strictest sense of the term may become essential. These provisions are consistent with our international obligations.

Although a bus or taxi-drivers' strike is likely to be inconvenient for many, it is inconceivable that the lack of those services would cause an acute crisis endangering the life or health of the population, irrespective of the duration of the strike. Deputy Southern's assertion is again misleading.

The codes render it unreasonable for a union that represents members who provide such services to the public to reach an agreement with their employer. Such an agreement does not amount to a no-strike agreement, but instead would define a minimum service to be provided during a dispute and provide for a formal, rapid and impartial dispute resolution process.

Conclusion

On such a matter as this, there are bound to be polarised views. Consideration has been given to all of those views and the Minister believes that an appropriate balance has been struck.

The Minister strongly opposes this Proposition to annul the Order bringing the Employment Relations codes of practice into effect, and asks Members to reject the Proposition.