

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY, 10th OCTOBER 2006**

Question

- (a) Would the Minister inform members whether the draft Employment Relations (Jersey) Law 200-, approved by the States on 17th May 2005, has yet been sanctioned by Her Majesty in Council and, if not, is the Minister aware of the reasons for the delay?
- (b) What communications or discussions, if any, have taken place in the last 16 month period with the United Kingdom authorities over this issue and will he release the content of any such communications to members?

Answer

- (a) The Employment Relations (Jersey) Law 200- which was approved by the States on 17th May 2005 has not yet been sanctioned by Her Majesty in Council. In the intervening period, further consultation and discussion has taken place amongst interested parties, including union representatives and their advisers. An amendment to the Employment Relations Law has also been debated and adopted. I understand that the Department for Constitutional Affairs is awaiting the results of inter departmental consultation in the United Kingdom and I am hopeful that the Law will be put before the Privy Council for approval at its meeting in November.
- (b) There have been some discussions with the United Kingdom authorities over the last 16 months concerning this draft Law. While I would normally seek to accommodate any request for information and indeed accept there is a public interest in making information available, the wider public interest here lies in not disclosing the detail of those discussions at the present time. This wider public interest is that we must be able to have an honest and uninhibited exchange of views with the UK authorities in connection with the obtaining of Royal assent to all legislation, democratically adopted by this Assembly.

Such correspondence between States Departments and their UK counterparts are regarded by both parties as strictly confidential. The States of Jersey Code of Practice on 'Public Access to Official Information', adopted by the States on 20th July 1999, provides that 'information shall be exempt from disclosure if such a disclosure would, or might be liable to harm the conduct of national or international affairs or the Island's relations with other jurisdictions.' The UK authorities adopt a similar view and indeed have refused an application for information on the same issue under the Freedom of Information Act.