

5. Statement by the Minister for Transport and Technical Services re Bus Contract with CT Plus and staffing issues

5.1 Deputy K.C. Lewis (The Minister for Transport and Technical Services):

As Members are no doubt aware, the changeover from one bus contractor to another has once again hit a challenging time. My department has worked on this contract for over 2 years and in this time - with the support of my political steering group, officers, groups and excellent project management - has been able to secure a new contract with a new operator, CT Plus. History has taught us a great lesson on this issue and the trials and tribulations of the previous contract change were all addressed and risks minimised. We have pushed for a new deal for the contractor which provides Jersey with a bus service that we will be proud of and will incentivise the operator to increase the number of people utilising the service. Connex have made good progress over the last 10 years despite the hindrance of the previous staff transfer. We must not allow the same political involvement to stifle a contractor again. My staff have worked from the start of this process in building good relationships with the bus operator and staff. Quarterly meetings have taken place with the union representatives and we have from the start explained our intentions regarding limiting the working hours to 54 hours and increasing the hourly rate to compensate. All staff - with the exception of the managing director and general manager - will have a job offer within the new company and I would like to take this opportunity to reassure Connex staff that I have made sure that this happens. On a positive note, the new operator started a process of recruitment which will bring more staff into the bus company, alleviating the need for excessive hours and helping with the Island's current unemployment. I have not and will not guarantee excessive overtime and excessive hours. This is something we have checked with a health and safety inspectorate and feel that 54 hours as a maximum is sustainable. Would you want your children to be driven by a bus driver on his 69th hour working in a week? Moving on to the current situation, the unofficial strike action came as a surprise and has led to my officers spending the weekend and all of yesterday attempting to assist in a resolution where we discovered what the strike was about. It is our understanding that the main issue was the strict timeline CT Plus had put on staff to meet and agree a transfer. Late last night my team, liaising with CT Plus, extended the deadline to hopefully bring the staff back to work. Unfortunately this was not successful. The tactics employed by the staff representatives are to protect their position of strength and force CT Plus to negotiate through them. Based on the accounts of many Connex staff, CT Plus have decided they will not negotiate with the union within the bus company and are shocked by the behaviour the union representatives have shown.

[12:15]

Why a union - which stands for fairness and equity - is preventing fairness and equity and inhibiting the employment of more staff is beyond me. CT Plus want to move all staff individually and once the culture moves to one which they can influence after 2nd January they will look at staff representation when the workforce is not controlled by fear and favour. CT Plus will provide strong management and work with the staff to bring out ideas and ways of working which will benefit the service and staff. They work in a collaborative, modern fashion. Throughout the past months the people I have had most concern for are the silent majority of Connex staff who are probably feeling hurt, insecure, and worried about the future. I am convinced that transferring to CT Plus will be a positive step and will enable us to be proud of the bus service within our Island. In summary, we are changing things. The change is for the better. We are confident that the majority of staff working for Connex will improve their salary and the minority will lose financially but gain more sustainable healthier hours of work. Can I appeal to Members in continuing to support this transition, make sure we keep this on track, and make sure we start next year with a bus service we deserve.

5.1.1 Deputy J.A. Martin:

Is it within the Minister for Transport and Technical Services' power - if it is dangerous to work over 54 hours - to bring legislation in to make this law, and what is it in the U.K. if you are driving a P.S.V. (Public Service Vehicle) vehicle?

Deputy K.C. Lewis:

It is not within law at the moment, it is part of the contract so this would have applied had Connex retaken the contract, but 54 hours is the accepted norm.

5.1.2 Deputy G.P. Southern:

Does the Minister accept that the tender documents were based on the transfer of staff under the same terms and conditions, and that he has actively colluded with CT Plus to change those terms and conditions without proper negotiation with representatives of the bus drivers?

Deputy K.C. Lewis:

No. The only substantial difference that has been made is the change in hours and, as I said, that was part of the tender process and that would have applied to whoever won the contract. So if Connex had won the contract back it would still apply to them.

5.1.3 Deputy G.P. Southern:

Does the Minister not accept then that the overtime rate has been lost, that continuity will be lost at the moment because there will not be a smooth transfer, and that the change from a 6-day week - which is the practice now - to a 5 out of 7 days rota means that compulsory Sunday and bank holiday working has been introduced?

Deputy K.C. Lewis:

The bus service is a 7-day week service and staff will need to operate in a modern fashion to provide this. Working of these days have had the potential to hold the public to ransom. It is important that shifts can roster work and it is distributed fairly and equitably.

5.1.4 Deputy M. Tadier:

First of all, does the Minister adhere to a 54-hour working week policy?

Deputy K.C. Lewis:

I must confess I have never driven a bus and I do not hold a public service vehicle license.

5.1.5 Deputy M. Tadier:

The only reason I ask is I would hate to be the St. Saviour resident who phones up Deputy Lewis on the 69th hour of his working week, God forbid that he ever works that long in a week [**Members: Oh!**] which I am sure he does and I am sure we all do. The question is, does the Minister accept the theory behind having legislation such as T.U.P.E. and legislation restricting working hours across the board and not just for bus drivers because it stops us getting into situations where hard working members of our society have to go on strike because they feel there is no alternative. Does the Minister accept that this is decades of political negligence from the States when it comes to social and employment legislation and it is not bus drivers or Connex staff who are to blame here?

Deputy K.C. Lewis:

It is a bit different being a States deputy to being a bus driver. I do not have up to 45 people behind me and driving late, late hours. I do work long hours, I have had one call the other morning at 6.20 a.m. which was not particularly appreciated and I have calls at 11.00 p.m. That is not the point, we are talking about public service vehicles.

Deputy M. Tadier:

Would the Minister answer the supplementary question about the theory of having these laws in place so that we do not get faced with these situations time and time again because there were lacunas in legislation?

The Bailiff:

There was a question about that, Minister.

Deputy K.C. Lewis:

Sorry, could the Deputy repeat it?

The Bailiff:

No, we do not want to repeat it, it has been too long already. A question of whether you agree with the principle of having T.U.P.E. type laws in place.

Deputy K.C. Lewis:

T.U.P.E. is not legal in Jersey but are we getting as close as we can to a T.U.P.E. type.

The Bailiff:

Those in the gallery please must remain quiet. That is what the Standing Orders say and if there were to be difficulty I would have to ask you to leave. So please be quiet.

5.1.6 The Connétable of St. John:

It is claimed that bus drivers have a sick register and can have up to 20 weeks per annum sick leave. It is also claimed that they can sell this to other work mates, hence they can work up to 70 hours a week. Has the Minister any knowledge of this claim?

Deputy K.C. Lewis:

I do not have any proof of any such register or rota but I would add regarding sickness, it is reported that there is allegedly an unusually high sickness rate within Connex. The records relating to this were withheld from CT Plus during the tender so it could not be priced. In general, CT Plus' sickness provision is higher than Connex. CT Plus have stated they will use their discretion in the application of this term when they review the way sickness is managed. To reiterate, I do not have evidence of this.

5.1.7 Deputy R.G. Le Hérissier:

Slightly on the lines of Deputy Tadier, could the Minister inform us why this situation went on for so long when it was already known at the transfer from Jersey Bus to Connex that there were industrial relations issues?

Deputy K.C. Lewis:

The T.T.S. have been working on this for over 2 years so it was basically in the public domain that these hours would be changed.

5.1.8 Deputy R.G. Le Hérissier:

Why did it go on so long, in other words, for the duration of the contract?

Deputy K.C. Lewis:

We were powerless to stop it.

5.1.9 Connétable D.J. Murphy of Grouville:

As this is allegedly an illegal strike, have any other staff tried to enter the workplace and if so have they been prevented from doing so?

Deputy K.C. Lewis:

I believe some people have turned up for work, I am not sure if they have been prevented from doing so. I would not have knowledge of that.

5.1.10 Connétable D.W. Mezbourian of St. Lawrence:

What legal obligation does Connex have to provide a bus service and how is T.T.S. pursuing this to get the drivers back?

Deputy K.C. Lewis:

Obviously we are trying to encourage the workforce to return to work immediately. In fairness to Connex they did not call the strike and neither did the union call the strike, it is an illegal action.

5.1.11 Deputy S. Power:

I wonder if the Minister could explain the context in which he used the words "fear and favour" and would he explain to the Assembly whether there is any evidence that some drivers are spending more time driving on overtime rates than other drivers?

Deputy K.C. Lewis:

This has been reported to T.T.S. and it has also been reported to CT Plus by several members of the present team.

Deputy S. Power:

He did not answer the question. The question was the context of “fear and favour” and is there any evidence that some drivers are getting more overtime hours than other drivers?

Deputy K.C. Lewis:

It has been reported to us by several drivers who are being excluded that there is fear and favour in Connex at present.

5.1.12 Deputy T.M. Pitman:

Without using the horrible “we are where we are” kind of approach and response, how helpful is it that we have this refusal to negotiate with actual union representatives? Does the Minister not agree that, whatever the differences, that approach has to be put aside and if there is a problem then we need legislation, as has been said? Surely there is a halfway house that we can meet between the 2.

Deputy K.C. Lewis:

Absolutely. As Minister for Transport and Technical Services I am trying to facilitate in an orderly transfer. The drivers and staff work for Connex, they do not work for T.T.S. The new contractor will be CT Plus and it is my responsibility to try and organise an orderly transfer. It says in the contract that the Minister for Transport and Technical Services will use his reasonable endeavours to facilitate the transfer of staff to the new operator and that is exactly what I am trying to do.

5.1.13 Deputy M.R. Higgins:

I would like to know why the Minister misled me when I raised this issue with him some time ago that there was discontent over the contract. He said he would go back and check with his officers...

The Bailiff:

First of all, Deputy, as you know, you cannot allege deliberate misleading so what you mean is he inadvertently misled you, is that right?

Deputy M.R. Higgins:

Under parliamentary language I am going to have to say that even though I may not believe it.

The Bailiff:

You will not say you do not believe it; you must play by the Standing Orders, Deputy.

Deputy M.R. Higgins:

He inadvertently misled me by going back to his officers and coming back to me and saying there were going to be changes to their terms and conditions and his officers had ensured him of that fact. I feel I was misled and, therefore, I wonder if I can trust anything else that comes from the actual department.

The Bailiff:

So what was the question?

Deputy M.R. Higgins:

The question is why did you mislead me? [**Members: Oh!**]

The Bailiff:

The question is why did the Minister inadvertently mislead you.

Deputy M.R. Higgins:

Yes, I will eventually get it. Why did the Minister inadvertently mislead me?

Deputy K.C. Lewis:

I do not believe I did; the terms and conditions are substantively the same. The only sticking point is the overtime. Everything else will be transferred.

Deputy G.P. Southern:

Sir, I do believe the Minister is misleading the House today.

The Bailiff:

We are on question time at the moment. That is his answer, it is up to him what his answer is. I have no way of knowing whether his answer is correct or not.

5.1.14 Connétable J. Gallichan of St. Mary;

Obviously we are not in Europe but my understanding in relation to overtime and its possible relationship to public and passenger safety is that as well as a weekly limit there is a fortnightly limit of 90 hours that may be worked. Can the Minister assure me that there are no plans to bring in a fortnightly limit and that the proposed 54 hour limit is per week, literally?

Deputy K.C. Lewis:

I have no knowledge of that.

5.1.15 Deputy C.F. Labey of Grouville:

If the States have a service level agreement with Connex, do the States have any recourse against the company if the public service is not being provided?

Deputy K.C. Lewis:

As I say, it is an illegal strike, it is not a strike that has been called. I believe so but I will leave that to my officers to consult the law officers.

The Bailiff:

Very well, that brings the questions following the statement to a close.