

**WRITTEN QUESTION TO THE CHIEF MINISTER  
BY DEPUTY G.P. SOUTHERN OF ST HELIER  
ANSWER TO BE TABLED ON TUESDAY 1st APRIL 2014**

**Question**

Can the Chief Minister assure members that no transfer of Harbours, Airport or Housing staff will take place to new employers prior to agreement being reached between employee representatives and the SEB over the transfer of terms and conditions and, if not, why not?

Does the Chief Minister accept that the TOPSE Good Practice Guide, as currently drafted, falls well short of the standards set by statutory TUPE in the UK in granting automatic transfer of many terms and conditions, and in parts amounts to little more than a “carte blanche” to do what it wants?

Is any “Code of Good Practice” that is merely an internal document capable of being amended at any time and, if so, does the Chief Minister recognise that it cannot offer equal protection to provisions contained in statutory terms?

**Answer**

The Incorporation of Ports of Jersey and the creation of a wholly owned States Housing Company is continuing in line with previously published timetables. Throughout the process, full consultation with the relevant trade unions has been actively pursued.

Management of both organisations are confident that staff are fully conversant with the transfer arrangements and there is continuing dialogue with their workforce representatives. There is no reason why the Transfer of Public Sector Employees (TOPSE) protocol, designed collaboratively with the Trade Unions, will not be effective.

The development of the TOPSE protocol by the Trade Unions (Prospect and Unite), Ports and Housing Management and Employment relations has created the framework which will be consulted upon with other recognised Trade unions in the SOJ, as part of the continuing programme of workforce modernisation. It is anticipated that the protocol will underwrite any transfer of staff and associated service to a third party.

The protocol provides a clear direction for how such transfers will work in the public service and delivers confidence that Public service employees will be treated fairly, transparently and be consulted with in such cases.