

# STATES OF JERSEY



## EMPLOYMENT LEGISLATION: PETITION (P.214/2005) – COMMENTS

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Presented to the States on 11th January 2006  
by the Minister for Social Security

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STATES GREFFE

## COMMENTS

Deputy Southern had requested the Employment and Social Security Committee to review the Employment Relations (Jersey) Law 2005, the Employment (Jersey) Law 2003, and the draft Codes of Practice that were issued for consultation purposes, in order to identify if there are any provisions which deny employees the fundamental rights to recognition and representation, or that may breach International Labour Organisation Conventions 87 and 98, and, if any such provisions are identified, to take the necessary steps to remedy the situation.

Deputy Southern has since lodged 2 amendments, one on each of those Laws, which have each been commented upon by the Minister for Social Security (P.270/2005 Com. and P.271/2005 Com.).

Deputy Southern's Petition appends an Opinion submitted by John Hendy on behalf of the TGWU as the basis for his request. It cites a considerable amount of material beyond the scope of Conventions 87 and 98, including ILO reports, and legislation and case law from other jurisdictions, all of which will need to be located and investigated to give proper consideration to the opinion.

The Minister for Social Security wishes to do full justice to the points made in that opinion and the petition. This can only be done after a proper analysis, including legal opinion, which is currently underway.

Further, parts of the Hendy opinion also deal with the content of the first draft of the Codes of Practice which, at that time, were only consultation drafts. The Minister considered it necessary to wait for a second draft of the Codes to be prepared, incorporating responses received during consultation, so that an analysis of the whole employment relations package can be properly undertaken.

The Minister will be in a position to respond to Deputy Southern's request to review the Employment Law, the draft Employment Relations Law and the draft Codes of Practice when the required advice, as described above, becomes available.