

2019.10.22

11 Deputy R.J. Ward of the Chairman of the States Employment Board regarding the Joint Council Framework Agreement: (OQ.258/2019)

Is the States Employment Board still honouring the Joint Council Framework Agreement that was signed in December 2014; and if not, when was the decision taken not to do so and what assessment has been made of the consequences?

Senator J.A.N. Le Fondré

The Connétable of St. Ouen.

The Connétable of St. Ouen (Vice-Chairman, States Employment Board - *rapporteur*):

I thank the Deputy for the question. S.E.B. is keen to ensure that all unions have full access to appropriate consultation and negotiation machinery, so they can represent their members fully and adequately. Civil Service Staff side have written to the States Employment Board regarding the pilot Joint Council Framework Agreement. It is likely, therefore, that the S.E.B. will authorise a review of the current arrangements, not least because the Joint Council has not met since June 2017. The rejection of the workforce modernisation in March 2018 took away much of its relevance. Pending this review, a full range of meetings continues across all matters of importance to S.E.B. and the unions, including on pay and other terms and conditions, roll-out of the target operating model and on individual case work.

3.11.1 Deputy R.J. Ward:

Sorry, perhaps I need to ask the question again. Is the Joint Council Framework Agreement still being honoured or not? It is a simple yes, or no. That was the question.

The Bailiff:

I understand, Deputy. That was the thrust of the question.

The Connétable of St. Ouen:

The answer is the Joint Council Framework was never signed and as far as we can see was not approved by S.E.B., which is why we have engaged in discussions with the unions to make sure that it is either replaced, or we go back to using it.

[11:00]

Deputy R.J. Ward:

Sorry, it is not often that I am speechless, but I am at this moment.

The Bailiff:

Deputy, firstly I will see if anyone else wishes to ask questions, then you have your final supplementary.

3.11.2 Deputy G.P. Southern:

The *rapporteur* reports the failure of workforce modernisation. Is it not the case that workforce modernisation is being carried out despite an absence of agreement with the employees under the guise of the T.O.M.s arrangements? That is the case, is it not?

The Connétable of St. Ouen:

That is not the case. Workforce modernisation was rejected by the unions. The unions have been consulted about the T.O.M.s and our approving each one as we go through them.

3.11.3 Deputy G.P. Southern:

Could the Minister please answer the question? Is it not the case that workforce modernisation, a lot of the changes that were involved in workforce modernisation under that title now appear under the title of Target Operating Model are exactly the same? Have they not been transferred from one to the other?

The Connétable of St. Ouen:

Yes, that is the case. I agree with that.

3.11.4 Deputy M. Tadier:

Would the Assistant Minister be able to circulate the apparently unsigned document to Members in its original state, a copy of it and would he also clarify that, irrespective of whether or not it was, or was not, signed, the framework agreement effectively remained in place as a policy decision?

The Connétable of St. Ouen:

In response to the first part of the question, I will have to take advice on that point, but if it is possible to circulate it I will. The answer to the second part of that question is, yes, it is in place and we are doing our best to adhere to it. On a wider perspective, the S.E.B. are concerned about relationships with the unions and part of our objectives going forward is that we wish to sit down with them and improve our negotiation stance with both parties.

3.11.5 Deputy M. Tadier:

It seems strange that the Minister is saying that they make agreements with other bodies, do not bother signing the contract, then tell the public and us later on that document has not been signed, but then act as if that contract has legal enforcement. Is this the way that this Government conducts business? I appreciate it was not necessarily the current individual who was in post at the time, but it raises a whole load of other questions about governance and can we still have confidence in the S.E.B. that these kind of ways of doing things are no longer in play?

The Connétable of St. Ouen:

It is my understanding that the Joint Framework Agreement was a joint negotiating framework, which was specifically designed to work with workforce modernisation and since that was rejected by the unions we have not had any requests until this recent one for further meetings under that. It is not our intention to renege on any agreement with the unions. This one has just simply fallen into disuse, because it was no longer relevant to the situation that we have at the moment. We have always responded to unions' requests for meetings and we will always continue to do so.

3.11.6 Senator K.L. Moore:

Will the Vice-Chair watch the Scrutiny hearing from Friday of last week with the union representatives in which they expressed a desire to conduct a Joint Council meeting with the S.E.B. and, therefore, will the Vice-Chair commit to inviting and setting up a meeting of the Joint Council?

The Connétable of St. Ouen:

Yes, I thank the Senator for her question. I did watch that and, yes, I have to say it raised a number of concerns in my mind, many of which we will be discussing with my colleagues in S.E.B. Yes, I will

commit to having a meeting with the unions to discuss this situation. Indeed, I thought I had said that when we started; we intend to sit down with the unions and discuss reviving the Joint Council Framework Agreement if it is appropriate to the negotiations going forward, but only if it is appropriate.

3.11.7 Deputy R.J. Ward:

As ever, we in Reform Jersey are always here to help and I offer the Minister, because I have the Joint Framework Agreement in front of me and I can send him a PDF. It was effective from 1st July 2018 and if I quote would he agree that where it states: "Unless specified otherwise, the Joint Agreement Framework supersedes all previous agreements connected with collective bargaining and consultation between the employer and trade union staff within the States of Jersey." So, therefore, it is in place. Can he confirm that it is there and can I ask when the next meeting will be?

The Connétable of St. Ouen:

I have to accept the Deputy's word for this. As I said, we are arranging a meeting with the union in response to the letter from the civil service side to discuss whether a meeting is appropriate. If they feel it is appropriate we will have a meeting.