

4. Questions to Ministers without notice - The Minister for Social Security

4.1 Deputy D.W. Mezbourian of St. Lawrence:

Will the Minister please advise the House whether he intends to bring maternity legislation to the House? If he does, when will that be and what priority does he give to it?

Senator P.F. Routier (The Minister for Social Security):

The answer to the question is, plainly, yes. We will be bringing maternity legislation to the House. The programme of work currently which the Employment Forum is consulting on has redundancy and something else which escapes my mind. They are consulting on both redundancy and TUPE (Transfer of Undertakings Protection of Employment) which is the Undertakings legislation. So, that is happening currently. Once that consultation has taken place, which will probably take about 6 months, they are then going to look at maternity as the second strand. So, in reality, once the consultation process is over I would expect that legislation would be coming-in during next year. I do have it as one of the priorities obviously.

4.2 Deputy S. Pitman:

Given that the Minister has stated in the past that the Employment Relations Law is constructed to ensure the protection of both employer and employee alike, would the Minister clarify for the House why an employee successfully winning an unfair dismissal case will not be entitled to reinstatement and what plans does he have to mitigate the situation?

Senator P.F. Routier:

The general principle of people being reinstated from work when they have lost their job, it was felt when it was consulted upon by the Employment Forum a number of years ago, was that it would be very unlikely that it would work that somebody would be reinstated. If they have come to a situation where the relationship with their employer has broken down quite irrevocably, and if the tribunal found in the employee's favour, it would not be, probably, a situation which would work where the employee would return to that work place. What was recognised was that people could just be using that as a mechanism to up-rate any compensation that was being awarded. So, that was the view of the Employment Forum and I have to say I do share that because it is very unlikely that there would be an amicable reinstatement of a person in the workplace. So, I have no intention of redressing that as the Deputy has asked because I believe that it would be unworkable.

4.3 Deputy G.P. Southern:

I hope the Minister has been studying his Draft Strategic Plan because I have a number of questions on that. Under Commitment 3.6 of the Draft Strategic Plan, the Minister's success indicator is the reduction in the number of children and pensioners living in relative low income households. Will the Minister inform Members which of the actions outlined under the heading "What we shall do" addresses this target and furthermore what specific targets will the Minister set, and be judged on, for reducing both child and pensioner poverty from their current abysmal levels of 33 per cent according to the income distribution survey of 2002?

Senator P.F. Routier:

The Deputy has obviously brought with him a copy of the Strategic Plan. I have not but certainly my view on ensuring that child poverty and pensioner poverty is addressed is high on our priority with regard to ensuring that the income support system does recognise the needs of that group of people. Certainly child poverty is an issue which... it was only last week when I was at the British Irish Council that the work stream - which is going to be taking place for next year within the British Irish Council, in which we are taking part - will be the main stream for

not only child poverty but lone parents as well. We will be developing that and filtering that information from the other jurisdictions into our work for introducing income support.

Deputy G.P. Southern:

Sir, may I have a supplementary, please?

The Deputy Bailiff:

No, I am sorry there are a number of other Members who have already indicated that they want to ask questions. If they run out then, of course, you can. Deputy of St. John.

4.4 Deputy A.D. Lewis of St. John:

When the Minister alluded to maternity rights, will this also include paternity rights and, if so, what help, if any, will be given to small businesses in order to cope with the possible impact of such legislation?

Senator P.F. Routier:

Certainly with regard to paternity rights it would be our intention to address that issue. The second part of the question with regard to the impact on businesses: in all of the employment legislation which we are bringing forward, we do take seriously the impact on the business community because they are the ones who are employing the people and have to be able to afford to employ people. So, although my policy is to have a good social protection policy for people, to ensure that people are supported in an appropriate way, it has to be tinged with reality - that is because the business community have to be able to afford whatever legislation is put in place. So, yes, as to paternity, we will look at that and, yes, we will recognise the needs of the business community as well.

4.5 Deputy S.C. Ferguson:

When the Minister brings in, or is considering, the maternity policy, will he give consideration to some form of protection for employers where prospective employees apply for positions knowing that they are already pregnant? This is, in fact, quite a real problem in the UK where you employ somebody, Sir, one week and then about 3 weeks later they announce that they need their maternity leave and so forth. What consideration will the Minister be giving to this sort of problem, particularly with the number of small businesses we have?

Senator P.F. Routier:

Sir, as I said earlier, the Employment Forum will be consulting on this issue. I would suggest that the Deputy does make that point to the Employment Forum in the consultation process. Obviously they will ensure that all those considerations are taken account of. I know our own benefit system does preclude that possibility so; we do need to ensure that perhaps the legislation for maternity benefits in legislation does reflect that same situation. We might be able to learn from the UK experience.

4.6 Deputy P.V.F. Le Claire:

I wonder if the Minister could give us some outline as to what safety net will be put in place with the low income support system in relation to discretion. By way of an example, over the last 3 weeks I have been trying to address an issue where a constituent's daughter has been submitted to hospital care and that recipient, who is currently in receipt of welfare, has had the welfare reduced because of the fact that she is now within the hospital's accommodation. The fact that expenses do continue once somebody is in care is a factor that I think needs to be borne in mind and whereas the department, who I have been to see on 2 occasions as well on this matter, are unable, due to the law as it is written, to exercise discretion and the Parish is not able to exercise discretion in this instance because of policy. What element of discretion will be written into the

low income support system whereby, in the future, if a system like this is shown to be failing a resident of St. Helier, that the officer at Social Security will be able to take into account an element of discretion?

Senator P.F. Routier:

Yes, the development of the income support system has highlighted many areas where we feel there would be a need to have a top-up from a different system which is outside of the general components which people will be awarded. Members who have attended presentations will be aware that the income support system is made up of various components people can apply for, whether it be for caring or for children or for housing benefits and disability as well. There are about 4 components for disability. Outside of that we recognise that there are occasions where people are going to need additional support. What we will do and what we have recognised is that we are establishing a citizen's fund, which will enable people to apply to that for additional support when it falls outside of the amounts which will be set for various components. I was a little bit concerned that the Deputy mentioned a particular case at this present time where he has approached my department.

The Deputy Bailiff:

A concise answer, if you would.

Senator P.F. Routier:

Really, what I am trying to say is this. Discretion does still exist within the Constables' system and if there is a particular case that requires support I would encourage the Deputy to try again if it is in real need.

4.7 Deputy R.G. Le Hérisssier:

As we all struggle with the generalities of the Strategic Plan I wonder, Sir, if the Minister could tell us with reference, for example, to 3.6: an integrated system of benefits to help people achieve financial independence. He promises to reduce the proportion of working-age residents needing income support, he promises to increase the proportion of working-age residents with long-term health into paid employment. Can he give us the percentage in both cases and can he give us the mechanisms by which they will be achieved?

Senator P.F. Routier:

I cannot give the percentages for those targets. If you look through the whole of the Strategic Plan in all the departments you will find that there are desires to achieve various things. It is very difficult in a Strategic Plan to highlight that but certainly below that the business plans within the departments will have those targets set and that is what we need to work on next. The Strategic Plan is the overall document which the Ministers have put together and put forward ideals and ideas which we want to achieve. I believe it is now for the departments themselves to work on their business plans and to bring forward how those are going to be benchmarked by previous and existing performance. That is what we will have to do and I think once you have that document - the business plans - from the various departments you will then really be able to judge the success of policies or not.

4.8 Deputy J.A. Martin:

Would the Minister describe how the introduction of the low income support system will protect families against the introduction of GST?

Senator P.F. Routier:

Certainly, the Members will be aware that from the fiscal debate we had, there was a 2-part decision - a combined decision which was made by the States which ensured that sufficient funds

would be given to the income support system, which will be sufficient to cover the cost of the impact of GST on those who have low income and that will be put in place at the time when GST comes into place.

4.9 Deputy S. Pitman:

The Minister has stated that the reinstatement of a job after a proven unfair dismissal is unworkable. In the instance of the specialist worker - of which there are significant numbers in the Island - what kind of equality would the Minister suggest this offers to a wronged employee suddenly being unable to pay a mortgage and facing no other option than to sell-up?

Senator P.F. Routier:

Parting company between employer and employee for reasons of which I am unaware, that may obviously have been a very difficult situation for them. So, I probably do not have a satisfactory answer to say how that can be resolved. In my earlier answer, I hoped I got over the point that it was recognised that it was a very difficult issue to reinstate. The view of the Employment Forum when it initially consulted on that issue was that it was a mechanism to get additional compensation for being made redundant and I think that is probably the best answer I can give I am afraid. It may not be satisfactory but that is the situation.

The Deputy Bailiff:

I am advised by the Greffier the time has expired. **[Laughter]**