

STATES OF JERSEY



EMPLOYMENT OF STATES OF JERSEY EMPLOYEES LAW: PROPOSED CHANGES (P.175-2009) – AMENDMENT

Lodged au Greffe on 11th November 2009
by the Chief Minister

STATES GREFFE

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In sub-paragraph (a)(i), for the words “one other Minister” substitute the words “2 other Ministers or Assistant Ministers”, and for the words “and 2 elected members of the States who are neither Ministers nor Assistant Ministers elected by the States.” substitute the words “and 2 elected members of the States, who are not Ministers, to be nominated by the Chief Minister.”

CHIEF MINISTER

REPORT

The States Employment Board performs the following functions on behalf of the Council of Ministers, as laid down in the Employment of States of Jersey Employees (Jersey) Law 2005 –

- i. to determine policy relating to the employment of, and terms and conditions of employment of, States' employees, other than procedures for the recruitment of States' employees;
- ii. to ensure that the public service conducts itself with economy, efficiency, probity and effectiveness;
- iii. to ensure the health, welfare and safety of States' employees;
- iv. to employ persons on behalf of the States and administrations of the States;
- v. negotiate or consult with States' employees, or representatives of States' employees, collective agreements on terms and conditions of service;
- vi. to determine training and development needs of States' employees and appropriate procedures for appraisal and transfer;
- vii. to discipline, suspend or terminate the employment of States' employees;
- viii. to determine salaries, allowances, pensions and gratuities as required under the Departments of the Judiciary and Legislature (Jersey) Law 1965;
- ix. to determine other matters that may reasonably be considered necessary for the proper administration and management of States' employees.

The Council of Ministers is opposed to parts (a)(i) and (a)(ii) of the proposition because, taken together, they could potentially result in no decisions being taken on what might be important staffing issues. The Proposition has a potential for deadlock in this respect.

However, the Council is in favour of altering the membership of the States Employment Board such that it consists of the Chief Minister (or another member of the Council of Ministers nominated by the Chief Minister in his or her place), plus 2 other Ministers or Assistant Ministers, plus 2 elected members who are not Ministers.

This proposal would enable the Board to more readily reflect a balance of views among States Members and yet enable decisions to be made on a majority vote.

The Council is therefore asking the States to amend part (a)(i) accordingly and to reject part (a)(ii) as, in consequence, being unnecessary.

The Council also recommends that the States do not adopt part (a)(iii) of the Proposition. The Jersey Appointments Commission operates completely independently of the States Employment Board and sets its own procedures. Unlike the Board as currently constituted, it operates with 5 members.

Financial and manpower statement

There are no financial or manpower consequences arising from this amendment.