

6. Urgent Oral Question

6.1 Deputy G.P. Southern of the Minister for Transport and Technical Services regarding the current negotiations for the Island's new bus contractor:

What steps has the Minister taken and what further action does he propose to ensure that CT Plus withdraws its deadline of 12th October 2012 for agreement to markedly change terms and conditions for the Island's bus drivers, in order that further industrial action can be prevented?

Deputy K.C. Lewis (The Minister for Transport and Technical Services):

As I have mentioned, I know we have reversed things around. As part of the progress, late last night CT Plus offered to postpone the deadline by a week if the strikers agreed to meet them on a one-to-one basis. Should the offer be accepted T.T.S. would expect the illegal strike to also end. In accordance with the tender CT Plus have positions for all Connex staff who wish to transfer and to work on the 2013 bus routes. The basic terms and conditions will be substantively the same and staff enjoyed at the same time of tender as supplied to Connex.

[12:30]

Continuity of service, rights and terms of protection from unfair dismissal and redundancy will be honoured. The issue remains the capped amount of overtime on offer and the availability to work on Sundays as part of the standing rota roster week.

6.1.1 Deputy G.P. Southern:

The Minister once more repeats, perhaps, his misleading statement that the terms and conditions are the same. There is a list there that says substantive or basically the same. Does the Minister accept his Chief Minister's commitment to abide by the Cabinet Office Statement of Practice in the absences of T.U.P.E. law on this Island, and does he equally support item 7 of that Statement of Practice that T.U.P.E. type laws will cover the following types of situation that may involve transfer of staff, and this includes public-private partnerships like the delivery of the bus service and second and subsequent generation contracting of such private-public partnerships. Does he support that and does he believe he has delivered a package in line with his Chief Minister's commitment to have the very best protection for workers in this Island?

Deputy K.C. Lewis:

Absolutely.

Deputy G.P. Southern:

Well the Minister is a fool.

The Bailiff:

Deputy, you have already had one supplementary.

Deputy K.C. Lewis:

I wonder if the Deputy could repeat that.

Senator B.I. Le Marquand:

That is not parliamentary language from Deputy Southern so I must bring it to your attention.

The Bailiff:

I am sorry, I did not hear that.

Senator B.I. Le Marquand:

He said that the Minister was a fool.

Deputy G.P. Southern:

I am happy to withdraw that statement that the Minister is a fool.

6.1.2 Deputy J.A. Martin:

Can the Minister for Transport and Technical Services confirm if there is any plan B if the situation stays the same and if on Friday we will effectively have no P.S.V. drivers employed? What is the plan B? How many P.S.V. drivers other than the current bus drivers do we have on the Island; does the Minister know?

Deputy K.C. Lewis:

That would be a matter for Connex who have the contract until the end of the year. CT Plus has employed several additional drivers at present and they are in the process of being trained. I repeat, there is a job for everyone at Connex to transfer to CT Plus.

6.1.3 Deputy R.G. Le Hérisier:

Could the Minister explain why the deadline has been imposed?

Deputy K.C. Lewis:

Yes, quite simply it is so that any new drivers or operators will have to go through the criminal checks, *et cetera*, because they are P.S.V. drivers, which is the same for any P.S.V. driver and that does take several weeks to do.

6.1.4 Senator A. Breckon:

Is the Minister aware that during some of the debates on Sunday trading one of the issues was about people working on a Sunday and is he aware that what is being proposed is that employees will be asked to work 5 days out of 7, which in fact is compulsory working on Sunday, which is different to the existing agreement?

Deputy K.C. Lewis:

Yes, I am aware of that, but at the moment working on a Sunday is voluntary.

6.1.5 Deputy J.M. Maçon:

In one of the Minister's previous answers he told us that staff members were invited to meet with CT Plus on a one-to-one basis. Does the Minister feel that this divide and conquer approach is really acceptable and reasonable given that this is exactly the time you may want a union representative to help negotiate your contract, *et cetera*?

Deputy K.C. Lewis:

No, I do not, but all drivers are free to meet CT Plus and if at a later date they want union representation that should not be a problem.

6.1.6 Deputy M.R. Higgins:

After hearing the Minister today and hearing the Chief Executive of Transport and Technical Services on the radio yesterday, I come to the conclusion that a lot of this is about union bashing and trying to reduce the power of the union. This is part of what is going on rather than just the contract. I think a lot of it is a smokescreen. Does the Minister not agree?

Deputy K.C. Lewis:

No, the Minister does not agree with yet more nonsense being spouted. I am the Minister for Transport and Technical Services, most of which are Unite members, this is not a Unite strike, so it is not union bashing. This strike is unofficial.

6.1.7 The Connétable of St. Lawrence:

That was a point that I was going to make in my question that this is an illegal strike not sanctioned by Unite. I wonder if the Minister is able to confirm to the Assembly that contractually Connex is able to discipline their employees and, if necessary, dismiss them?

Deputy K.C. Lewis:

Unfortunately, the Constable is absolutely correct.

6.1.8 The Deputy of Grouville:

As it has been established that Connex are now renegeing on their Service Level Agreement, could any form of compensation that might be forthcoming be used to make... for T.T.S. to use alternative provision to provide public transport in the interim?

Deputy K.C. Lewis:

That is something my officers are looking into.

Deputy M.R. Higgins:

Is possible to ask the Attorney General that, because surely it is *force majeure* that Connex are caught in the middle of this and they are the victim as opposed to the perpetrator?

The Bailiff:

No, this is a question at the moment to the Minister. Deputy Tadier.

6.1.9 Deputy M. Tadier:

Following on about the offer that was made for Connex staff to meet with the management on a one-to-one basis, would the Minister confirm whether CT Plus will not negotiate collectively with the workers, why that is, and will he confirm that, if it is truly to be a one-to-one basis, will there only be one representative from the CT Plus management in the room with each individual employee?

Deputy K.C. Lewis:

Several members of staff who presently work for Connex have stated they feel intimidated to have a union representative there or a representative other than someone they have nominated, and, as I say, they must be free to talk freely to Connex about their wishes and aspirations for the future and they must be free not to have someone there if they so wish. Once the workforce has transferred, they may be represented by whom they wish.

6.1.10 Deputy M. Tadier:

Sorry, supplementary. Does the Minister not acknowledge that it should be the choice of the individual whether they want to go in collectively or on their own, and being offered a one-to-one basis only for an extension in the deadline is not helping anybody and that the choice should remain with the employees?

Deputy K.C. Lewis:

It is not for me to say. This is for CT Plus; they are the new contractor and this is the way they want to run things. But I reiterate there is a job for every member of Connex to transfer to CT Plus.

6.1.11 Senator L.J. Farnham

For a matter of accurate public record and to avoid any further misinformation, could the Minister outline the key changes to the terms and conditions of employment that Connex employees are being asked to accept?

Deputy K.C. Lewis:

Yes, it is basically that we cannot guarantee the overtime rate as presently enjoyed. There is a reduction in hours and the rest I am sure can be sorted.

6.1.12 The Deputy of St. Martin:

Could the Minister remind the House of the amount of taxpayers' money that Connex receive on an annual basis and tell the House if he has any plans to recoup any of this money?

Deputy K.C. Lewis:

Presently, I think the contract was not of my making, the original one of course. I believe, and I stand to be corrected, it is approximately £7 million per year, of which there is a return of I think about nearly £3.5 million in fares.

6.1.13 Senator L.J. Farnham

May I just ask a supplementary to quantify something I missed in answer to my question; I asked him to be clear on the key changes that are being asked, could he be a little more detailed?

Deputy K.C. Lewis:

I do not have all the paperwork in front of me, but CT Plus have consolidated some payments on a 7-day week. Sickness would be a problem and, as I say, there is the maximum working 54 hours, which is contentious.

The Bailiff:

I have 2 more Members who have not yet asked questions, so we will hear from them, and then I invite Deputy Southern to conclude. So Deputy Power.

6.1.14 Deputy S. Power:

Following on from the Constable of St. Lawrence's question on Connex possibly issuing dismissal notices, if that were the case, would those dismissed employees be considered for re-employment by CT Plus?

Deputy K.C. Lewis:

That would be a matter for CT Plus.

6.1.15 The Connétable of St. Martin:

I have a conflict of interest because I am a regular bus user, but, as we seem to have total deadlock now, can the Minister tell us what the next step is in this impasse? Does he intend some form of independent arbitration or does he have any ideas? We are not going forward; nothing seems to be happening.

Deputy K.C. Lewis:

It is all happening in the background. My officers are working with J.A.C.S. (Jersey Advisory and Conciliation Service) to end this strike as soon as possible.

6.1.16 Deputy G.P. Southern:

It is sadly apparent to me that the Minister has failed to deliver what he set out to do. But what I want to know next is what powers or facilities does the Minister intend to use in order to persuade CT Plus to come to the table and negotiate with the legitimate representatives of Connex's workforce?

Deputy K.C. Lewis:

My officers, who are very much in the middle on this, as am I, are trying desperately to facilitate the orderly transfer from Connex to CT Plus. They are in regular contact, hourly contact, with J.A.C.S., with representatives, and with CT Plus, to sort out this problem.