

STATES OF JERSEY



PUBLIC HOLIDAYS AND BANK HOLIDAYS: DESIGNATION OF 26TH DECEMBER 2009

Lodged au Greffe on 15th October 2009
by Deputy S. Pitman of St. Helier

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

to refer to their Act dated 8th October 2009 in which they agree to transfer the Boxing Day bank holiday from Saturday 26th December 2009 to Monday 28th December 2009 and –

- (a) to agree that Saturday 26th December 2009 should be designated as an extra Public and Bank Holiday for 2009 in addition to 28th December 2009 to enable islanders who do not work only between Monday and Friday to benefit from this holiday; and
- (b) to request the Chief Minister to bring forward for approval the necessary Act under the Public Holidays and Bank Holidays (Jersey) Law 1951 to give effect to the decision.

DEPUTY S. PITMAN OF ST. HELIER

REPORT

The necessity for the lodging of this report lies within the wholly unsatisfactory position the States was placed in upon being presented with the Chief Minister's proposition Draft Public Holidays and Bank Holidays (Jersey) Act 200- on Thursday, 8th October 2009. Here the Assembly was effectively asked to choose within the framework of a very badly constructed piece of legislation, between voting for one group of Island's workforce and their families to lose out on festive holiday of what would be effectively Boxing Day; or that a second group, equally deserving, would have to do so.

By voting to move the Boxing Day holiday from the traditional date of December 26th (this year being the Saturday) to the following Monday 28th December the States ensured that all of those who are employed within industries working Monday to Friday would get to enjoy an extra days holiday. However, the consequence was that this decision, made with an apparent lack of consultation (other than the Chamber of Commerce) backing it, by the States also meant that all of those who regularly had to work on a Saturday, such as the thousands of Islanders employed within aspects of the retail industry would now lose a day of the festive holiday usually spent with their families.

As, I would suggest, can be seen clearly from the resultant vote of just 23 to 20 many Members felt this whole situation to be unsatisfactory. Indeed, with 10 Members missing from the vote the truth of the matter is that on a different day the vote could easily have gone in the other direction. The fact remains, I believe, that the proposition (P.151/2009) set before the States would have ensured an unsatisfactory outcome whatever the vote. Both groups of workers are equally deserving of being able to spend this traditional 'festive break' with their loved ones and not have it broken by a day at work.

With a little more research, I believe that the far more logical approach should have been to have followed the precedent set by a States decision in 2004 in relation to New Year's Day when that falls on a Saturday. Following the States decision of 12th October 2004 to approve P.56/2004, Monday 3rd January is now designated as an **additional** holiday whenever New Year's Day falls on a Saturday, and not as an alternative day. This ensures that all are treated equally. I therefore lodge this proposition to give the States the opportunity to follow the wisdom of their predecessors in setting this precedent in relation to New Year's Day.

We often hear it said by members of the public that Government knows the 'cost of everything but the value of nothing'. While there is undeniably a cost involved in adopting this way forward, I feel very strongly that just as with the precedent set by the States in 2004 in relation to New Year's Day, the option set out within this proposition offers the fairest way forward for all involved. Christmas is surely a time when government should ensure all are equally able to spend time with their families.

Financial and manpower implications

I am advised by the Human Resources Department that if Saturday 26th December were to be declared a public holiday in addition to Monday 28th December as proposed in this proposition the estimate of cost is approximately 0.5% of the pay bill (£1.5 million) because every public sector employee – shift or otherwise – would be entitled to a day off in lieu of that day (i.e. 26th December) under the States collective

agreements. In other words, all public sector employees would have 2 days holiday this year in respect of Boxing Day. There are no manpower implications. I am advised that Departments would be expected to absorb any costs arising from this proposal.