

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY DEPUTY G.P. SOUTHERN OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 28th SEPTEMBER 2010**

Question

“In the light of the potential for the privatisation or outsourcing of public service delivery in stage 2 of the CSR, can the Minister confirm that TUPE (Transfer of Undertakings Protection of Employment) legislation has already been drafted?

Does he consider that such legislation needs to be in place as soon as possible and will he advise members when he intends to bring TUPE legislation to the Assembly?”

Answer

Legislation to protect employees in business transfer situations has been drafted, subject to further discussion and resolution of one outstanding but fundamental point relating to the definition of a ‘relevant transfer’. This includes complex jurisdictional issues.

Advice has been received and discussion is ongoing. This is particularly important in view of the UK Coalition Government’s plan to review the scope of the definition of a ‘relevant transfer’ in their equivalent legislation.

The Minister is further considering these issues and will bring forward the legislation before the end of the year.

Whilst introducing the legislation is important, the Minister believes that providing the States continues to adhere to the principles of TUPE ahead of the legislation’s interpretation, improving States services and their efficient delivery should not be held up.