

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR
ANSWER TO BE TABLED ON MONDAY 18th JULY 2011**

Question

In the light of the extension of the initial five year contract of the Chief Fire Officer to a permanent appointment, would the Chief Minister confirm whether 5 year contracts for senior staff are legally enforceable and, if not, why not?

Answer

Whilst the termination of any contract, be it for a fixed term or permanent, can be legally enforced, the employer must ensure this is undertaken in a fair manner.

Any contract for a fixed term, for any employee, can be terminated, subject to the conditions attached to the contract at the time of issue. If the contract is for a specified period and for a specified piece of work which is completed at the end of the fixed period, with no further requirement for work, the contract comes to a natural end and the employee is dismissed fairly.

However, where the work continues and there is no other substantial reason to terminate the contract at the end of the fixed period, the dismissal could be deemed to be unfair. This situation applies to all employees and not just those employed in the public sector, in either a senior or junior position.

It is inappropriate to comment on the terms of any particular contract as the details are of a personal and confidential nature.