

**WRITTEN QUESTION TO THE CHIEF MINISTER  
BY DEPUTY G.P. SOUTHERN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 18th MARCH 2014**

**Question**

Given the position of the Minister for Economic Development on the adoption of Transfer of Undertakings (Protection of Employment) (T.U.P.E.) principles expressed on the 4th March 2014 in relation to the recent baggage handling dispute at the Airport, what progress, if any, has the Chief Minister made on developing the Jersey code of practice which, it was promised over a year ago would improve upon and take the place of UK-style regulation?

Will the Chief Minister publish this code and state whether he intends to bring this Code of Practice to the Assembly for endorsement by the States? If so, when and, if not, why?

Will the Chief Minister state whether this code will apply to all cases of transfer of undertakings, whether of private or public entities and, if it had been in place, how would it have contributed to resolving the recent dispute over the baggage handlers and Aurigny?

**Answer**

A draft code of practice for the public sector - the Transfer of Public Sector Employees (TOPSE) - has been developed in consultation with Unite and Prospect. This code, which is based on the UK's TUPE principles, will initially be used for the Ports of Jersey and the Housing Department. It can be applied more widely for any future transfers of public sector entities to the private sector.

The draft TOPSE document was accepted by the States Employment Board (SEB) at their meeting in February 2014 as a suitable basis for wider consultation with all public sector unions. Following consultation, it would then be finalised for consideration by the SEB.

Given the involvement of Unite and Prospect in the development of the code, it is expected that the consultation period would be for 3 months.

As far as the baggage handlers dispute at Jersey Airport is concerned, Servisair and Aurigny are both private companies and it is for them to manage the effects of operational changes on their employees, in discussion with Unite and in accordance with existing employment law.

Deputy Southern has been offered the opportunity to be briefed on the development of the TOPSE code of practice. While this opportunity has not been taken up, the offer remains open.