

# STATES OF JERSEY

## COMMITTEE OF INQUIRY INTO TENDER PROCESS AND AWARD OF BUS SERVICE CONTRACT

BLAMPIED ROOM, STATES BUILDING

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**Committee:**            **Mr Huw Shephard (President)**  
                                 **Mr Christopher Blackstone (Member)**  
                                 **Mr Trevor Garrett (Member)**

**In attendance**        **Mr Mac Spence (Committee Clerk)**

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### EVIDENCE FROM:

**MR J. McCARTAN**  
**(Transport and General Workers' Union)**

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on

**Monday, 24th January 2005**

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*Reviewed 15/03/05 Committee Clerk*

MR SHEPHEARD: I think everyone is here. We will begin our proceedings with our appointment at four o'clock. Mr McCartan, one of the things about this inquiry is that we are taking evidence on oath from everyone who appears before us. So I will proceed more or less straightaway to swear you in

**The witness was sworn**

MR SHEPHEARD: Thank you, Mr McCartan. Just for the record, could you tell us your first name, please?

MR McCARTAN: James.

MR SHEPHEARD: James, right. Mr McCartan, I think my colleague, Mr Garrett, wishes to put some questions to you and I will hand you over to him.

MR GARRETT: Good afternoon. Can you just advise us or clarify a point? Do you currently work for Connex?

MR McCARTAN: Yes.

MR GARRETT: Right. And whilst working for Connex you also hold a position with the Union?

MR McCARTAN: Yes. I'm a Convenor.

MR GARRETT: You're a Convenor?

MR McCARTAN: Yeah.

MR GARRETT: Can you just describe briefly the rôle of the Convenor?

MR McCARTAN: Well, the rôle is everything in the workplace -- representing the workforce in every day stuff with the management, terms and conditions, negotiate wages -- pretty much about everything.

MR GARRETT: Okay, thank you. During my research, I have noted comments which tend to suggest that some States members were dissatisfied with the performance of Jersey Bus during the latter part of the 1990s through to 2002, and that during that period the relationship between the Committee and Jersey Bus was not conducive to the development of a successful partnership. In your own words, can you inform us of your experience and perceptions of the relationship issue? How was Jersey Bus getting on with Public Services and members of the

States?

MR McCARTAN: Well, it pretty much started off that they didn't totally agree with each other, trust each other and then towards ... in the meetings that took place that I was certainly at I would say they became very strained and there was obviously some sort of bad blood between them, for want of a better term.

MR GARRETT: Do you have any idea of the cause of that problem?

MR McCARTAN: It may well have been perhaps the approach from the management team of Jersey Bus. It may well have been. I think the two parties were ... you could tell immediately when you were in there that they just did not get on and there certainly wasn't any trust there, I don't think.

MR GARRETT: And was that Jersey Bus and the Public Services Department or Jersey Bus and Public Services Committee or both Department and Committee?

MR McCARTAN: Well, every meeting I attended there was officers as well as ... Simon Crowcroft was the President then. Pretty much I'd pinpoint you could see there was some sort of dispute between Simon Crowcroft and perhaps Chris Lewis.

MR GARRETT: Thank you. Did you or any other representatives of the Union contribute in any way to the review of the Motor Traffic (Jersey) Law 1935?

MR McCARTAN: Could you just enlighten me there -- 1935?

MR GARRETT: It was suggested that, in order to progress the Bus Strategy, there was a need to amend the law relating to bus services. What I want to know is whether or not you were consulted or in any way contributed to that process of amending the law. Did you take part in any discussions on changes to the law?

MR McCARTAN: Not changes to the law, no.

MR GARRETT: Okay. Thank you.

MR McCARTAN: I sat in on the Bus Strategy when it was er ....

MR GARRETT: At one stage it was stipulated that any new operator would have to employ the bus drivers and support staff on the same terms and conditions of employment as applied on August 2001. Did the Public Services Committee stipulate or even suggest or negotiate an

agreement with the Union whereby any wage negotiations scheduled for February and March the following year would have to be suspended until the new operator was selected?

MR McCARTAN: No.

MR GARRETT: No. We have seen documents in relation to terms and conditions of employment which are very specific, in that they deal with salaries. Are there other terms and conditions of employment relating to annual leave entitlement, sickness, disciplinary procedures and so forth, quite apart from the documents that we have seen so far?

MR McCARTAN: Yes. There is a full contract of work. It probably wasn't as specific as the one we now work under. You know, it was a shortened version, but it was all there. Everything was there. You had holiday entitlement, grievance procedures in the handbook. Everything to do with a normal contract was in there.

MR GARRETT: If we wanted to -- and I don't say that we do at this stage, but if I wanted to -- look at that material, where would I ... who would have a copy?

MR McCARTAN: The material? Are you talking about now or then?

MR GARRETT: Previous and now.

MR McCARTAN: Well, I think I sent you the last contract. I think I sent that along with ----

MR GARRETT: That is the current contract, but the previous material with Jersey Bus, the previous agreements?

MR McCARTAN: I suppose it will be in the file somewhere.

MR GARRETT: Right. I may have to come back to you on that to see if we can progress that further. Can you tell us when the 2002 wage negotiations commenced?

MR McCARTAN: It started probably December and it started to get serious about January and they were completed approximately at the end of February.

MR GARRETT: Okay. When was the issue of the shift allowance first raised?

MR McCARTAN: That was ... we get a copy. We requested a copy of the tender document and once we examined that. We were broadly in discussions about the wages, but, once we examined that, it became clear that we could be left in a hopeless position as regards terms and conditions, because the school contracts were omitted from the tender. Our wages, our rates of

pay are pretty low. The overtime is high and all the overtime was related to the school contracts, which were not in the tender.

So, in effect, this started the ball rolling to find some sort of solution, because bear in mind we didn't know who was going to win the tender. We didn't know who they are and all they would have been liable to give us is our basic wage because, as I say, school contracts was approximately ... it gave every driver about 15 hours guaranteed overtime every week. So we would have lost that immediately, so we had to do something. In the tender there was not any sort of ... I think it says there will be an index linked increase the company would pay, so there wasn't any scope for us to improve our terms and conditions. We already work too many hours and, basically, the workforce have got to live and our standard of living would have fell dramatically. In fact, we couldn't have lived and worked on what the basic wage was. So that is how we had to find some sort of solution. Plus we do five sort of shifts, different rotas, and we weren't getting a shift allowance and this seemed a way in and this was related to ... what we used was existing States' manual workers. That is what we got at that time, the amount.

MR GARRETT: Can you tell me when was the pay agreement actually signed off?

MR McCARTAN: 3rd March, as the document says, as far as I'm aware, because I didn't sign the contract, but I think you've got that paperwork. It was completed, we made the agreement, by 3rd March.

MR GARRETT: Do you know who signed off the actual wage agreement, the final document, on behalf of the Union?

MR McCARTAN: Yes. It was the previous regional organiser, Mick Kavanagh.

MR GARRETT: Mick Kavanagh.

MR McCARTAN: To put you in the picture, Mick Kavanagh signs all contracts that obviously come under the Trades Union ... (indistinct) ...

MR GARRETT: My understanding is that that was actually signed off in May. Do you know why that was delayed? Why, if you finalised your negotiations in March, it actually wasn't signed off until May?

MR McCARTAN: Actually I couldn't tell you that because I didn't sign it, but it is not the first

time we've agreed things and it's not got signed immediately.

MR GARRETT: Can I just take you back? If Jersey Bus had been awarded the contract as opposed to Connex, and they had been allowed to continue running the whole or a proportion of the school bus contract, what would happen to your claim for the shift allowance?

MR McCARTAN: It would still stand. It would have to stand. The thing was, it was because the school contracts were separated from the tender, they were actually going down this line. It was solely because ----

MR GARRETT: But sorry, to take you back, if Jersey Bus had won the contract and if they had been allowed to continue, as they had before, running a portion of the school bus contract, where your members would have got their 15 hours a week overtime ----

MR McCARTAN: Yeah.

MR GARRETT: ---- surely your claim would have been without foundation?

MR McCARTAN: No. The claim would still stand because somewhere down the line we can't continue working 60-odd hours. The reason our wages were so low was because it was patently obvious that the most economical way for that company to operate was the way they done it. There was more overtime than anything else. I say 15 hours, but that was only the school contracts. So at some stage we had to reduce our hours, right, and there would have been no opportunity to do that under the tender. We didn't have any guarantee that Jersey Bus would win. Indeed, bearing in mind that the parent company are also ... the Diamond Group have got Blue Coach and, as it transpired, Blue Coach took over the school contracts, so there was nothing stopping Jersey Bus ... We were aware of this. There was nothing stopping Jersey Bus actually still tendering for the school contracts even though ... even though they had won the contract, they could have still run it from Blue Coach and we would still have had that loss.

To put it ... I'll go a little bit further. Blue Coach rates of pay were less than Jersey Bus's at the time. Plus we had part-time drivers to accommodate the company, to accommodate the Island to make it, again, more economical. So it would be in their interests obviously to get the cheapest way possible, the cheapest labour they could get. So that was another possibility for us. We were in quite a bad situation there.

MR GARRETT: Thinking of another scenario, if the States of Jersey would have, when they reviewed the tenders, if the States had decided to actually walk away from the process because it was too expensive, or for whatever reason, and they reverted back to the situation that existed in 2001, again, would your agreement in relation to the shift allowance, would you still continued to have pursue that?

MR McCARTAN: Oh yes. Once you've agreed something, that's it done, I would have expected, and this is only speculation. You know, if you want me to speculate, I will speculate. Obviously, I did mention the amount of hours we do, so that would have been to compensate for the ... the shift allowance does compensate for the hours we have lost even now. That was ... we have to try and make the job better. That's the only way we could do it.

MR GARRETT: So, taking you back into darkest history, before Jersey Bus got involved with the school bus service, what kind of salary were you earning?

MR McCARTAN: Before?

MR GARRETT: Before.

MR McCARTAN: Well, they've always had school contracts.

MR GARRETT: I can remember a time when they didn't, but that may predate you.

MR McCARTAN: Well, I can ... I worked ... it's 17 years since I started, so I've quite an extensive knowledge. The point you're referring to is extra school services?

MR GARRETT: Yes.

MR McCARTAN: Yeah, yeah. At one stage it was only two schools, I think, Quennevais and Grainville and something. Yeah, that's when we negotiated our first deal when the part-timers come in. I'm going back in my mind here to get us back to ... that's when the offer came of guaranteed overtime and all the new contracts started for De La Salle etc, etc. That's when we got the guarantees of five standbys a week, five, you know ----

MR GARRETT: And was that a guarantee that, even if you didn't work those hours, you would be paid X amount?

MR McCARTAN: No, we worked those hours.

MR GARRETT: You actually had to work the hours?

MR McCARTAN: Yeah, you have to do the hours, yeah. You were guaranteed three hours per day for the school contracts ... well, not three, six, three in the morning and three in the afternoon.

MR GARRETT: Right. Following the selection of Connex as the preferred operator and prior to the commencement of their service, did you or any other Union colleagues meet with the management of Connex to discuss terms and conditions with Connex?

MR McCARTAN: Yes.

MR GARRETT: Can you tell me when that was, roughly?

MR McCARTAN: Well, it was May of that year. You couldn't pin me down to an actual date, but myself and other members of the committee met with, I believe it was, Philippe Julhes, who is the managing director now, and Dennis Ord, who is no longer involved with Connex. Yeah, we went there over a few days and went through the whole contract.

MR GARRETT: Was the meeting harmonious?

MR McCARTAN: Er, no, not entirely. Yes and no.

MR GARRETT: Can you explain?

MR McCARTAN: Well, they didn't agree with us. They didn't want to ... first of all, Connex sent us through the post contracts that didn't have our full entitlement in it. So we sent them back and it became ... it wasn't great at the time, but we did eventually get round the table and thrashed it out and got the same terms and conditions as what was the seamless transfer terms and conditions.

MR GARRETT: How long did it take you to get from their opening offer to the point where they agreed to honour the condition of the States that you would be employed on exactly the same terms and conditions as you had under Jersey Bus?

MR McCARTAN: Well, initially when they came, they came and there was a sort of approximately two or three week delay and we never finalised. Then they came back to us later on. We didn't actually finalise the terms and conditions till about a week before we started. No, I beg your pardon, about ... yeah, we finalised all the contracts about a week. This should have been done in May rather than in August when the first ... in my opinion, this is, that it should



have been negotiated then, but it was much later before we actually agreed everything.

MR GARRETT: But your first meeting with them was in May?

MR McCARTAN: The same day they got awarded it.

MR GARRETT: When you attended that first meeting, was the issue of wages raised at all?

MR McCARTAN: Casually, because it was only a casual meeting. It wasn't ... it was in a hotel.

It wasn't in a ... we weren't round the table, so to speak. But they asked ... they didn't ask for them then, but they wanted information regards the terms and conditions which I duly gave them. I gave them ... Mick Kavanagh gave them via the Union office, as far as I can remember.

But they got them anyway. They knew exactly what the terms and conditions were at that time.

MR GARRETT: When the Connex contract commenced, was it a totally trouble-free, seamless transfer of staff between Jersey Bus and Connex?

MR McCARTAN: Pretty much. Everybody who wanted to get across went across to Connex, yeah.

MR GARRETT: There was no discontent?

MR McCARTAN: It depends what you want to term discontent. Let's say it was a bit haphazard. There wasn't enough buses to kick off, if you want to know.

MR GARRETT: I will come on to that.

MR McCARTAN: Yeah, everybody ... they honoured their agreement. Everybody who was supposed to come across to Connex kept their job, as was agreed with Senator Shenton who negotiated it.

MR GARRETT: Okay. Since the commencement of the Connex service, have any changes, excluding payments, been made to your terms and conditions. of employment?

MR McCARTAN: No.

MR GARRETT: No. How did Connex subsequently react to wage claims?

MR McCARTAN: We've had a ... how did they react? Well, they were protracted negotiations two years ago, but they became an agreement which was satisfactory to both sides, I think. It was a cost of living rise.

MR GARRETT: Is that what you're pegged to now, simply the cost of living, or is there scope

for negotiation?

MR McCARTAN: There is absolutely no scope, I don't think. Again, I've got to speculate here and I'll go back to what was in the tender document and that's why we are where we are. How can a company pay if they are instructed that they can't expand? How do you expect ... it is a terrible thing for a workforce to demand something that can't be given to it. If in the future they expand in some way i.e., and I mentioned schools, because that's the only way they can expand, it is obvious they can't expand the service much without any more subsidy.

MR GARRETT: Unless you make the service more attractive and encourage more people to use it.

MR McCARTAN: Yeah, well, that's ...you'd need a wizard to do that over here, I'm afraid. People are pretty much set in their ways. There is a limit to how much you can increase the volume of people on the buses here if you bear in mind that tourism ... to be honest, tourism is on the downwards scale as well. Normally I'm an optimist, so hopefully we can turn it round a bit and increase it a bit, but at the moment I don't see how we can do it.

MR GARRETT: Sorry, going back to the arrangements with Jersey Bus, wage negotiations were not pegged to the cost of living?

MR McCARTAN: No.

MR GARRETT: It was a bargaining situation?

MR McCARTAN: Yes.

MR GARRETT: However, when you transferred to Connex, it became pegged to the cost of living?

MR McCARTAN: Well, that's what was in the tender. It's not pegged as such, but it is pegged. They can't pay, Connex can't pay, more than what they're getting. I mean ----

MR GARRETT: But one could say that Jersey Bus wouldn't have been in any better position.

MR McCARTAN: But they had the school contracts, whereas Connex have not got the school contracts. They have a small amount now, but Jersey Bus has approximately 30 schools and so, if you double that morning and afternoon, that is 60 each day.

MR GARRETT: But, as you said earlier, that was a sort of bolt-on situation. Jersey Bus could

have lost that at any moment.

MR McCARTAN: Yeah. That was the whole thing. They could have lost it. Connex haven't got it. In real terms, what we thought would happen actually happened. That was our opinion. Our opinion was that, although Jersey Bus appeared to be the favourites to win the tender, why go to the bother? You know, you couldn't take a chance of just sitting still. You couldn't do it.

MR GARRETT: Previously did your salaries when you were working for Jersey Bus, did the Union use other pay groups as a sort of bench mark for your claims with Jersey Bus?

MR McCARTAN: We tried to get in line with public sector workers, Grade 5 workers. We had done that for years, but we were restricted because there wasn't ... well, tourism was going down each year. Initially, Jersey Bus 17 year ago was booming and the Island was booming. It progressed and, you know, it went into decline year after year and things were getting together and tighter. The blessing was that if the new school contracts, the ones you had mentioned earlier, if they hadn't come into play, the Island would have had to subsidise the bus company then because that cross-subsidised the whole thing.

MR GARRETT: If you were to take your position, your pay position, compared against the Grade 5 manual workers in the last year of Jersey Bus's operation, how are you off now against that same group of people? Have you gone down or are you still roughly in the same position?

MR McCARTAN: As far as I am aware, I couldn't give a hard and fast answer, but pretty much the same for shift workers. We're no better off. The only difference we've got now is we're just getting the same money, the only thing is we don't do as many hours.

MR GARRETT: Since Connex was appointed, how often do you meet with Connex management to discuss problems? Do you have regular scheduled meetings monthly or quarterly or anything like that?

MR McCARTAN: Yeah, probably monthly.

MR GARRETT: There are no properly scheduled meetings run by the Connex management?

MR McCARTAN: Yeah. We see them monthly and ones in between. As a matter of fact, I see them more regularly not about every day things, but scheduled meetings, yes, approximately monthly, yeah.

MR GARRETT: Okay. Possibly a difficult question, and I accept it is difficult, but are you able to provide any information which would show the rate at which bus drivers and support staff left Jersey Bus in the last year of operation? What I am trying to do is compare that against the rate at which bus drivers and support staff have been leaving Connex.

MR McCARTAN: I can't give you the basic rate off of the top of my head right now.

MR GARRETT: But would you say that the rate at which staff have been departing for whatever reason has increased since Connex took over?

MR McCARTAN: It's increased by the cost of living.

MR GARRETT: So, as the cost of living has increased, bus drivers have been giving up bus driving; is that what you're telling us?

MR McCARTAN: No, no. Our agreement is March to March.

MR GARRETT: Sorry, no we have lost something here. What I am trying to do is to find out whether bus drivers are still long serving bus drivers working for many, many years, or do they leave Connex much quicker than they did with the Jersey Bus?

MR McCARTAN: Hard question. I would say there's about five left since the two years, two and a half years.

MR GARRETT: And how does that compare with, say, the last couple of years of Jersey Bus?

MR McCARTAN: Well, again, if you just give me a moment to think about this. You know, I'm trying to think who's left. You know, natural retirement, we've had a few retired. I don't suppose there's much difference, you know.

MR GARRETT: Wearing your Union hat, you wouldn't say it's an abnormal ... that there's been an abnormal increase in the rate at which staff have been leaving since Connex took over?

MR McCARTAN: Eh I can't really give you an answer to that. You know, I don't ... I think there's only been about five of them. I'm saying approximately five drivers. Long term, one I think.

MR GARRETT: What's staff morale like now?

MR McCARTAN: Er, low.

MR GARRETT: Lower than it was when Jersey Bus was running it?

MR McCARTAN: You see, before I answer this question, can I ask you the relevance?

MR GARRETT: I'm trying to determine whether, as I said, there are terms and conditions of employment which are documented.

MR McCARTAN: Yeah.

MR GARRETT: And there's sort of a more subtle form of relationship between the employer and the employee which one could say is linked in to terms and conditions of employment. What I am trying to do is to determine whether or not that has changed substantially.

MR McCARTAN: Well, Connex have got a different way of operating from Jersey Bus. They have not had as long a time to forge relations. As you all know, if you know somebody a bit longer you get to know them etc, etc. But, to go back to it, morale is low at the moment and it is no disrespect to anybody in particular, it's just that the workforce don't like the way this company operate. What we want are our contracts. We do the work and that's it and we will continue to do so.

MR GARRETT: Are you able to describe any specific elements of the Connex operation that is causing that discontent?

MR McCARTAN: There's just a void between the management and the workforce. Probably a part of it is although we sign on, as they like to call it, in the morning, basically we're based up in the Weighbridge and there's not as much contact as we would have had with Jersey Bus because everything was in the same building. That's the only explanation I can give you.

MR GARRETT: Have you, in your meetings with Connex, actually raised this issue?

MR McCARTAN: I've mentioned it, yeah.

MR GARRETT: And how have they reacted?

MR McCARTAN: The morale is still low.

MR GARRETT: Right. Can you confirm that you, on 6th February 2002, you sent a letter to Mr Lewis of Jersey Bus outlining the details of the pay claim?

MR McCARTAN: Er, yes.

MR GARRETT: Can you also confirm that in that letter there was an outline of the claim in respect of the £72 per week shift allowance for bus drivers?

MR McCARTAN: Yeah.

MR GARRETT: Did Mr Lewis or Mr Cotillard speak to you regarding that letter at all? Did they seek your authority to send it off to Halcrow?

MR McCARTAN: No, I sent it by fax from the Union office, to ensure that everybody who tendered were aware of what our pay claim was.

MR GARRETT: So you actually sent a copy directly to Halcrow?

MR McCARTAN: Yeah.

MR GARRETT: On what date was that? Do you know?

MR McCARTAN: I think it was about, somewhere about 18th February, I think. If you're asking me to pin point, I think it was the 18th, but I've no got any paperwork in front of me here, as you can see.

MR GARRETT: Okay.

MR McCARTAN: That was to be distributed to all tenderers -- as it turns out, I believe there were five -- and also the Public Services Department.

MR GARRETT: You didn't send a copy to Public Services directly, did you?

MR McCARTAN: No, that was ... yeah, I think we did, yeah.

MR GARRETT: Is there any way of verifying that?

MR McCARTAN: Er, well, I've got a record of it. I think it's in front of you there. The information I sent, there's a fax and I think one went to the Public Services Committee. ... (Indistinct) ... put my life on it though. I'm pretty sure.

MR GARRETT: Could you bear with us while we just have a quick rummage? **(Pause)**

MR SPENCE: What we have here, gentlemen, is a letter from Mr Corbel, dated 10th November 2004 and that includes a letter to Mr Muir dated 18th January 2002, which is No. 44.1 in our bundle, Sir.

MR GARRETT: Does that include a reference to the shift allowance? I think that predates it, does it not?

MR McCARTAN: Can I have a look at it?

MR SPENCE: Of course, of course. That is the first one we got. That refers to the existence of

the pay claim, Sir. There we are. (**document handed**) That is Mr Childs. That is your fax to Mr Childs. There isn't anything here, Sir, unless Mr McCartan can find it, actually to the Department from the Union.

MR GARRETT: Does it specify the shift allowance?

MR SPENCE: No.

MR McCARTAN: I stand corrected. I got the date wrong as well. It was the 13th. I don't have a great memory.

MR SPENCE: Neither have I.

MR McCARTAN: I will stand corrected on it. It didn't go to ... According to this, it just went to Roger Childs, who acted for Halcrow. Is that correct?

MR GARRETT: Okay, thank you. Can I ask whether you or any representatives of the Union were involved in any way or had knowledge of the selection process that was used in connection with the tendering, the conclusion of the tendering process?

MR McCARTAN: No.

MR GARRETT: No, you weren't involved. Thank you. Connex was awarded the contract. Clearly that should have reflected and we were exploring whether it did reflect the tender documents. One issue which is of interest to me is whether the performance of Connex has actually been audited. Do you know of any audit-type check on the performance of Connex? Do you have bus inspectors going out checking that tickets are being issued, that people aren't riding free on the buses and so forth?

MR McCARTAN: There is now, yeah.

MR GARRETT: Now?

MR McCARTAN: There is now.

MR GARRETT: Can I ask you to provide some more information on the word "*now*"? When did they appear?

MR McCARTAN: Er, in the summer. I couldn't actually say a date.

MR GARRETT: The summer of 2004?

MR McCARTAN: Yeah.

MR GARRETT: Okay. Has there been any other kind of audit conducted on the performance of Connex in terms of making sure they are running a timely service and they are picking up passengers where they should do and so forth that you're aware of?

MR McCARTAN: Not that I'm aware of, no. You are talking about practically on the street?

MR GARRETT: On the street.

MR McCARTAN: Perhaps, but the only person I've seen is Mr Iverson out there. He sometimes has a look at it, but not in an official capacity, no.

MR GARRETT: But you have not heard of the Public Services Department commissioning somebody to look at the performance of Connex or anything like that?

MR McCARTAN: I've no any details of anything like that. The only thing I can tell you is that the inspectors went on the road last summer.

MR GARRETT: Turning the clock right back to the Bus Strategy, which was approved by the States in 2001, can you tell me has there been an improvement in the quality of service provided to all Jersey residents by achieving a reliable, timely, more accessible, safe and good value for service bus service? Would you say that has been achieved?

MR McCARTAN: Er, it's very similar to what it was. Timing is about the same. I mean, Connex obviously when they first started they had their teething problems -- everybody is aware of that -- but, as regards it running to time, yeah.

MR GARRETT: Is it a better service now than it was or have there been cuts in services?

MR McCARTAN: There's not any ... there's one route gone, I think. Route 20 has gone. I think that's been well documented. It's pretty much the same as it was in the year 2000. I think that in fact that was the timetable they were tendering against.

MR GARRETT: But in terms of the quality of service, I do know that Connex is running new buses. So would you say that the quality of service has improved?

MR McCARTAN: Oh yes, I would say the buses and the uniforms are better etc. The drivers are still the same. They are pretty good at their job, I think, the existing staff.

MR GARRETT: In the course of these enquiries, it has been suggested that there is some discontent or bad feeling or some form of adverse or poor emotion on the part of bus drivers



about having to leave passengers at the side of the road. Can you confirm that?

MR McCARTAN: At the start there was, but as time went on ... I think perhaps what you're referring to is Connex went totally on what was in the timetable. There was actually like a shadow service, I think you could term it, where I will give you an example. The First Tower/Millbrook area, between eight in the morning and nine, needs, because of the traffic that is further back from the La Haule you need extra buses. Initially they weren't put on. But they were after a short period of time, they were put on and they are still running now the extra services. So it's back to pretty much what it was when Jersey Bus run it, but the improvement, there isn't anything more than what there was with Jersey Bus.

MR GARRETT: So there has been no actual improvement; it is just literally roughly where it was in 2001?

MR McCARTAN: Yeah, pretty much. I must say the buses are certainly far, far better. I must say that, without a shadow of a doubt. Obviously that's better for not only the ordinary public but for the handicapped. You know the handicapped people have got a facility there as well, so that's much better. They're not as big as they should be. I think Connex have now recognised that. A few buses extra they've got, the last extra, they've been larger vehicles.

MR GARRETT: Okay. There was a report in the *JEP* in April 2002 where it was reported that Robin Hacquoil had apparently said "*For 25 years we really have not had a quality bus service in Jersey.*" What was your reaction? What was the reaction of the Union to that kind of statement?

MR McCARTAN: I would say no disrespect, but he was ill advised. If he was referring to just ... If Robin Hacquoil was referring to the volume of service in the outlying areas, he would be correct, but for the running to time, etc, etc, I've never come across a service that arrives on time as much in Jersey, believe me. The public here don't realise what a service they've got.

MR GARRETT: Okay. I've also seen a letter from the President of Environment and Public Services Department to, I think it was, the President of Finance and Economics in May 2003, which included a phrase which suggested that the Union and Jersey Bus had engaged in some form of conniving in relation to the pay award and they also accused the Union of being

remarkably silent during the tendering process. I understand that subsequently the Union got a letter of apology from the President of Environment and Public Services, but when you became aware of that (and, as I say, it was raised in a debate in the States probably in December 2003), what was your reaction?

MR McCARTAN: Well, why would I react to something that was totally inaccurate? That was my reaction. That was the drivers' reaction. That was the Union Committee's reaction. It was the Union's reaction. It was totally inaccurate. If I may, I will give you a bit of history. If you think there was some sort of connivance between Jersey Bus and this Union you couldn't be further from the truth. Jersey Bus sacked us twice and threatened to close down before the actual tender took place, so this makes them not sound too good, but it's accurate. At the end of the day, we have learned to actually look after ourselves. If somebody treats us well, we'll treat them well and that's the way of life, but no, no conniving and certainly not ... unfortunately, we have got to show a bit of allegiance because we have been let down on so many occasions.

MR GARRETT: Following on from that event, what is the Union's relationship like with the Committee now, the Public Services Committee? I mean, did it sour relations? Did it create any strain between you?

MR McCARTAN: Pretty much the old Committee under Simon Crowcroft, let us say the way Simon Crowcroft went about his business was not very good to watch. When Robin Hacquoil took over -- I must say he's sitting there, so I'm no going to -- everything was pretty much generally as the way it should be. Any sort of negotiations we had were good and proper and I can follow that on. I have only had a couple of meetings with, two meetings with, the Public Services today and everything was okay then.

MR GARRETT: That is with the Committee?

MR McCARTAN: Yeah, not them all, Philip Ozouf, one meeting. Basically we asked for a meeting to see where all this was going because, at the end of the day, the people that are disrupted the most are the staff and the public because they don't know what's happening next.

MR GARRETT: What about your relationship with the officers from the Public Services Department, John Richardson, Alan Muir, Mike Collier?

MR McCARTAN: They're okay.

MR GARRETT: They're okay.

MR McCARTAN: I don't have much contact issues with ... (indistinct) ... I see Mike Collier and I see the boss from time to time and they've always ... if they want any Union input, they pretty much involve us. They are always proper there.

MR GARRETT: Okay. I have reached the end of my questions really but, before I close, is there anything you want to tell us that we haven't, sort of raised so far, or do you want to point us in the direction of any particular issue that you think we should investigate?

MR McCARTAN: Er, the only thing I could pick up on is ... I won't even bother, but there was an accusation made against the drivers which questioned the honesty of them, which is a ... (indistinct) ... but, again, we didn't respond because it was inaccurate. That's the only thing. At the end of the day, we want this to move on as much as anybody else because it's us that's had to put up for the last five years with the disruption and we'd just like to go on with our lives. That's what we'd like to do. The sooner we get us off this Inquiry the better as far as I am concerned.

MR GARRETT: Thank you.

MR BLACKSTONE: Just to clarify one or two points, Mr McCartan, nothing new apart from what Mr Garrett has asked you. I am still interested in the contract the drivers had with Jersey Bus. I have seen some sheets of paper, A4, double-sided with one for the drivers, one for relief drivers, one for engineers, one for cleaners. Were those the essential contracts that we are talking about?

MR McCARTAN: The Jersey Bus?

MR BLACKSTONE: Yes.

MR McCARTAN: Yeah.

MR BLACKSTONE: And Mr Lewis also said there was a little "book".

MR McCARTAN: There was a handbook, yeah.

MR BLACKSTONE: And that was the total agreement, the handbook and those sheets?

MR McCARTAN: Yes, it was very limited. As I said before this, there is a bit more to it with the

contract with Connex.

MR BLACKSTONE: You have a more detailed contract with Connex?

MR McCARTAN: Yeah, it's far more detailed, yeah.

MR BLACKSTONE: Right.

MR McCARTAN: It says the same, but it's longer.

MR BLACKSTONE: The 2002 wage negotiations, you said they started in January and were completed at the end of February.

MR McCARTAN: Yeah.

MR BLACKSTONE: And you did say they were signed on 3rd March. Do you not mean that the actual document that relates to 3rd March was the new contract?

MR McCARTAN: Yes.

MR BLACKSTONE: But do you know when it was signed?

MR McCARTAN: The 3rd March was the anniversary. You will probably find it was.

MR BLACKSTONE: That was the anniversary, was it?

MR McCARTAN: Yeah, it was done then. That was my part of it over.

MR BLACKSTONE: But it wasn't signed then, was it?

MR McCARTAN: It was signed as far as I am aware. I didn't sign it. Mick Kavanagh signed it.

MR BLACKSTONE: Yes, but you don't know for sure when it was signed?

MR McCARTAN: No.

MR BLACKSTONE: But we believe it was signed in May.

MR McCARTAN: Well, if it was signed in May, it was signed in May, but it was negotiated ----

MR BLACKSTONE: But you don't know when it was actually signed?

MR McCARTAN: No.

MR BLACKSTONE: No.

MR McCARTAN: As I say, my name's not on it, so ...

MR BLACKSTONE: Right.

MR McCARTAN: Although it is dated 3rd March.

MR BLACKSTONE: It is dated as of 3rd March, yes, we know.

MR McCARTAN: I am working on the assumption that it was signed on that date.

MR BLACKSTONE: I don't think it was. In fact, I have seen a copy with a rubber date stamp on it, dated May. Whether that is your date stamp or Jersey Bus's date stamp I don't know.

MR GARRETT: I think, would it be right to say, the effective date of that is agreement was 3rd March?

MR McCARTAN: Yes.

MR BLACKSTONE: The shift allowance. You and Mr Garrett had a conversation backwards and forwards on that. The shift allowance was put in place to compensate the drivers for loss of overtime on the school contracts, right?

MR McCARTAN: Pretty much. There were one or two things at that time, but, yes, pretty much.

MR BLACKSTONE: Such as?

MR McCARTAN: States' rents went up 10%. Everything was going up faster than our wages. I can tell you what basic rate was then and it will probably astound you. The basic rate then was £315 for six days. It was thirteen hours over six days, so I can tell you the difference ...

MR BLACKSTONE: The shift allowance was quite a material increase, of course.

MR McCARTAN: Yeah.

MR BLACKSTONE: If the status quo had remained the same and you had gone on working the same number of hours with the bus contracts, even though the shift allowance had been in the negotiations, would you still have been expecting to be paid the shift allowance plus the same amount of overtime you were getting on the school buses?

MR McCARTAN: I can tell you at the moment what we've indicated. We've indicated to Connex that if Connex win the school contracts we would take less standbys because that's their ultimate aim. Then they could get part-time drivers in to bring the costs down.

MR BLACKSTONE: I wouldn't have thought you would expect to get the full overtime plus the school shift allowance.

MR McCARTAN: Well, I don't actually think that ----

MR BLACKSTONE: One or the other, surely?

MR McCARTAN: Yeah. Well, that's where we're at.

MR BLACKSTONE: Yes, okay. I think that clarifies the point for us. Since Connex took over the contract, have they tried to negotiate out of the shift allowance?

MR McCARTAN: No. They've honoured everything.

MR BLACKSTONE: Okay. The 6th February letter by the TGWU went to Jersey Bus. This is the new terms and conditions.

MR McCARTAN: Yeah, that was the pay claim.

MR BLACKSTONE: The pay claim, sorry, the pay claim. Do you think you sent it to Halcrow as well?

MR McCARTAN: I am certain it went to Halcrow, but not on the same day.

MR BLACKSTONE: It went to Jersey Bus on 6th February, the day it is dated?

MR McCARTAN: It would. We'd been negotiating before with them, but we made it official in January, if you know what I mean, yeah.

MR BLACKSTONE: And so Jersey Bus were aware of your claim for a shift allowance before the date of that letter?

MR McCARTAN: They knew the extent of it, yeah, I think.

MR BLACKSTONE: But they didn't know how much, did they?

MR McCARTAN: (No audible answer)

MR BLACKSTONE: Okay. Now, you then had thoughts that you may have sent the letter to the Public Services Department.

MR McCARTAN: Yeah.

MR BLACKSTONE: Can you be sure of that?

MR McCARTAN: No.

MR BLACKSTONE: You can't?

MR McCARTAN: I can't. I've no got the fax. I sent it to Roger Childs. Perhaps at the time I made an assumption that they'd got it. It's gone to everybody else, all the other tenderers, the people who are tendering.

MR BLACKSTONE: Well, no. Halcrow sent it to the tenderers. You didn't.

MR McCARTAN: That's right, yeah.

MR BLACKSTONE: You sent it to Halcrow and you sent it to Jersey Bus. Do you think there would be anything in your office to say whether you also sent it to Public Services?

MR McCARTAN: Er, there may be. I don't know, but I couldn't find anything.

MR BLACKSTONE: You've had a look?

MR McCARTAN: I've had a look and that's all the relevant paperwork I could come up with.

MR BLACKSTONE: So we can't establish for sure from your records that the Public Services Department received that document.

MR McCARTAN: Not officially, not at the moment. Unless ... I mean, I'm quite willing to have another look, but ----

MR BLACKSTONE: Could you, please?

MR McCARTAN: Yeah, I will do.

MR BLACKSTONE: And if you could report back to Mr Spence.

MR McCARTAN: Yeah.

MR BLACKSTONE: And prior to the final tender submissions on 18th February, did you have any discussion, official or casual, with anybody from Public Services so that they'd know about the shift allowance?

MR McCARTAN: Not to my knowledge, no, not me anyway.

MR BLACKSTONE: Just going on to relief services, I think everyone knows that when Connex took over there was a severe shortfall initially.

MR McCARTAN: Yes.

MR BLACKSTONE: Yes. But you're happy that now adequate relief services are provided and people are not left on the roadside?

MR McCARTAN: Yeah.

MR BLACKSTONE: Even in the rush hour?

MR McCARTAN: Even in the rush hour there's an appropriate amount of extra services put on.

MR BLACKSTONE: So they've picked up now. How long did it take them to get up to speed on that?

MR McCARTAN: Er, speed isn't a word I'd use.

MR BLACKSTONE: Six months, a year?

MR McCARTAN: Yeah, somewhere about that. You know, I can't put it hard and fast. It took a lot of will. I think perhaps it was some sort of ... again, I'm only speculating, but there must have been some sort of dispute. I think, as I say, that Connex were under the impression that all they tendered for was the timetable and that's what they done, so these extra services were not on the timetable. They weren't with Jersey Bus.

MR BLACKSTONE: I think they were definitely referred to in the conditions of the contract.

MR McCARTAN: Right.

MR BLACKSTONE: One last one. You just said just now that you didn't like the way Simon Crowcroft ran the business, it wasn't good to watch. What do you mean by that exactly?

MR McCARTAN: Er, let's say ----

MR BLACKSTONE: Don't worry. You can say what you like in this room and there is no question of any legal action or anything like that.

MR McCARTAN: Yeah. With respect, I've heard that in Jersey before. Er, let's say that the dealings we had with Simon Crowcroft in the past weren't straightforward. When we had dealings in the past, if you go back to the Hoppa service ----

MR BLACKSTONE: The dealings were not straightforward? What do you mean by that?

MR McCARTAN: Well, apparently he's no a man to trust.

MR BLACKSTONE: You must have some reason for that?

MR McCARTAN: I didn't like the way he goes about his business. I can't enhance on that.

MR BLACKSTONE: But are you saying this was in relation to his dealings with Jersey Bus and/or the drivers?

MR McCARTAN: Yeah. Comments he made ... let's say that comments he made through the media etc were not accurate.

MR BLACKSTONE: I don't want to hear sort of second hand what you heard from your bosses.

MR McCARTAN: No, no.

MR BLACKSTONE: I want it to be first hand what you knew.

MR McCARTAN: It's nothing to do with the bosses, but we heard him on the television and



what was written in the papers pretty much. It was just comments, but I wasn't too happy with the way ... none of our drivers were happy at the way he conducted his business.

MR BLACKSTONE:            Hmm hmm. Thank you, Mr McCartan.

MR SHEPHEARD:            Mr McCartan I have got barely two or three questions for you. You referred in your evidence to the deal that Senator Shenton (or ex-Senator Shenton, as he was then) brokered in August 2001. Now, am I right in thinking that this was at the time when your members were very worried about what was going to happen?

MR McCARTAN:            Yeah, we didn't have any protection. They already said they were going to have this tender process at the time and there was no protection for the drivers. So basically anybody could have come in here and offered us any sort of wage deal and we wouldn't have had any protection.

MR SHEPHEARD:            So once the Bus Strategy had gone to the States on 31st July, what steps did the Union then take?

MR McCARTAN:            The Senator Shenton thing was after the Bus Strategy.

MR SHEPHEARD:            Yes.

MR McCARTAN:            We took industrial action because we couldn't get any guarantee off them. Let me answer the other question about Simon Crowcroft. He wouldn't give us any protection. We had numerous ... we had a few meetings with the Public Services Committee of the day and they refused to give us any protection and that is where it got. In any other country there is employment rates. Unfortunately, in Jersey, there isn't any and that's why it got to where it got to. Anywhere else there would be a TUPE regulation or better.

MR SHEPHEARD:            So how did Mr Shenton become involved in the process? Did he offer to mediate or did somebody ask him to?

MR McCARTAN:            Well, I think how it happened was that it was put in the newspaper that there wasn't an easy way to resolve the situation we were in and they were looking for somebody. I think there is always a cry for somebody like Senator Shenton and he stepped in and brokered the deal.

MR SHEPHEARD:            In brokering this deal, was he involved in negotiating, what, with the Union

and with Public Services or with the Union and Jersey Bus or who?

MR McCARTAN: He met us all individually. He met the Union, then he met at some stage the management and then he met Public Services. That is when they done the deal.

MR SHEPHEARD: And the deal essentially -- I want to be sure that I am right about this -- the deal was between Public Services and the Union; is that right?

MR McCARTAN: Yeah.

MR SHEPHEARD: And Public Services would ensure that it was a condition of whatever contract resulted from the tendering process that any drivers transferring over would have the same terms and conditions that they had had in August 2001?

MR GARRETT: All staff it was.

MR SHEPHEARD: For all staff.

MR McCARTAN: All staff. Everything was transferred. But it didn't go far enough. You know, it didn't really go far enough. It gave us some protection, but not enough.

MR SHEPHEARD: Do you mind amplifying that?

MR McCARTAN: Well, it's worked out all right, but, you know, we could end up exactly as I said before, sitting in a pittance because we wouldn't have any protection. I would reiterate what I said. Thankfully some sort of employment law is coming to this Island, and it is long overdue.

MR SHEPHEARD: Right. Well, I have got nothing further. Mr McCartan, we are very grateful to you for giving up your time this afternoon. We have found your observations very helpful.

MR McCARTAN: Thank you.

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