



## GROUP CHIEF EXECUTIVE OFFICER'S MEMORANDUM

<b>To: States Employment Board</b>	<b>From: Mr J D Bannister</b> <b>Group CEO ~ Ports of Jersey</b>
<b>Ref: Transfer of Public Sector Employees</b> Ports of Jersey & Housing	<b>Date: 07 February 2014</b>

Dear States Employment Board,

We have reached a good point in our discussions within the Staff Transfer Working Party (STWP) in respect of the Transfer of Public Sector Employees (TOPSE) associated with the Ports and Housing transformations, and wish to update the States Employment Board of our progress.

We have been through a beneficial collective development process between Ports, Housing, Central HR, Prospect and Unite to arrive at the TOPSE policy. It is this process that has set the standard for Trade Union and Management engagement. In addition to this, the Ports of Jersey have continued our strong communications programme, in this case with a particular emphasis on Incorporation and Staff Transfer.

Summary of key points:

- A policy jointly developed by management, central HR and unions
- Wide communication and feedback from across the Ports organisation providing a critical review of the policy and Incorporation issues in general. The level of employee engagement on this topic has been very high
- The Ports of Jersey 2013 Employee Engagement Survey had two questions that we inserted following discussion with the Trade Unions. These indicate wide belief that the Ports communication and feedback process has worked very well for Ports employees
- A Trade Union developed comparison of UK TUPE legislation to the TOPSE policy, demonstrating that TOPSE provides greater benefit and comfort to affected staff than does TUPE

We are actively using the TOPSE Good Practice Code to govern our staff transfer arrangements. As noted in Attachments G (231213 Letter to Doug Bannister on TOPSE) and H (DB Memo re TOPSE response to Staffside letter of 24 Dec 2013), there remains some discussion with Trade Unions, notably around a pay protection period and alternatives for staff who do not wish to transfer. We anticipate these issues will continue to crystallise up to the point of employment contract exchange. From an employer perspective, our position on the points remains as set out in Attachment H.

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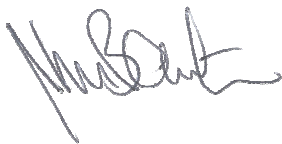
GCEO Office, Jersey Airport, St Peter, Jersey, JE1 1BY



Attached are the following documents supporting our position in terms of the TOPSE policy:

Document	Summary
Att A. <u>Good Practice Code: Transfer of Public Sector Employees (TOPSE)</u>	Final working copy of the Transfer of Public Sector Employees (TOPSE) policy as developed by the STWP.
Att B. <u>PoJ and Housing Staff Transfer Framework DRAFT</u> 2014 02 06	An appendix to the TOPSE Policy, with more specific guidance and commitments for Ports & Housing. We have used this document as further guiding principles on our incorporation work, and would recommend that any States department considering a transfer would create a similar document.
Att C. <u>STWP and Unions meetings</u>	The meetings conducted to date, and scheduled for the coming months of: <ul style="list-style-type: none"> <li>• <u>STWP</u> – meetings and members of the Staff Transfer Working Party, for the development of TOPSE and related policy work</li> <li>• <u>Ports Management &amp; Unions</u> – meetings and participants for 6 times per year to focus on Ports specific issues, where Incorporation and an update of STWP work is discussed</li> <li>• <u>Town Hall Sessions</u> – these are periodic GCEO all staff briefings where we typically include an update on Incorporation and STWP work</li> </ul>
Att D. <u>2013 10 GCEO TOPSE Meeting Schedule</u>	Primarily during October 2013, the GCEO embarked on a series of meetings to discuss the detail of the TOPSE proposals with all Ports of Jersey employees. 31 sessions were conducted with attendance by 85% of the organisation.
Att E. <u>2013 11 15 Staff Transfer Briefing Follow Up (Questions)</u>	A complete list of all questions raised by employees during the GCEO TOPSE Sessions. This has been shared with STWP and all Ports employees.
Att F. <u>2013 11 15 Staff Transfer Briefing Follow Up (FINAL)</u>	A response on all of the questions, covered by themes from the GCEO Sessions. This has been shared with STWP and all Ports employees.
Att G. <u>231213 Letter to Doug Bannister on TOPSE</u>	A letter to GCEO Ports of Jersey outlining the only concerns of TOPSE following several Prospect / JCSA sessions where members discussed TOPSE.
Att H. <u>DB Memo re TOPSE response to Staffside letter of 24 Dec 2013</u>	A memo responding to the Prospect / JCSA letter of 24 December 2013.
Att I. <u>20140109 DB Cover Memo re Staffside TOPSE v. TUPE</u>	A cover memo to all Ports of Jersey employees distributing a very useful comparison of the TOPSE policy to the UK Transfer of Undertakings Protection of Employment legislation as prepared by Prospect for their members.
Att J. <u>2014 02 EES - slides for TOPSE Paper</u>	Selected slides from the results of the 2013 Employee Engagement Survey in respect of Incorporation and TOPSE points, clearly demonstrating over 75% positive scores for engagement around Incorporation and our Future Direction.

Yours sincerely



**Mr J D Bannister**  
Group CEO ~ Ports of Jersey

# Good Practice Code: Transfer of Public Service Employees

Policy Reference	ER/
Version	V0.6 (Draft)
Author	SH
Issue Date	
Effective Date	
Review Date	
<b>This Code supersedes all previous policies, circulars and agreements connected with Employee Transfers within the States of Jersey</b>	

## ***CONTENTS***

1. Statement of Intent
2. Aims
3. Who does this policy apply to?
4. Key principles
5. Roles and responsibilities
6. Transfer of Public Sector Employees (TOPSE)
7. Public Sector to Private Sector Employer or Voluntary Sector Body Transfer

DRAFT

## 1. STATEMENT OF INTENT

The States Employment Board (SEB) as a good employer is committed to ensuring that employees transferring from the public service to undertakings outside their remit are treated equitably and with respect and that their existing terms and conditions are maintained at the point of transfer.

The SEB recognises that in order to deliver modern, high quality efficient, responsive and customer focussed services that are sustainable and cost effective, there will be occasions when transfer to external bodies is required.

The involvement and commitment of employees is key to achieving a smooth and seamless transition between the SEB and the new employer and clarity in process is essential in minimising uncertainty during times of organisation change.

## 2. AIMS

The purpose and aims of this Code are to:

- Provide clear guidance to employees about employee transfers to undertakings outside the States of Jersey (SoJ) and how the transfer process will operate.
- To ensure that the provisions of this code are included as a schedule to any proposals to transfer.
- To ensure equality and consistency in terms and conditions relating to employee transfers.

## 3. WHO DOES THIS POLICY APPLY TO?

This code applies to all employees<sup>1</sup> at all grades of the States of Jersey on permanent and fixed term contracts of employment excluding zero hours agreements where an entire entity is transferring out of the States of Jersey.

Where an entire entity is transferring out of the States of Jersey, this code will be accompanied by an appropriate Staff Transfer Framework.

It does not apply to:

- Internal transfers between Public Sector Departments.
- Workers who work for the States of Jersey through a contract for services on an interim, locum, self-employed, or agency basis.

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<sup>1</sup> Throughout this policy the term 'employee' is used to include all employees and all office holders of the States of Jersey.

- Voluntary staff or those on honorary contracts where there is no implied contract of employment.

#### 4. KEY PRINCIPLES

This code has been written with the following underpinning beliefs and principles:

- The States of Jersey is committed to the principles of equity and fairness;
- Employees have the right to be treated fairly and consistently at work.
- Confidentiality will be maintained at all times in accordance with the Data Protection (Jersey) Law 2005.
- This code will operate in accordance with Jersey Employment Law.

#### 5. ROLES AND RESPONSIBILITIES UNDER THIS POLICY

**States Employment Board** (SEB – the Employer) is responsible for:

- Determining policies for the employment and the terms and conditions of employment of States' employees being mindful of its obligations to ensure employees transferring out of the public service are clear about the process and implications of the transfer.
- Ensuring that transferring employees are treated equitably and consistently.

**Chief Officers** are responsible for ensuring that:

- Arrangements are in place to ensure that this code is followed when entire departments are transferring out of the States of Jersey.
- Line managers are fully conversant with their duties and responsibilities under this code.
- Appropriate consultation with affected employees and their representatives is carried out in a timely and constructive fashion.
- They act at all times within the constraints of Jersey Employment Laws.

**Human Resources** (HR) are responsible for:

- Working with Chief Officers and Line Managers to ensure that this code is applied.
- Providing advice to managers and employees on any employment issues that may result from the application of this code.
- Ensuring that employee transfers are conducted in line with Jersey Employment Law and best HR practice.
- Supporting consultation with affected employees and their representatives

## 6. TRANSFER OF PUBLIC SECTOR EMPLOYEES (TOPSE)

The SEB has established the following principles regarding the transfer of public sector employees to other organisations outside the SEB's remit.

### ***Terms and Conditions***

The terms and conditions of the employee, as defined in Appendix A, Ports of Jersey and Housing Staff Transfer Framework, Section 1, are protected when the business in which they work is transferred to another employing entity. This means that:

- Current States' employees, upon the date of transfer to the new entity, will be able to take any recognised service with them. Where ambiguity exists, only previous service with the States' or parishes will be recognised.
- Length of service for new recruits to the new entity will equate to length of service in the new entity.
- At the point of transfer, the new employer must protect the terms and conditions of employment of the transferring employees and the prevailing pay structure within which employees are graded
- Employees will not be subject to a probation period on transfer.
- Those employees transferring to the new entity in their current role will not be subject to an interview process
- Employees will be subject to the performance standards and codes of conduct of the new entity.

### ***'Employee follows the work'***

If a work activity or function transfers then TOPSE establishes that the employees who currently undertake the work or function will transfer to a new service provider or contractor with it, unless it falls into the category of an 'Exception'.

Employees who do not wish to transfer to the new entity (for whatever reason) will be deemed to have resigned of their own volition.

### ***Trade Unions***

Current representation and negotiation rights of the existing recognised unions will be transferred to the new entity unless agreed otherwise. See Appendix A, Section 6 and Appendix C, Employment Relations Framework – Ports of Jersey and Housing (to be developed).

### ***Pensions***

It is expected that appropriate arrangements are put in place by the transferee to protect occupational pensions of employees being transferred. See Appendix A, Section 3.

### ***Redundancy and Redeployment***

Where there is no alternative but to consider compulsory reductions in staffing levels, the States of Jersey Compulsory Redundancy Policy should be adopted wherever possible. See Appendix A, Section 10.

***Employee information***

The SoJ will undertake to provide the new employer with employee liability information for each and every employee affected by the transfer. It is expected that such employment details would be passed across to the new employer ('transferee') as part of the transfer. See Appendix A, Section 8.

***HR Policies and Procedures***

The agreed HR policies and procedures in place at the point of transfer will be transferred to the new entity. The new entity will provide a list of the agreed HR policies and procedures in existence at the point of transfer. See Appendix B, Schedule of HR Policies (to be developed).

## **7. PUBLIC SECTOR TO PRIVATE SECTOR EMPLOYER OR VOLUNTARY SECTOR BODY TRANSFER**

***Provisions***

The SoJ as transferor (i.e. body arranging the transfer) will ensure that legal advice is taken to ensure that employee transfers are wholly in keeping with Jersey employment legislation. At the earliest possible stage all appropriate employees and trades unions should be informed in writing of the intention that employees will transfer to a new entity and when the proposed transfer is likely to take place.

A consultation plan between management and the groups identified as above must be drawn up to ensure that all affected employees and their trades union representatives are kept fully informed at all stages of the proposed transfer.

Subject to employees' contractual commitments, it is intended that the new entities will produce a complete set of documents to enable a consultation against a firm position three months prior to transfer.

Terms and conditions may not be changed where the reason for change is the transfer to the new employer. Changes may be negotiated in circumstances relating to economic, technical or organisational imperative. The new employer is free to set new terms and conditions for new starters and offer changes to staff transferring in.



## **PORTS OF JERSEY AND HOUSING STAFF TRANSFER FRAMEWORK - DRAFT 8 (06.02.14)**

1	Pay, Terms and Conditions of Service	<p><b><u>INTENT</u></b></p> <p>The intent is to ensure that on the date of transfer to the new entity:</p> <ul style="list-style-type: none"><li>• current employees will be transferred on their existing pay, main terms and conditions of service</li><li>• current employees will have signed new contracts of employment</li></ul> <p>Subject to further discussion, current main terms and conditions of service include the following:</p> <ul style="list-style-type: none"><li>• Hours of work</li><li>• Basic pay including incremental progression</li><li>• Shift</li><li>• Overtime including TOIL</li><li>• Standby/On Call</li><li>• Annual Leave entitlement</li><li>• Sick leave entitlement</li><li>• Maternity leave entitlement</li><li>• Paternity leave entitlement</li><li>• Special leave entitlement</li><li>• Redundancy pay</li><li>• Relocation</li><li>• Travel Expenses</li><li>• Skill/additional responsibility payments</li><li>• Acting up payment</li></ul>
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# SEB submission

		<p><b><u>ACTIONS</u></b></p> <p>At the appropriate time:</p> <ul style="list-style-type: none"><li>• the main pay, terms and conditions of service applicable to each employee prior to the date of transfer to the new entity needs to be determined.</li><li>• determine, the heads of agreement that should feature in the new contracts of employment of the new entity, including which of the pay terms and conditions of service should be identified as expressed terms of the contract (as appropriate) and which should not.</li></ul>
2	Length of Service Recognition	<p><b><u>INTENT</u></b></p> <p>Current States' employees, upon the date of transfer to the new entity, will be able to take any recognised service with them. Where ambiguity exists, only previous service with the States' or parishes will be recognised.</p> <p>Length of service for new recruits to the new entity will equate to length of service in the new entity.</p> <p><b><u>ACTIONS</u></b></p> <ul style="list-style-type: none"><li>• At the appropriate time, and before proposed incorporation, for each employee identify length of service to be recognised in the new entity. (In the first instance this should concentrate on determining the recognised service of current employees prior to their appointment to Harbours and Airport).</li></ul>
3	Pensions	<p><b><u>INTENT</u></b></p> <p>Under Regulation 9 of the Public Employees (Contributory Retirement Scheme) (General) (Jersey) Regulations 1989, the intent is to submit a request to the Chief Minister and States Employment Board to admit the new entities (ports and Housing) to join the Public Employees Contributory Retirement Scheme (PECRS) as an admitted body.</p>

# SEB submission

		<p>For current employees:</p> <ul style="list-style-type: none"><li>• the intent is that they will continue to be members of PECRS and be subject to PECRS regulations as applicable.</li><li>• this proposed move to admitted body status will not affect current employees and their pension benefits</li></ul> <p>The whole process of moving current employees to admitted body status will be completed by the date of the proposed incorporation. Following consultation with the Committee of Management of the PECRS, this will be subject to gaining the agreement of:</p> <ul style="list-style-type: none"><li>• The Chief Minister</li><li>• The States Employment Board (in liaison with the State Treasury Department)</li></ul> <p>For new employees:</p> <ul style="list-style-type: none"><li>• the intent is that new employees will be given the option to join the PECRS</li></ul> <p><b><u>ACTIONS</u></b></p> <p>At the appropriate time, through States Treasury, determine:</p> <ul style="list-style-type: none"><li>• The timescales and process of transfer of the new entity to admitted body status</li><li>• Identify costs and agree funding arrangements on the proposed admitted bodies prior to transfer</li><li>• Formally that employees recruited into the new company from the States of Jersey post incorporation will have a seamless transition in terms of their pension contribution record</li></ul>
4	Working Patterns	<p><b><u>INTENT</u></b></p> <p>Working patterns are determined by the Employer in consultation with the affected employees and their employee representatives. The intent is to implement efficient, effective and sustainable working arrangements that meet the needs of the service and service users, whilst giving due regard to the needs of the affected employees.</p>

		<p>There are no envisaged changes to working patterns as a result of Incorporation. Any changes due to the standard operations of the organisation will be conducted in the same manner as is done currently.</p> <p><b><u>ACTIONS</u></b></p> <ul style="list-style-type: none"> <li>• Where needed, a list of all the different working practices will be completed and an audit carried out on each to determine whether the current starting /finishing times and pattern of working are appropriate.</li> <li>• Inappropriate patterns of work need to be addressed and resolved prior to date of transfer.</li> </ul>
5	Policies and Procedures	<p><b><u>INTENT</u></b></p> <p>The intent is to ensure that by the date of transfer to the new entity:</p> <ul style="list-style-type: none"> <li>• current employees will be provided with a list/details of the main policies and procedures that will be applicable to them</li> <li>• the main policies and procedures will need to have been reviewed and amended to ensure that they reflect the change in employment status of the new entities.</li> </ul> <p>The ultimate intent is to have one policy/procedure to cover all staff within the new entity</p> <p><b><u>ACTIONS</u></b></p> <ul style="list-style-type: none"> <li>• The policies and procedures that will be required and/or transferred to the new entity need to be determined. Any policies to be transferred to the new entity (after suitable modification to reflect the employment status of the new entities as the new Employer of the affected staff) will be prepared for review prior to transfer.</li> <li>• At the appropriate time a plan with timescales needs to be developed which sets out the finalisation of each policy/procedure to be transferred in the new entity.</li> </ul>

6	Trade Union Recognition and Negotiating Rights	<p><b><u>INTENT</u></b></p> <p>The intent is:</p> <ul style="list-style-type: none"><li>• that current representation and negotiation rights afforded to Prospect and Unite will be transferred to the new entity</li><li>• that, as is normal employment practice, the Employer can decide to change pay, terms and conditions of service at any point through appropriate consultation and (where appropriate negotiation) processes. Affected employees both current and in the future will have recourse to the agreed internal processes if they are not satisfied with any outcomes, in addition to any other external rights of redress that they may have.</li><li>• that in the new entity, negotiations on future pay, terms and conditions of service will be via single table bargaining;</li><li>• to develop a clearly defined Employment Relations Framework and Collective Bargaining Framework for the new entity to set out:<ul style="list-style-type: none"><li>• the relationship of the Employer and recognised unions/employees and how they propose to work with one another. (The intent is to adopt a transparent, partnership type of approach aided by the sharing of information)</li><li>• how matters of mutual concern/interest should be dealt via the setting up of agreed processes</li><li>• the recognition, role, training, competence and behaviour expected of employee and employer representatives</li><li>• the facilities provided to employee representatives.</li></ul></li></ul> <p><b><u>ACTIONS</u></b></p> <p>At the appropriate time and prior to the date of proposed incorporation:</p> <ul style="list-style-type: none"><li>• the Employer to formally confirm the Unions/representative bodies to be recognised in the new entity;</li><li>• develop an Employment Relations framework for the new entity.</li></ul>
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# SEB submission

7	Terms of Protection	<p><b><u>INTENT</u></b></p> <p>The intent is to transfer current staff on their existing pay, main terms and conditions of service/main policies and procedures on the day of transfer to the new entity within the prevailing grading structure</p> <p><b><u>ACTIONS</u></b></p> <p>Please see paragraph 9 below</p>
8	Employee Information	<p><b><u>INTENT</u></b></p> <p>The intent is to:</p> <ul style="list-style-type: none"><li>• transfer the existing personnel file off all current employees upon the date of transfer to the new entity</li><li>• develop a clause in the proposed new contract of employment for the new entity which upholds the obligation of confidentiality in the new entity (to replace the current Official Secrets Act for Civil Servants)</li></ul> <p><b><u>ACTION</u></b></p> <ul style="list-style-type: none"><li>• At the appropriate time develop a suitable confidentiality clause to be inserted in the proposed new contract of employment in consultation with employee representatives</li></ul>
9	Agreement of Staff to Transfer	<p><b><u>INTENT</u></b></p> <p>The intent is to ensure that:</p> <ul style="list-style-type: none"><li>• current employees will transfer to the new entity on existing pay, terms and conditions of service. This will be in the form of a statement to each affected employee, which sets out their current pay, main terms and conditions of service /policies and procedures that currently apply to them and a similar statement that identifies their pay, terms and conditions of service/ policies and procedures that will apply to them on the day of transfer into the</li></ul>

# SEB submission

		<p>new entity.</p> <p>Employees who do not wish to transfer to the new entity (for whatever reason) will be deemed to have resigned of their own volition.</p> <p><b><u>ACTION</u></b></p> <p>At the appropriate time and before the proposed date of transfer to the new entity, for each affected employee develop a statement of their current pay, main terms and conditions of service /policies and procedures that apply to them and a similar statement that identifies their pay, main terms and conditions of service/ policies and procedures that will apply to them on the day of transfer into the new entity.</p>
10	Redundancy and Redeployment	<p><b><u>INTENT</u></b></p> <p>The intent is to ensure that:</p> <ul style="list-style-type: none"><li>• there are no staff made redundant as a result of the creation of the new Ports of Jersey and Housing entities.</li></ul>
11	Scope	<p><b><u>INTENT</u></b></p> <p>The intent is to ensure that:</p> <ul style="list-style-type: none"><li>• all roles transfer to the new entity</li><li>• all employees are within the scope of the transfer.</li></ul> <p>Employees who do not wish to transfer to the new entity (for whatever reason) will be deemed to have resigned of their own volition.</p>

## **NB**

**\* A project time line which covers all the main tasks that need to be completed prior to the proposed incorporation date is currently under development and will inform the progress of the project and subsequent meetings of the joint working group.**

## Ports of Jersey Staff Meetings 2012 - 2014

### MEETING MEMBERS:

#### - Staff Transfer Working Party (STWP) Members:

<b>Doug Bannister</b>	<b>DB</b>	<i>Group Chief Executive Officer, Ports of Jersey</i>	<b>Sally Johnson</b>	<b>SJ</b>	<i>HR Manager, Housing Association</i>
<b>Mike Porter</b>	<b>MP</b>	<i>Director of Operations, Housing Association</i>	<b>Agata Bryszewska</b>	<b>ABY</b>	<i>HR Manager, Ports of Jersey</i>
<b>Ian Syvret</b>	<b>IS</b>	<i>Civil Service Unite Representative</i>	<b>Michala Bell</b>	<b>MB</b>	<i>Senior HR Manager, Ports of Jersey</i>
<b>Nigel Sheldon</b>	<b>NS</b>	<i>Employee Side Assistant Secretary of the MWJC</i>	<b>Mark Littler</b>	<b>ML</b>	<i>Senior Employment Relations Manager, HR, States of Jersey</i>
<b>Stephen Driscoll</b>	<b>SD</b>	<i>Group Operations Director, Ports of Jersey</i>	<b>Alan Treanor</b>	<b>AT</b>	<i>Civil Service Unite Representative</i>
<b>Chris Stephenson</b>	<b>CS</b>	<i>Director of Employment Relations, States of Jersey</i>	<b>Dave Allen</b>	<b>DA</b>	<i>Prospect Negotiations Officer</i>
<b>Tom Quinn</b>	<b>TQ</b>	<i>Jersey Civil Service Association</i>	<b>Nick Corbel</b>	<b>NC</b>	<i>Unite Regional Officer</i>
<b>Maxine Dottore</b> <i>(Aug - Oct 2013 only)</i>	<b>MD</b>	<i>HR Manager, Ports of Jersey</i>			

#### - Ports Management/ Union Meeting Members:

<b>Doug Bannister</b>	<b>DB</b>	<i>Group Chief Executive Officer, Ports of Jersey</i>	<b>Nick Corbel</b>	<b>NC</b>	<i>Unite Regional Officer</i>
<b>Nigel Sheldon</b>	<b>NS</b>	<i>Employee Side Assistant Secretary of the MWJC</i>	<b>Agata Bryszewska</b>	<b>ABY</b>	<i>HR Manager, Ports of Jersey</i>
<b>Tom Quinn</b>	<b>TQ</b>	<i>Jersey Civil Service Association</i>	<b>Michala Bell</b>	<b>MB</b>	<i>Senior HR Manager, Ports of Jersey</i>
<b>Stuart Newman</b>	<b>SN</b>	<i>ARFFS – Airport Rescue &amp; Fire Fighting Service</i>	<b>Sean Le Breuilly</b>	<b>SLB</b>	<i>ATE – Air Traffic Engineering</i>
<b>Charlie Tostevin</b>	<b>CT</b>	<i>Prospect</i>	<b>Lindsay Neil</b>	<b>LN</b>	<i>Prospect</i>

When	Meeting	Where
<i>Thursday</i> <b>19 January 2012</b>	<b>Town Hall (3 Sessions)</b>	Airport & Harbour
<i>Tuesday</i> <b>15 May 2012</b>	<b>Town Hall</b>	Airport & Harbour



**PORT OF  
JERSEY**



**JERSEY  
COASTGUARD**





Ports Management/ Union Meetings	STWP	Town Hall Sessions	TOPSE
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When	Meeting	Where
<b>Tuesday</b> <b>24 July 2012</b>	STWP	
<i>Monday</i> <b>20 August 2012</b>	STWP	
<i>Tuesday</i> <b>25 September 2012</b>	<b>Town Hall</b> <b>(3 Sessions)</b>	Airport & Harbour
<i>Monday</i> <b>01 October 2012</b>	STWP	
<i>Monday</i> <b>05 November 2012</b>	STWP	
<i>Thursday</i> <b>6 December 2012</b>	<b>Town Hall</b> <b>(3 Sessions)</b>	Airport & Harbour
<i>Wednesday</i> <b>12 December 2012</b>	STWP	
<i>Wednesday</i> <b>09 January 2013</b> <i>09:00-11:00</i>	<b>Ports/ Union Meeting</b>	GCEO's Office, Jersey Airport
<i>Monday</i> <b>28 January 2013</b>	STWP	
<i>Monday</i> <b>25 February 2013</b> <i>15:00 – 17:00</i>	STWP	Raleigh Room, Jersey Tourism
<i>Monday</i> <b>25 March 2013</b> <i>14:00 – 15:30</i>	STWP	Raleigh Room, Jersey Tourism
<i>Monday</i> <b>25 March 2013</b> <i>14:00 – 15:30</i> <i>Re-scheduled from 13 March 2013</i>	<b>Ports/ Union Meeting</b>	Raleigh Room, Jersey Tourism
<i>Wednesday</i> <b>07 May 2013</b> <i>15:00 – 17:00</i>	STWP	Raleigh Room, Jersey Tourism
<i>Tuesday</i> <b>08 May 2013</b> <i>09:00 – 10:30</i>	<b>Ports/ Union Meeting</b>	GCEO's Office, Jersey Airport

Ports Management/ Union Meetings	STWP	Town Hall Sessions	TOPSE
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When	Meeting	Where
Monday <b>24 June 2013</b> 15:00	STWP	Raleigh Room, Jersey Tourism
Friday <b>28 June 2013</b>	Town Hall (3 Sessions)	Airport & Harbour
Monday <b>22 July 2013</b> 14:00	STWP	Raleigh Room, Jersey Tourism
Monday <b>29 July 2013</b> 14:00	Ports/ Union Meeting	GCEO's Office, Jersey Airport
Thursday <b>29 August 2013</b> 15:00	STWP	Raleigh Room, Jersey Tourism
Wednesday <b>29 July 2013</b> 14:00	Ports/ Union Meeting	GCEO's Office, Jersey Airport
<b>OCTOBER 2013</b> <b>TOPSE Sessions – see separate list</b>		
Wednesday <b>09 October 2013</b>	Town Hall (3 Sessions)	Airport & Harbour
Wednesday <b>16 October 2013</b> 14:30	STWP	Treasury Boardroom, CLMH
Monday <b>28 October 2013</b> 15:00	STWP	Raleigh Room, Jersey Tourism
Monday <b>18 November 2013</b>	Ports/ Union Meeting	GCEO's Office, Jersey Airport
Monday <b>25 November 2013</b> 15:00 – 17:00	STWP	Raleigh Room, Jersey Tourism
Wednesday <b>08 January 2014</b>	Ports/ Union Meeting	GCEO's Office, Jersey Airport

Ports Management/ Union Meetings	STWP	Town Hall Sessions	TOPSE
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When	Meeting	Where
09:00 – 11:00		
Friday 10 January 2014 09:00 – 10:00	STWP (Planning)	Concord Room, CLMH
Friday 17 January 2014	Town Hall (3 Sessions)	Airport & Harbour
Monday 20 January 2014	Town Hall (1 Session)	Airport
Upcoming Meetings		
Thursday 6 February 2014 15:00 <small>Re-scheduled from 27 January 2014</small>	STWP	Raleigh Room, Jersey Tourism
24 February 2014	STWP	
12 March 2014	PM/ U	GCEO's Office, Jersey Airport
24 March 2014	STWP	
28 April 2014	STWP	
14 May 2014	PM/ U	GCEO's Office, Jersey Airport
19 May 2014	STWP	
23 June 2014	STWP	
09 July 2014	PM/ U	GCEO's Office, Jersey Airport
28 July 2014	STWP	
10 September 2014	PM/ U	GCEO's Office, Jersey Airport

Ports Management/ Union Meetings	STWP	Town Hall Sessions	TOPSE
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When	Meeting	Where
12 November 2014	PM/ U	GCEO's Office, Jersey Airport

**POJ STAFF MEETINGS  
TOPSE  
(October 2013)**

**Total Number of Meetings:** 31  
**Total Attendance (Number of Employees):** 207 (85% of Employees)

**Notes:**

- The Group CEO ran all the sessions, accompanied by an HR Representative
- The majority of sessions were held in October
- Two follow-up sessions were scheduled in November and December, aimed at employees who hadn't been able to attend in October

**Schedule**

When	Department	No of Attendees
Tuesday 01 October 2013 08:30	Operations (Air Traffic Engineering)	13
Tuesday 01 October 2013 14:00	Commercial (Customer Relations)	4
Thursday 03 October 2013 12:00	Operations (Air Traffic Control)	13
Friday 04 October 2013 08:45	Corporate Support	7
Friday 04 October 2013 10:00	Commercial (Customer Relations)	6
Monday 07 October 2013 09:30	HR, Finance & Property	20
Monday 07 October 2013 12:15	Operations (Safety and Compliance)	3
Monday 07 October 2013 14:00	Operations (Airport Rescue & Fire Fighting Service – ARFFS)	7
Monday 07 October 2013 15:30	Commercial (Customer Relations)	5
Tuesday 08 October 2013 08:30	Infrastructure	4
Tuesday 08 October 2013 12:00	Operations (Air Traffic Control)	9



When	Department	No of Attendees
Tuesday 08 October 2013 13:00	Operations (Air Traffic Control)	4
Wednesday 09 October 2013 08:00	Infrastructure	7
Thursday 10 October 2013 09:30	Infrastructure	4
Thursday 10 October 2013 11:00	Commercial & Marketing	4
Thursday 10 October 2013 14:00	Operations (Airport Rescue & Fire Fighting Service – ARFFS)	9
Friday 11 October 2013 14:00	Operations (Airport Rescue & Fire Fighting Service – ARFFS)	7
Monday 14 October 2013 09:00	Operations (Marine Operations – Duke of Normandy)	9
Monday 14 October 2013 11:00	Commercial (Marine Leisure)	12
Monday 14 October 2013 12:30	Operations (Coastguard)	5
Monday 14 October 2013 14:00	Commercial (Customer Relations)	7
Monday 14 October 2013 16:00	Operations (Marine Operations)	4
Tuesday 15 October 2013 08:00	Infrastructure	3
Wednesday 16 October 2013 11:15	Commercial (Communication Services)	10
Monday 21 October 2013 09:30	IT	5
Monday 21 October 2013 13:15	Operations (Airfield Operations)	7
Monday 21 October 2013 16:15	Extra	2
Wednesday 23 October 2013 13:45	Infrastructure	7

When	Department	No of Attendees
<i>Wednesday</i> <b>23 October 2013</b> <i>15:00</i>	<b>Commercial</b> ( <i>Customer Relations</i> )	4
<i>Friday</i> <b>15 November 2013</b> <i>11:45</i>	<b>EXTRA (Follow Up)</b>	3
<i>Monday</i> <b>09 December 2013</b> <i>16:30</i>	<b>EXTRA (Follow Up)</b>	3

## TOPSE MEETINGS – QUESTIONS RAISED

October / November 2013

### PENSIONS

1. Is our pension protected as it is now?
2. If the pension negotiations have not finished by the time we Incorporate, what happens?
3. Will we have influence on our pension now and post Incorporation?
4. Can new employees opt out of PECRS?
5. Will PECRS be on equal terms for new people?
6. Is there a lot of cost associated with the pension?
7. Would you switch to a new pension scheme if we wanted one?
8. If Trustees agree to increase contributions are we obligated to pay that extra?
9. If we have a pension elsewhere, can we buy into PECRS?
10. If we were to take employment back up again with SOJ, can we transfer our pension back to PECRS even if we are paying a different rate with POJ?
11. Would there be a cap on new people joining the PECRS, as the new company may grow with significant staff increases?
12. Will retirement ages be pegged against PECRS?
13. Will there be a link between POJ into the scheme so we can influence and have feedback between POJ and States of Jersey?
14. Will it still be possible to buy additional added years of pension?
15. Who will fund the £18.5m pension fund deficit for the transferring Ports employees?
16. In 2004, there was a change in the pension scheme and it meant different things for different pay groups. How will Incorporation change our pension?
17. Can I transfer out of PECRS once we are Incorporated?
18. Will new employees be able to join the pension scheme once we are Incorporated?
19. Post Incorporation, will joining PECRS be compulsory?
20. If new starters join PECRS and it is a better deal than current staff get, can current staff join it too?
21. What will happen if the current PECRS talks for uniformed Services on the new scheme are not concluded by the time we Incorporate?



**PAY/ REWARD/ REMUNERATION**

22. When will the discussions about remuneration in the new entity commence?
23. How will new remuneration ideas be implemented, will everything just change the day after Incorporation?
24. How is reward going to work in the new entity?
25. Once we are Incorporated who will do our pay negotiations?
26. Will increments be honoured for those employees who are not at the top of their pay band and are due an increment on 1st January 2015?
27. What is the intention with regards to reward?
28. Will shift pay/acting up/bank holiday pay etc. change?
29. Will the pay deal for 2015 plus be honoured if it is not agreed?
30. Would remuneration changes be drastic?
31. What happens if there is a retrospective pay deal in the future?
32. Would a share scheme be considered?
33. As our T&Cs will be protected, post Incorporation who will be governing the process around reward?
34. Will you introduce other benefits?
35. If business isn't doing well, will this result in a pay cut?
36. If the Ports used a profit share scheme, where would the money come from to fund it?
37. SOJ is looking to change T&Cs next year - if they do not finish what they plan to in order for the pay deal to be accessed, will we still get what's been committed to?
38. Currently some of us get 40% discount with BUPA, will this be carried over in to the new entity?
39. You have said that we will transfer on existing pay, do you mean basic pay only?
40. Post Incorporation, will the remuneration benefits be available to those employees who are in their last 10 years of employment?
41. Is our pay going to decrease and remuneration incentives increase?
42. Would the new reward package include cheaper travel for staff?

**TERMS & CONDITIONS (T&CS)**

43. Will all our Terms and Conditions be the same?
44. What happens to employees who are on Trainee contracts, do they get transferred to the new entity too?
45. Will all employees have to sign their new contract?
46. When will we get to see our new contracts?
47. What happens on 1 February 2015, does everything change?
48. How long will it be before T&Cs, pay etc. change?
49. Why could a period of protection of current T&Cs not be set at 3 years after Incorporation to give staff a bit of certainty?
50. There is reference to Performance Standards and the Code of Conduct - is this not the same as T&Cs?
51. Are there buyouts in place if any employees lose out on leave due to any standardisation of T&Cs?
52. Is there any specific talk of shift splits or changes?
53. When will we get sight of our new contracts?
54. Will people need to apply for their own jobs?
55. Do you see the current T&Cs being in place after Incorporation?
56. Are you going to draw a line in time, in the future, to see which staff want to stay or go?
57. How long will terms and conditions be protected for?
58. Will you be looking to standardise T&Cs across Ports?
59. Three months is not long enough for employees to review their new contracts, is there an opportunity to give longer?
60. Can we have a hard copy of our personal files?
61. Will we still be civil servants once Incorporated?
62. So we will no longer be employees of the States of Jersey?
63. Will the pay band structure be done away with?
64. If an employee does not sign up to moving to the Incorporated business in 2015, will they be deemed as resigning?
65. Post Incorporation, will new employees start on new terms and conditions?

**POLICIES & PROCEDURES**

- 66. Are we going to take on the new States Policies that are currently in process then have to change back again, once Incorporated?
- 67. What happens to pay protection and those currently pay protected?
- 68. For those policies that will not suit Ports of Jersey such as redeployment, will we still have the essence of the SOJ policy in the Staff Handbook but the changes highlighted?
- 69. At what point in time will the policy handbook be agreed?
- 70. With the States redundancy policy, we're protected in the States. Will this policy be transferred to the new entity?
- 71. Are the SOJ policies fit for our business and do they support the running of the business i.e. looking at profit and loss? Some of them may be costly?
- 72. Are you waiting for SOJ to complete reform and have all their policies rewritten?
- 73. When are you looking to announce a cut-off date for policies and will we know in advance?
- 74. If the States of Jersey change policies after we have Incorporated, would you consider changing policy, too?
- 75. Will you change the current redundancy package?
- 76. Will policies be a bit different once we incorporate?
- 77. Will any changes to SOJ policies affect us when we are Incorporated?
- 78. Will we still have MyStates, as that might get confusing when looking for policies?

**TRADE UNION**

- 79. Will a collective group of employees have a seat at the single bargaining table?
- 80. We haven't had any feedback from the Union about Staff Transfer, do they know about it and are you negotiating this with them?
- 81. Have the Unions been instructed to give you feedback or is that only an option?
- 82. Who attends the Staff Working Transfer Party?
- 83. What happens if the Union don't agree to the Ports of Jersey Incorporating?
- 84. After Incorporation the manual workers may not be part of the same branch within the Union, what happens then?
- 85. Are the unions backing the Incorporation of the Ports?

**NEW BUSINESS DEVELOPMENT**

- 86. We currently close at 21:30 hours in the summer and 21:00 hours in the winter, would the operational hours for closing be extended?
- 87. Would you consider new business development ideas?
- 88. What projects do you have in mind once we have Incorporated?
- 89. What thoughts do you have as to how the Coastguard can make money?
- 90. Once Incorporated, would you be looking at extending the Ports hours of operation?
- 91. How is the Airport going to make money in the future?
- 92. Will Ports be looking for growth opportunities that may not be directly linked to our core business?
- 93. Initially the Island needs to become more attractive to tourists - how do you anticipate us get involved with this?

**INCORPORATION/ RELATIONSHIP WITH SOJ**

- 94. We have concerns that there will be underhand treatment of staff post Incorporation, for example Telecoms and Jersey Post.
- 95. There were quite a few changes when we integrated with Harbours, are there going to be any more changes to structure prior to Incorporation?
- 96. Why are we not using TUPE?
- 97. Will the Shadow Board members transfer?
- 98. Would the Shadow Board be stepped in, as they are all appointed to end at the same time?
- 99. Would your personal file go back to SOJ if you moved back to SOJ?
- 100. Are all areas of POJ in scope to move?
- 101. Will you still be our boss after Incorporation?
- 102. If we are coming away from the States but the States still own us, how will it be any different?
- 103. How do we know you won't treat us badly the way employees were treated at Jersey Post and Telecoms?
- 104. Why not stay as we are? What restraints are the States causing us?
- 105. Will the States of Jersey own 100% of the Shares of the Ports of Jersey?
- 106. Will you still have to go back to the States of Jersey for agreement to anything?

107. What happens if the Ports of Jersey start losing money?
108. What happens if I have a disciplinary on file, will you still take me in to the new entity?
109. What help will HR give me to find another job if I don't want to transfer?
110. What happens to the decisions and promises you have made if you leave the organisation after Incorporation?
111. Has there been much resistance from the Unions regarding the fact that, if employees are not wanting to transfer, that they would need to resign?
112. How will JDs be evaluated post Incorporation?
113. Will all JDs and the structure be looked at before Incorporation?
114. In terms of certain things that we rely on from SOJ e.g. training and payroll, would these be transferred across?
115. At the moment, do we pay for some of the services we receive from SOJ?
116. Will these services be phased out?
117. Will all the red tape go?
118. Could we make quicker changes e.g. inbound duty free?
119. Will performance standards change dramatically?
120. Are you feeling confident about our future?
121. Is there talk of anyone else becoming airport workers?
122. What happens after Incorporation if we don't make any money?
123. Legally, what if Incorporation doesn't happen?
124. No one at Jersey Post or Telecoms are happy post Incorporation, they don't like their shifts or T&Cs. How do we know the same won't happen to us?
125. Once Incorporation has been debated, will you come back to us and discuss?
126. Is POJ going to be owned 100% by States of Jersey?
127. Can there be a bridge between POJ and the States so we can use their policies?
128. Why can we not use States of Jersey Policies if they own us?
129. If the States own the Ports 100%, could they sell us off in the future?
130. Can the Board of Directors cream off the profit that the Ports make for the States?
131. After Incorporation, we will lose our connection with the States to share technical knowledge and second to other departments, how can we keep those lines open with the States?

132. What happens if Doug leaves, would the direction we are taking change?
133. Are we on track for Incorporation 1 January 2015?
134. Are you aware of any private enterprises looking at competing with us such as building a new marina?
135. What will the new limited company name be?
136. Will there be other companies?
137. How many other companies will there be?
138. What will the corporate structure look like?
139. Are there any companies that have been registered?
140. Will all political interference disappear?
141. Will we still have a POJ IT System?
142. We have no guarantee from you that no changes will be made two months into Incorporation, what if you leave?
143. Is there the opportunity to be redeployed to a States department?
144. If the States of Jersey wanted to take us back after Incorporation, could they?
145. Once Incorporated, will we still be using the Hay evaluation process for evaluating our job descriptions?
146. Once Incorporated, will we still be using the PRA process?
147. Would the Coastguard still use the services of TTS once we are Incorporated?
148. Will our grading system be the same after Incorporation?
149. Do you see yourself staying after Incorporation?
150. Would the States of Jersey sell off their Ports of Jersey shares to the Public?
151. Are we still going to use the Hay Evaluation process after Incorporation?
152. Why are you visiting us and doing TOPSE talks, when we have your word that change, because of Incorporation, will be for the better?
153. Will there be opportunities to still work shadow employees in States departments post Incorporation?
154. If Incorporation isn't agreed by the States, what happens?
155. If employees have a break in service and come back in the States, they would get the benefit of the initial start date for the purposes of leave. What would happen post Incorporation?

**PAY GROUP SPECIFIC QUESTIONS**

- 156. Could ATCOs have better T&Cs post Incorporation?
- 157. How would you reward ATCOs?
- 158. ATC have strict rules on safety, how will you incentivise ATCOs?
- 159. Shift pay, unsociable hours etc., ATCOs want to receive the rate for the job, how do we start doing this and implementing?
- 160. Do you have any ideas on how the Fire Service would be rewarded?
- 161. Are Airport Engineering staying as one team once Incorporated?
- 162. Will the TTS Maintenance staff that do the Harbour's work be part of the Incorporation?
- 163. Could we not grow the current Engineering Team to include the work that TTS does?
- 164. Will we still get upgrades for things like coach driving and acting up to charge hand?
- 165. Will you give the same cost of living as the States of Jersey in the future, post Incorporation?
- 166. Are Condor looking for a new deal from the States of Jersey, can you break that deal?
- 167. Could we look at bringing in cruise liners and deep berths?
- 168. Is there anything that might change on the TOPSE document?

## SUMMARY

### **BRIEFING ON TRANSFER OF STAFF TO THE NEW BUSINESS**

*October / November 2013*

Dear All

I have now completed the briefing meetings on TOPSE and am delighted that I have been able to speak directly to around 85% of you on this very important topic. More importantly, you have also had the opportunity to raise your questions and concerns, which I hope I have addressed adequately for where we are in the project. Thank you very much for taking the time and attending these meetings.

I was glad that so many of you asked questions. There were nearly 170 questions on a wide range of issues and, as I mentioned in the meetings, I can confirm that all of these will be fed back into the Staff Transfer Working Party for their consideration. A list of all the questions is attached.

Inevitably, sometimes the same question was asked in different ways across the business and you will see that there is some repetition in the list of questions. What I have done here is to highlight the key themes that you raised to make sure that everyone has the same understanding of the how these will be handled as we move into Incorporation.

If you feel that I have missed any key points, then please let me know as soon as possible as I want to make sure that all of your questions have been answered. You can do this by emailing me directly on [d.bannister@gov.je](mailto:d.bannister@gov.je) or you can raise your questions through all the normal channels, including any anonymous format you would like!

Before moving onto the key themes, I thought it would be useful to give you more information on the Staff Transfer Working Party. It was established in July last year and so far we have had 14 meetings. We have people from Ports, Housing, Central HR, Prospect and Unite attend these meetings - so you can see that this new approach makes sure that all of the right people have been involved in developing this policy.

The key themes were as follows:

#### **Will 'everything change' post Incorporation the way it did with Jersey Post and Jersey Telecoms?**

- It is important to remember that the Incorporations of Post and Telecoms were for different reasons than Ports, and their implementation was different – in a nutshell, Post & Telecoms Incorporated to create competitive markets in their sectors and then, in the face of competition, they had to adjust their businesses and organisations. In Ports, we are Incorporating to grow our business whilst remaining a natural monopoly, and we will have been adjusting our business and organisation for 2-3 years in advance of Incorporation.
- This is a very natural concern for people to have but we have been very consistent in our approach on this. We have talked to you extensively over the last 18 months about the Direction to 2015 which describes the type of organisation we are trying to build. A key element of the focus is on being 'able to attract, retain and reward talent' – and we won't achieve this if we make everyone's Pay and T&Cs worse than they are now.





- The simple message is that everyone will transfer on the same Pay and T&Cs that are in place on the day before Incorporation.
- A number of you asked if there could be a guarantee that nothing will change for a set period. Everything is changing across the States now so, no matter what, things will not be held constant. In addition, if there was 'guarantee period', everyone would be then worried about what happens after that period anyway, so we are trying to take away all of these concerns up front prior to Incorporation. Finally, there are some departments who have already begun thinking about the changes that they would like to make, and putting in a no-change period would be unfair for those areas who want to make improvements.
- As I have said in all of the sessions, we have no intention of reducing T&Cs or levels of pay after Incorporation. The best evidence is what actually happens after Incorporation.
- The meetings we've just had are part of a communication process that will continue throughout next year to address these concerns and to ensure that there are no surprises post Incorporation. Remember, you will receive everything in writing with sufficient time to consider and ask questions – this should also help to alleviate concerns.

### **What will the relationship be with States of Jersey?**

- We would be a completely separate company with the States of Jersey owning 100% of the shares in the company.
- The Company name will be Ports of Jersey Limited.
- The business will be run by the Board of Directors and Executive Team. The intention is that the existing Shadow Board will become the Board.
- The States Employment Board would no longer be the employing body – we will all be employed directly by Ports of Jersey.
- We will still use on the States of Jersey for certain services and will be putting in place Service Level Agreements to continue these services if they still work for us, post Incorporation. This would cover areas such as the services provided by TTS, IT network and systems, JDE, payroll etc.
- Whilst staff transferring in and out of States of Jersey departments would no longer be possible, we will see if it is possible to develop a secondment policy (which may include job shadowing) so that States employees can still experience the Ports and vice versa.

### **Is the timing of Incorporation on track?**

- The programme is on schedule to hold a States debate in July 2014 with the aim of being Incorporated on 1 January 2015.
- If, for example, Law drafting or conveyancing delayed the programme, we would then hit the States elections in Autumn 2014 which could mean that Incorporation would be delayed until the middle of 2015.

### **Are all the jobs transferring to the new company?**

There were a number of questions on this area and the Staff Transfer Working Party has worked together to make this very clear in the TOPSE policy and framework.

- Just to confirm, all jobs will transfer on the day of Incorporation and the principle is 'the role moves and we, as individuals, move with the role'.
- I can also confirm that there will be no redundancies as a result of Incorporation. Everyone will have the same job and we want you to continue to do that job. Also, there will not be any probation period or any re-applying for your own job.

- We want you all to stay but if you chose to apply for another job in the States then that is a personal choice. However, if at the time of Incorporation, you decide not to sign your contract with the new Company, then you will be deemed to have resigned. It is better to let us know earlier rather than later if you would like to leave as this will give us time to plan.

### **What will happen with Pay and Reward?**

Understandably, there were a lot of question on this important area. Most of these were general questions that will be of interest to everyone and some were very specific to departments. I have tried to address all of the general concerns here.

- We have already said that what you get paid on the eve of Incorporation is what you will get paid after Incorporation. This includes all aspects of how you are paid, including shift allowances etc.
- This means that whatever arrangements or deals are in place on the eve of Incorporation will be taken into the new business. Any 2015 pay award agreed by States prior to Incorporation will be honoured by Ports - for beyond 2015, we will need to develop our own plans for making changes.
- We will continue to use the grading and job evaluation structures that are currently in place until we have developed better solutions for our business. States of Jersey are reviewing their structures now, so there may be an improved method for us to take into the new entity by the time we Incorporate.
- We have not made any decisions on how reward will be structured post Incorporation. We will be looking to make some changes to reward structures as we really want to create a successful, vibrant and exciting environment where people want to work. Remember in Direction to 2015: a key aim is to attract, reward and retain talent – pay and package are crucial to this aim.
- As options are developed, we will talk to you about them. Equally, if you have some ideas yourself or in your teams then please let me know.

### **How will Terms & Conditions (T&Cs) and Policies be affected?**

The whole topic of T&Cs is complicated by the fact that the States are currently going through a process of reviewing many of the main T&Cs and policies. At the moment, I understand that all of these will have been finalised before Incorporation.

- The same principle still applies: 'Whatever is in place on the eve of Incorporation will be transferred to the new business'.
- There are some policies that will not be able to be transferred in their current form e.g. redeployment. We continue to discuss the policies with the Staff Transfer Working Party and will come and talk to you as soon as they been agreed.
- As we approach Incorporation, if some of these have not been finalised, then we will need to agree a 'cut off' point so that we can provide everyone with a firm set of policies that we intend to take into Incorporation.
- We will ensure that the policies are fit for Ports of Jersey and, once we have Incorporated, we will not be referring to policies within States of Jersey
- We will be developing our own Staff Handbook. This is obviously linked to the timing of the policy review in the States and we hope to be in a position to share a version of this with you next year.
- As I mentioned earlier, we will all need to sign new contracts of employment, if only to change the employing entity.

- The employment contract is currently being updated by the States and we understand that it will be available in Q1 2014. As soon as we have an idea of what those contracts look like, we will have further discussions with you.
- We will look to ultimately have one set of T&Cs for all Ports of Jersey employees.

### **What will happen with Pensions?**

The key issues were around continuation and protection of the benefits of the pension scheme post Incorporation and a number of you had concerns on whether we intend to introduce a new scheme.

- Firstly, I would like to re-emphasise that pensions is a complicated area and, as you know, there are currently a number of changes to the scheme being discussed across States of Jersey at the moment.
- Just to confirm, we will be staying in PECRS post Incorporation as an 'admitted body' and everyone will transfer on the rules of the scheme as they stand at the time of Incorporation.
- Looking into a new pension scheme is currently not on our agenda. If employees showed enough interest or brought something different for us to look into, we would review, but I suspect we won't find anything that would provide the same benefits that you currently have.
- Ports of Jersey will fund what is called the 'pre '87' debt. We believe that figure to be in the region of £18m - clearly we would not make such a significant investment in our pensions if we had an ambition to change the scheme.
- There were also a number of technical pension questions on subjects such as contribution rates, what admitted body status means and what happens if negotiations on the change to the scheme are not finalised. We need to refer these questions to the Pensions Team and we will set up a further set of meetings, specifically on pensions, to ensure that all of the questions can be answered in full.

### **Will Trade Unions be recognised?**

The same principle '*whatever is in place on the eve of Incorporation will be transferred to the new business*' applies here as well.

- We will recognise Trade Unions in the new entity and are working to ensure that representation will be in place post Incorporation.
- We are developing our Employee Relations Framework, which will state how we intend to work with people in our businesses. Where Trade Unions are involved, we will have a Collective Bargaining Agreement that covers how we expect to work with each other.
- Within our Staff Transfer Working Party, we have been working closely with the Unions to ensure everyone is treated in a good and proper way in respect of the staff transfer.

### **What do the proposals for the growing the business look like?**

It was good to hear so many questions in this area as it shows your level of interest and concern. Our aim for Ports of Jersey is that it will grow and that opportunities for our people will increase.

- We have a number of ideas that can only really be put in place post Incorporation. We currently have about 40 projects being considered.
- Not only will we discuss the plans with you, they will also be built into the business case that will form a key part of the debate in the States next year.

- Remember, one of our key reasons for Incorporating is to grow the business in order for its growth to fund our heavy capital programme. This is a very different rationale to the drivers for Post and Telecoms which was more about creating competitive marketplace.

I hope that I have covered all of the key questions and concerns you raised – if I have missed anything out, please let me know as soon as possible. We will also be arranging further briefings on these important areas next year so that everyone is fully informed on what is happening and what it means for them.

In addition, we will be going through a consultation period in the months leading up to Incorporation and we will be issuing a cover letter, your new contract, a statement of T&Cs and any necessary changes to policies. Once we have a timeline available for this, we will share it with you.

In terms of the next steps, I will be feeding this information back to Staff Transfer Working Party. In addition, if you have further queries or comments, please feel free to contact me directly or via [opendoor@gov.je](mailto:opendoor@gov.je). You can also chat to your line manager/ department head or HR.

Thanks

Doug

## JERSEY CIVIL SERVICE JOINT COUNCIL

### STAFF SIDE

Sent by email to

Mr Doug Bannister  
Chairman : Staff Transfer Working Party

Jersey Civil Service  
Association  
Unit E1, Elizabeth Terminal  
La Route du Port Elizabeth  
St Helier, Jersey, JE1 1HB  
Internal phone: 47695  
External :01534 734676  
Mobile: 07797 710912  
Email: jcsa@prospect.org.uk

24 December 2013

Good Practice Code: Transfer of Public Service Employees and the Ports of Jersey and Housing Staff Transfer Framework

Dear Doug,

I am writing on behalf of Civil Service Staffside in response to your memorandum on the Good Practice Code: Transfer of Public Service Employees and the Ports of Jersey and Housing Staff Transfer Framework.

Staffside considered both documents over a series of meetings and reached a conclusion on their content at its meeting on 18 December 2013. The key points that Staffside would like to make at this stage are;

1. We believe the TOPSE principles and the specific framework for Housing and Ports of Jersey should make reference to a terms and conditions and pay protection period.
2. We feel that the principles and framework should specify options for employees to stay as civil servants i.e. not move to the new organisation and also define associated redundancy and VR options.
3. We believe that the TOPSE policy should be specifically linked to Housing and Ports at this stage but suggest that the policy is a sensible starting point for future discussion on a generic policy. We understand that the employer has indicated that discussion on the generic policy will commence in Jan 2014.

I would be happy to discuss any of the points above if this would be helpful.

Yours sincerely



JCSA Executive Officer



## GROUP CHIEF EXECUTIVE OFFICER'S MEMORANDUM

<b>To:</b> [REDACTED] / JCSA Executive Officer	<b>From:</b> Mr J D Bannister Group CEO ~ Ports of Jersey
<b>Ref:</b> Feedback on Staff Transfer Documents letter dated 24 December 2013	<b>Date:</b> 20 January 2014

Dear [REDACTED],

Many thanks for your letter on behalf of Civil Service Staffside in respect of the TOPSE and Staff Transfer Framework documents, and it is pleasing to see that our collaborative working on the documents have resulted in only three key points from the series of internal Staffside meetings you have held.

In reading your questions, I believe they have also been answered through the discussions taking place with all employees in Ports & Housing, and in this regard I have also attached the TOPSE feedback document that we prepared at Ports with the relevant sections highlighted. Headline answers to your questions:

### 1. Pay protection period

We do not feel this is workable given the situations at both Housing & Ports. This should be viewed within the context of all of the other commitments that we have made to ensure the smoothest transfer as possible, such as:

- No redundancies as a result of incorporation – there is a job for everyone
- Transfer to the new entities will be on the same pay
- Full protection of pensions (in line with any changes to PECRS)

We certainly have departments within the Ports who want to change their pay and conditions, and see incorporation as an opportunity. We believe it would be unfair to hold these departments back.

During the Q4 round of team meetings that I conducted, I explained the background to this position, and have realised that I have not done the same for the STWP. Your question, therefore, has prompted me to write down the situation as I explained it for the benefit of everyone. This is attached.

We are open for another conversation about it, as well as any of the contextual points that may be impacted as a result to any changes that are agreed.

### 2. Options for employees to not move into the new entity

The only option available to those employees who do not want to transfer into the new entities is resignation. Both Ports and Housing have committed that there will not be any redundancies, and that everyone has a job being paid the same as prior to transfer. There are no restructurings being implemented, and hence no opportunities created for Voluntary Redundancies, Voluntary Early Retirements, or even Compulsory Redundancies.

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Having said this, in our round of team briefings within the Ports we have indicated to everyone that if someone feels very strongly that they cannot make the transition then they should signal it early to their manager. With time we may be able to find them options within States of Jersey, as well as manage the requirement created by their departure. If left too late, the only option will be to resign.

### 3. TOPSE specifically linked to Housing and Ports

We understand how important it is to ensure the TOPSE Policy is not applied to situations outside of "Whole Entity" transfers without proper reflection and consideration by all parties. We are pleased that you acknowledged that the TOPSE document provides a sensible starting point for any future generic policy.

Also, it is only the Ports and Housing who are Whole Entities going through a transfer – so in a sense it is for our purposes only. Our suggestion, therefore, would be that should another Whole Entity be seeking to transfer that Central HR and the representative Trade Unions involved will specifically review the TOPSE Policy to determine if it can be used in the particular circumstance.

During our feedback team briefing sessions at the Ports, we also identified a couple of inclusions / adjustments to the TOPSE policy and would like to also offer these into the final discussion on the document. These are:

- A. In keeping with the theme of no redundancies and everyone has a job, and the fact that we have agreed that no one will be subject to a probation period, we would also like to include a statement that we would not require anyone to 'apply for their own jobs' as a part of the transfer process.
- B. Applicable HR Policies – while the TOPSE document states that a schedule of applicable policies would be provided to staff prior to transfer, as a note – Ports intend to go further and provide a Staff Handbook which would compile the policies adopted or adapted from the States of Jersey versions (as we have been discussing in the STWP).
- C. In order to ensure all of this work can be conducted and all employees will have an appropriate period of consultation, we would like to select a point 4 months prior to the intended date of incorporation to 'freeze' all policies to be taken into the new entity. This would mean that any subsequent changes by SoJ will not be carried into the new entity.

Hopefully we can pick up all of these points during our meeting on 27<sup>th</sup> January 2014. Until then, if you have any questions or follow up please feel free to drop me a line.

Yours sincerely



**Mr J D Bannister**  
**Group CEO ~ Ports of Jersey**

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## **Ports of Jersey Incorporation**

### **Points in respect of guaranteeing a pay protection period following staff transferring to the Incorporated Entity.**

#### **Comparison with Jersey Post and Jersey Telecom**

Most frequently we have heard that everyone will be impacted in the same way as they have with Post & Telecoms following their incorporations. It is very important to note the differences between the Post & Telecoms Incorporations and the Ports of Jersey Incorporation.

Jersey Post and Jersey Telecoms incorporated to create competitive markets in the postal and telecommunications sector. These competitive markets then saw a variety of new entrants establish themselves (such as Sure, T-Mobile, etc...) and the Post & Telecoms had to react to this increased competition very quickly.

The Ports of Jersey is incorporating to enable business growth, where we are restricted from such in our current structure. The Ports will remain a natural monopoly and hence will not face competition in the same way as Post & Telecoms.

Jersey Post and Jersey Telecoms restructured their businesses in response to the increased competition within their markets, which occurred after the entities incorporated. The Ports of Jersey began our transformation three years in advance of incorporation, and completed our corporate restructuring (ie Integration) in March 2012. Ports are much further ahead of the curve than Post & Telecoms had been, and have taken learnings from their processes.

#### **How long a period of time for protection?**

As you know, the States of Jersey are already implementing significant change through the modernisation programme. The pace of change is likely to increase in the future and it is unlikely that there will be any guarantees on period of stability.

Ports of Jersey have been working to prepare our organisation for incorporation since September 2011, hence staff will already be experiencing changes in the way we work and where we anticipate making changes. In many cases they have been involved with creating many of the improvements.

Whilst we understand people's concerns, we are committed to creating a working environment that will attract and retain good quality people. In short, we want an organisation that people will want to work for. This won't be achieved by implementing reductions in pay or terms and conditions.

There are some areas that we would want to consider improving, and I am sure that staff and Trade Unions will also have areas that they want to improve. It would not be right for anyone for these potential improvements to be delayed by a 'protection period'.



I also believe that that the concept is fraught with problems. For example, how long would a 'protection period' be for? 12 months? This would simply have the result of people worrying about 'what we are going to do them' for 12 months longer. This is not in anyone's interests. I believe that it is much better for everyone that they are working in the incorporated business and have the evidence every month that their pay and T&C's have remained the same or have been improved. It is the only way that we can all look forward rather than dwelling on the past.

Some departments within the Ports have already stated that they wish to change their packages and see the opportunities that incorporation will bring to create a better remuneration structure. Also, through our Team Briefings in October, everyone has been encouraged to think about what changes they would like to make – with some good ideas coming through. We want to continue to encourage this and would not be able to do so if a 'protection period' were in place.

In short – we believe that a pay protection period will only superficially provide a no-change mindset for a few people who have concerns while holding back the rest of the business and organisation from making improvements.

## SUMMARY

### **BRIEFING ON TRANSFER OF STAFF TO THE NEW BUSINESS**

*October / November 2013*

Dear All

I have now completed the briefing meetings on TOPSE and am delighted that I have been able to speak directly to around 85% of you on this very important topic. More importantly, you have also had the opportunity to raise your questions and concerns, which I hope I have addressed adequately for where we are in the project. Thank you very much for taking the time and attending these meetings.

I was glad that so many of you asked questions. There were nearly 170 questions on a wide range of issues and, as I mentioned in the meetings, I can confirm that all of these will be fed back into the Staff Transfer Working Party for their consideration. A list of all the questions is attached.

Inevitably, sometimes the same question was asked in different ways across the business and you will see that there is some repetition in the list of questions. What I have done here is to highlight the key themes that you raised to make sure that everyone has the same understanding of the how these will be handled as we move into Incorporation.

If you feel that I have missed any key points, then please let me know as soon as possible as I want to make sure that all of your questions have been answered. You can do this by emailing me directly on [d.bannister@gov.je](mailto:d.bannister@gov.je) or you can raise your questions through all the normal channels, including any anonymous format you would like!

Before moving onto the key themes, I thought it would be useful to give you more information on the Staff Transfer Working Party. It was established in July last year and so far we have had 14 meetings. We have people from Ports, Housing, Central HR, Prospect and Unite attend these meetings - so you can see that this new approach makes sure that all of the right people have been involved in developing this policy.

The key themes were as follows:

#### **Will 'everything change' post Incorporation the way it did with Jersey Post and Jersey Telecoms?**

- It is important to remember that the Incorporations of Post and Telecoms were for different reasons than Ports, and their implementation was different – in a nutshell, Post & Telecoms Incorporated to create competitive markets in their sectors and then, in the face of competition, they had to adjust their businesses and organisations. In Ports, we are Incorporating to grow our business whilst remaining a natural monopoly, and we will have been adjusting our business and organisation for 2-3 years in advance of Incorporation.
- This is a very natural concern for people to have but we have been very consistent in our approach on this. We have talked to you extensively over the last 18 months about the Direction to 2015 which describes the type of organisation we are trying to build. A key element of the focus is on being 'able to attract, retain and reward talent' – and we won't achieve this if we make everyone's Pay and T&Cs worse than they are now.



- The simple message is that everyone will transfer on the same Pay and T&Cs that are in place on the day before Incorporation.
- A number of you asked if there could be a guarantee that nothing will change for a set period. Everything is changing across the States now so, no matter what, things will not be held constant. In addition, if there was 'guarantee period', everyone would be then worried about what happens after that period anyway, so we are trying to take away all of these concerns up front prior to Incorporation. Finally, there are some departments who have already begun thinking about the changes that they would like to make, and putting in a no-change period would be unfair for those areas who want to make improvements.
- As I have said in all of the sessions, we have no intention of reducing T&Cs or levels of pay after Incorporation. The best evidence is what actually happens after Incorporation.
- The meetings we've just had are part of a communication process that will continue throughout next year to address these concerns and to ensure that there are no surprises post Incorporation. Remember, you will receive everything in writing with sufficient time to consider and ask questions – this should also help to alleviate concerns.

### **What will the relationship be with States of Jersey?**

- We would be a completely separate company with the States of Jersey owning 100% of the shares in the company.
- The Company name will be Ports of Jersey Limited.
- The business will be run by the Board of Directors and Executive Team. The intention is that the existing Shadow Board will become the Board.
- The States Employment Board would no longer be the employing body – we will all be employed directly by Ports of Jersey.
- We will still use on the States of Jersey for certain services and will be putting in place Service Level Agreements to continue these services if they still work for us, post Incorporation. This would cover areas such as the services provided by TTS, IT network and systems, JDE, payroll etc.
- Whilst staff transferring in and out of States of Jersey departments would no longer be possible, we will see if it is possible to develop a secondment policy (which may include job shadowing) so that States employees can still experience the Ports and vice versa.

### **Is the timing of Incorporation on track?**

- The programme is on schedule to hold a States debate in July 2014 with the aim of being Incorporated on 1 January 2015.
- If, for example, Law drafting or conveyancing delayed the programme, we would then hit the States elections in Autumn 2014 which could mean that Incorporation would be delayed until the middle of 2015.

### **Are all the jobs transferring to the new company?**

There were a number of questions on this area and the Staff Transfer Working Party has worked together to make this very clear in the TOPSE policy and framework.

- Just to confirm, all jobs will transfer on the day of Incorporation and the principle is 'the role moves and we, as individuals, move with the role'.
- I can also confirm that there will be no redundancies as a result of Incorporation. Everyone will have the same job and we want you to continue to do that job. Also, there will not be any probation period or any re-applying for your own job.

- We want you all to stay but if you chose to apply for another job in the States then that is a personal choice. However, if at the time of Incorporation, you decide not to sign your contract with the new Company, then you will be deemed to have resigned. It is better to let us know earlier rather than later if you would like to leave as this will give us time to plan.

### **What will happen with Pay and Reward?**

Understandably, there were a lot of question on this important area. Most of these were general questions that will be of interest to everyone and some were very specific to departments. I have tried to address all of the general concerns here.

- We have already said that what you get paid on the eve of Incorporation is what you will get paid after Incorporation. This includes all aspects of how you are paid, including shift allowances etc.
- This means that whatever arrangements or deals are in place on the eve of Incorporation will be taken into the new business. Any 2015 pay award agreed by States prior to Incorporation will be honoured by Ports - for beyond 2015, we will need to develop our own plans for making changes.
- We will continue to use the grading and job evaluation structures that are currently in place until we have developed better solutions for our business. States of Jersey are reviewing their structures now, so there may be an improved method for us to take into the new entity by the time we Incorporate.
- We have not made any decisions on how reward will be structured post Incorporation. We will be looking to make some changes to reward structures as we really want to create a successful, vibrant and exciting environment where people want to work. Remember in Direction to 2015: a key aim is to attract, reward and retain talent – pay and package are crucial to this aim.
- As options are developed, we will talk to you about them. Equally, if you have some ideas yourself or in your teams then please let me know.

### **How will Terms & Conditions (T&Cs) and Policies be affected?**

The whole topic of T&Cs is complicated by the fact that the States are currently going through a process of reviewing many of the main T&Cs and policies. At the moment, I understand that all of these will have been finalised before Incorporation.

- The same principle still applies: 'Whatever is in place on the eve of Incorporation will be transferred to the new business'.
- There are some policies that will not be able to be transferred in their current form e.g. redeployment. We continue to discuss the policies with the Staff Transfer Working Party and will come and talk to you as soon as they been agreed.
- As we approach Incorporation, if some of these have not been finalised, then we will need to agree a 'cut off' point so that we can provide everyone with a firm set of policies that we intend to take into Incorporation.
- We will ensure that the policies are fit for Ports of Jersey and, once we have Incorporated, we will not be referring to policies within States of Jersey
- We will be developing our own Staff Handbook. This is obviously linked to the timing of the policy review in the States and we hope to be in a position to share a version of this with you next year.
- As I mentioned earlier, we will all need to sign new contracts of employment, if only to change the employing entity.

- The employment contract is currently being updated by the States and we understand that it will be available in Q1 2014. As soon as we have an idea of what those contracts look like, we will have further discussions with you.
- We will look to ultimately have one set of T&Cs for all Ports of Jersey employees.

### **What will happen with Pensions?**

The key issues were around continuation and protection of the benefits of the pension scheme post Incorporation and a number of you had concerns on whether we intend to introduce a new scheme.

- Firstly, I would like to re-emphasise that pensions is a complicated area and, as you know, there are currently a number of changes to the scheme being discussed across States of Jersey at the moment.
- Just to confirm, we will be staying in PECRS post Incorporation as an 'admitted body' and everyone will transfer on the rules of the scheme as they stand at the time of Incorporation.
- Looking into a new pension scheme is currently not on our agenda. If employees showed enough interest or brought something different for us to look into, we would review, but I suspect we won't find anything that would provide the same benefits that you currently have.
- Ports of Jersey will fund what is called the 'pre '87' debt. We believe that figure to be in the region of £18m - clearly we would not make such a significant investment in our pensions if we had an ambition to change the scheme.
- There were also a number of technical pension questions on subjects such as contribution rates, what admitted body status means and what happens if negotiations on the change to the scheme are not finalised. We need to refer these questions to the Pensions Team and we will set up a further set of meetings, specifically on pensions, to ensure that all of the questions can be answered in full.

### **Will Trade Unions be recognised?**

The same principle '*whatever is in place on the eve of Incorporation will be transferred to the new business*' applies here as well.

- We will recognise Trade Unions in the new entity and are working to ensure that representation will be in place post Incorporation.
- We are developing our Employee Relations Framework, which will state how we intend to work with people in our businesses. Where Trade Unions are involved, we will have a Collective Bargaining Agreement that covers how we expect to work with each other.
- Within our Staff Transfer Working Party, we have been working closely with the Unions to ensure everyone is treated in a good and proper way in respect of the staff transfer.

### **What do the proposals for the growing the business look like?**

It was good to hear so many questions in this area as it shows your level of interest and concern. Our aim for Ports of Jersey is that it will grow and that opportunities for our people will increase.

- We have a number of ideas that can only really be put in place post Incorporation. We currently have about 40 projects being considered.
- Not only will we discuss the plans with you, they will also be built into the business case that will form a key part of the debate in the States next year.

- Remember, one of our key reasons for Incorporating is to grow the business in order for its growth to fund our heavy capital programme. This is a very different rationale to the drivers for Post and Telecoms which was more about creating competitive marketplace.

I hope that I have covered all of the key questions and concerns you raised – if I have missed anything out, please let me know as soon as possible. We will also be arranging further briefings on these important areas next year so that everyone is fully informed on what is happening and what it means for them.

In addition, we will be going through a consultation period in the months leading up to Incorporation and we will be issuing a cover letter, your new contract, a statement of T&Cs and any necessary changes to policies. Once we have a timeline available for this, we will share it with you.

In terms of the next steps, I will be feeding this information back to Staff Transfer Working Party. In addition, if you have further queries or comments, please feel free to contact me directly or via [opendoor@gov.je](mailto:opendoor@gov.je). You can also chat to your line manager/ department head or HR.

Thanks

Doug



## GROUP CHIEF EXECUTIVE OFFICER'S MEMORANDUM

<b>To: All Ports of Jersey Employees</b>	<b>From: Mr J D Bannister Group CEO ~ Ports of Jersey</b>
<b>Ref: TOPSE v. TUPE</b>	<b>Date: 09 January 2014</b>

Dear Colleagues,

During our team briefing sessions regarding the Transfer of Public Sector Employees (TOPSE) policy, and its application for the Ports Incorporation, we had discussed some of the differences between TOPSE and the UK Legislation of Transfer of Undertakings Protection of Employment (TUPE).

Jersey Civil Service Association, the Jersey Branch of Prospect, had undertaken to provide their members with a fuller explanation of these points and have produced an excellent comparison. The JCSA have offered this to explanation to non-members as well, and hence I am circulating their explanation to everyone in the Ports.

I do hope you find it useful, and any questions that you may have as a result of this can go to HR and of course to JCSA as well being the authors of this report.

Yours sincerely

**Mr J D Bannister**  
Group CEO ~ Ports of Jersey

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GCEO Office, Jersey Airport, St Peter, Jersey, JE1 1BY





To: All Prospect Members in Ports and Airport

Dear Colleague,

#### TUPE LEGISLATION AND ADVICE - IMPACT ON INCORPORATION

At the recent all members meeting held at the airport to consider the proposed Incorporation of Jersey's Ports and Airports, I was asked to publish a circular to members outlining the core principles of the U.K. legislation of Transfer of Undertakings at Public Expense (TUPE) and its relation and impact upon the Transfer of Public Service Employees (TOPSE) which your union has been in consultation on and which has been circulated to all members. This circular is aimed at providing you with this requested update and information from which to assess the TOPSE document.

The TUPE legislation was introduced into the U.K in 1981 as a result of European Directives but immediately fell short of its stated intentions. Ostensibly the legislation was aimed at protecting the following elements:-

- \* That the contents of individual contracts would automatically transfer with the employee
- \* To provide protection against dismissal as a direct result of any transfer
- \* To impose an obligation on employers to consult on the reasons and the terms of a transfer

When considering the key elements of TUPE, general advice is as followed:-

There is an obligation under TUPE to consult with trade unions on the reasons for the transfer and to confirm whether the legislation will apply. The legislation will apply where a unit, entity or undertaking is being privatised or contracted out. There is little doubt that within this definition legislation would apply and safeguards be put in place.

All those employees who are employed by the defined entity or undertaking at the moment of transfer will be covered by the protections of the legislation and be expected to transfer to the new employing authority. This is the situation that exists with the proposed Incorporation of the Ports and Airports.

The effect of TUPE legislation is that the employees' terms and conditions as defined in their contracts will transfer with them at the point of transfer. There is however NO set period of time for which protections apply. Key terms which are covered by the protections are issues such as pay, hours, holidays and allowances. The TOPSE document, which we have been consulting upon contain these protections in line with the TUPE legislation. Any subsequent proposed changes to contractual terms will have to comply with legal procedures for employers seeking such

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changes, whilst variations which are based solely on the grounds of the change will be deemed unlawful within the UK context.

Pension rights are not protected by TUPE, but where the new employer intends to alter the pension provision then the law expects them to offer a scheme 'broadly comparable' to that which they enjoyed in the previous entity. The TOPSE document sets out the pension protection which will be offered including continued membership of the States pension scheme.

Redundancy payments are protected under TUPE legislation and have been replicated in the TOPSE document under consideration.

Employees can object to their proposed transfer, however in reality staff do not have the right to stay with the previous entity or employer and will have been deemed to have resigned if they refuse to transfer. In these general circumstances those members would not be able to take a claim for unfair dismissal nor would they be eligible for redundancy payments.

As was described at the members meeting, all collective agreements and union recognition will also transfer with the staff. This again is replicated in the TOPSE document and will ensure that continued negotiations will continue within the Ports and Airports post Incorporation.

I hope this brief collation of the key terms of the UK's TUPE legislation proves useful and will help members assess the TOPSE document before you now for consideration. As described to members the union has sought to replicate the provisions and protections of this imperfect piece of legislation in the TOPSE document as no legislative framework currently exists within Jersey. Comments from members are encouraged on the TOPSE document and as discussions continue on this element, as with all others, members will be kept up to date on all developments.

Yours sincerely,



Negotiations Officer

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# Employee Engagement Survey

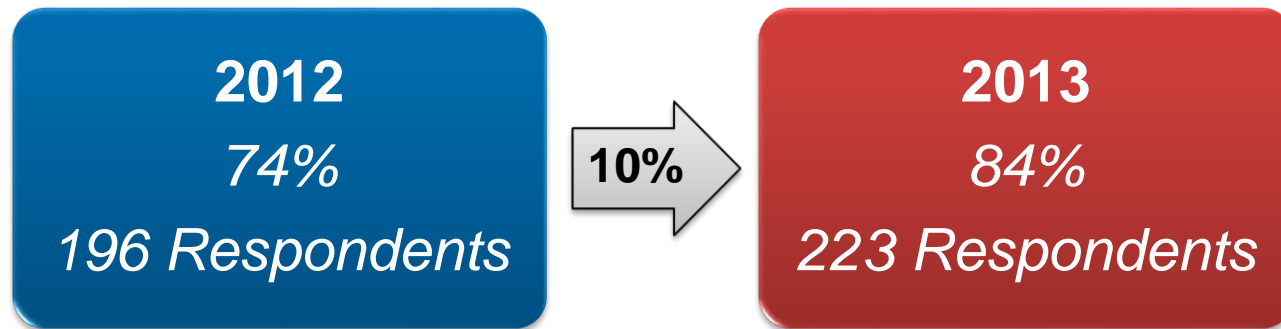
## Results Presentation

*February 2014*



# Overview

- This year, Ports of Jersey ran their own survey
- There was a significant increase in participation rates – thank you!



# 15. POJ Future Direction

SEB submission

**AVERAGE:**

77

+22

Question	Result	2012	Bench -Mark
61 I feel that POJ is keeping me well informed about Incorporation	<div><div>76</div><div>16</div><div>8</div></div>	[ no data ]	[ no data ]
62 I have been given the opportunity to raise any questions that I have about Incorporation	<div><div>84</div><div>12</div><div>4</div></div>	[ no data ]	[ no data ]
63 I have a good understanding of 'The Direction to 2015'	<div><div>72</div><div>21</div><div>7</div></div>	+16	[ no data ]