

**REPLY BY THE MINISTER OF
THE COMMERCE AND EMPLOYMENT DEPARTMENT
TO A QUESTION ASKED PURSUANT TO RULE 6 OF THE
RULES OF PROCEDURE BY DEPUTY MATTHEW FALLAIZE**

Preamble: The recent demise of Huelin-Renouf has again highlighted that in Guernsey there is no legislation which affords an element of financial protection in the event of their being made redundant....

Question 1: Are the members of the Commerce and Employment Department of the opinion that legislation should be introduced in order to afford employees and element of financial protection in the event of their being made redundant.

Answer 1: The members of the Commerce and Employment Department have not considered the matter in sufficient detail to have arrived at an evidenced based view on the matter.

The Department has, this week, given a clear public commitment to review the question of prioritisation in this area in the coming weeks as part of the process of assessing its future Business Plan. Furthermore, and in view of the potential costs of development and implementation of such protections to taxpayers and business, it does not consider it appropriate, responsible, or in line with the principles of good governance to give an ill considered response on this complex issue and to the questions raised in recent days.

By way of further explanation I should like to draw your attention to the following points:-

Members are fully aware that in 2011 the previous Board considered the question of the prioritization of subjects for employment protection legislation and established a group of five higher priority areas for examination. This group of high priority items, which you will notice includes redundancy protection, is as follows (in the existing order of priority for action):-

1. Disability Discrimination in employment
2. Age Discrimination in employment
3. Racial Discrimination in employment
4. Statutory Right to Redundancy Pay
5. Statutory Right to Paid leave

Not included in this list, but also considered to have a high priority for either legislative development or review by the Department's Employment Relations section, were the following items:-

6. The regulation of maritime manning agencies
7. The statutory right to maternity pay and leave
8. The statutory right to paternity leave
9. Review of the Industrial Disputes Law

The Department's staff have progressed item 6 on the above list and anticipate starting work on items 1 and 9 this autumn, with work continuing through 2014.

Question 2: If so, when does the Department expect to submit a policy letter to the States proposing the introduction of such legislation?

Answer 2: In view of my answer to question 1 above, you will appreciate that this could only be answered in a speculative and therefore incomplete way at the present time.

Question 3: If not, what are the completing arguments against the introduction of such legislation which have persuaded members of the Department that it is unnecessary or undesirable in Guernsey?

Answer 3: In view of detailed response under question 1 above, again this question cannot be answered with any value at this point in time.

Date of Receipt of the Question: 18th September 2013

Date of Reply: 18th September 2013