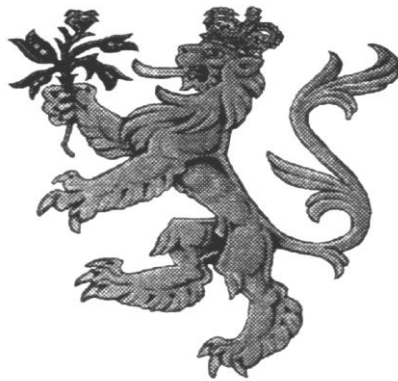


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 19th JUNE 2019

Price: £2.30

STATES OF ALDERNEY

BILLET D'ETAT

FOR WEDNESDAY 19TH JUNE 2019

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 19th June 2019. This will be preceded by the People's Meeting, which will be held on Wednesday 12th June 2019 at 7:00 pm in the Island Hall.

James Dent
Vice President

Item I **Audited Accounts 2018**

The following letter was received from Mr Earl, Deputy Chairman of the Policy and Finance Committee

"In accordance with Section 61 (5) of The Government of Alderney Law 2004, as amended, together with the mandate of the Policy and Finance Committee, I attach the accounts of the States of Alderney and the States of Alderney Water Board together with the Policy & Finance Committee Chairman's report, and the Auditors' Reports thereon, in respect of the year ended 31st December 2018.

I would be grateful if you would place this report before the States of Alderney with the proposition below.

D Earl, Deputy Chairman"

Committee Meeting Attendees:-

Mr J Dent, Chairman
Mr D Earl, Deputy Chair
Ms A Burgess
Mr M Dean
Mr K Gentle
Mr C Harris
Mr L Jean
Mr G McKinley OBE
Mr S Roberts
Mr A Snowdon

The States of Alderney is asked to approve:-

(a) The States of Alderney 2018 Accounts

(b) The States of Alderney Water Board 2018 Financial Statements

Item II **Employment Legislation, Minimum Wage Legislation, Disability Discrimination Legislation and a Health and Well-being Strategy where Physical and Mental Health are integrated**

The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee:-

“Background

Alderney currently has only a limited range of employment legislation which covers employment permits and employer’s liability. Other jurisdictions typically have a wider range of laws which often cover conditions of employment, employment protections, employment disputes, minimum wage levels and the arrangements for transfer of staff from public undertakings.

The consequences for Alderney are that relations between employer and employee must rely on contract law and the lack of employment legislation and a minimum wage has brought inconsistencies in the delivery of transferred services. For example, the absence of a minimum wage, causes inconsistencies for the Guernsey Committee for Employment and Social Security (CfESS) when it needs to supplement the earnings of individuals and families living in hardship.

Furthermore, in 2013, the States of Alderney Policy and Finance Committee expressed the view that it did not consider it appropriate that the States of Guernsey Disability and Inclusion strategy be extended to Alderney. This was not in any way to suggest that the States of Alderney had any opposition to the principles of disability and inclusion within society. On the contrary, the States noted that they supported inclusion in all walks of life but considered, given the size of the Alderney community and its Government, where strategies and associated legislation needed to be proportionate, that not adopting the Disability and Inclusion Strategy was a practical response.

Over the last three years, there have been a number of workshops and in December 2018 there was a debate in the States on Health and Social Care Delivery and Regulation. Although the debate was wide ranging, the integration of physical and mental health was not considered.

More Recent Developments

In September 2017, the States further debated, but without resolution, new documentation from the CfESS. In short, the CfESS had asked the States of Alderney “whether (or not):

- 1 to broadly welcome Guernsey’s policy proposals to encourage longer working lives;*
- 2 to agree to consider the option of developing a Disability strategy for Alderney, but acknowledge that this will not be a priority;*
- 3 not to support the introduction of disability discrimination at this time.*

The States also asked: “the Policy and Finance Committee to reflect on the States debate and to provide appropriate feedback to the Guernsey Committee for Employment and Social Security.”

Following that September 2017 debate, the response below was sent to Deputy M Le Clerc, President, Committee for Employment and Social Security.

12th October 2017

Dear Deputy Le Clerc

Longer Working Lives and Equality and Discrimination and Employee Protection

Thank you for your letter of July 2017 seeking the States of Alderney's views on a range of policy areas.

The Policy and Finance Committee has carefully considered the matters and in the interests of public engagement and transparency, it referred the proposals to the full States for a 'debate without resolution'. The Committee subsequently reflected upon the views expressed within the States and was pleased to note that there was a broad consensus on nearly all of the issues. In this respect the consensus views of the Members of the States of Alderney are as follows:-

Longer Working Lives

There is broad support for encouraging and empowering people to work past the current retirement age, if they are able to do so. It does however need to be recognised that in Alderney the proportion of the working population involved in works of a relatively manual nature will almost certainly be higher than in Guernsey, where the physical fitness to carry on beyond what has historically be the normal retirement could be challenging to some.

Equality and Discrimination

There is broad support for treating all people as equals, regardless of age, physical ability, gender or any other factor.

In the context of disability the consensus was that Alderney could usefully develop its own strategy which would be bespoke rather than necessarily mirroring Guernsey's. There was agreement that Alderney would not wish to be introducing direct legislation in respect of matters such as disability discrimination, as for a small jurisdiction the amount of legislation needs to be kept proportionate. There was nonetheless support for a review of the Alderney Building Regulations and building & development control policies as a means of ensuring that new builds could be disability friendly and for policies to include encouraging more lifetime homes. Furthermore, when significant structural changes were being made to properties there should be active encouragement for the developer to include appropriate access improvements.

Basic Employment legislation

There is total support for employees having the basic right to have a written contract setting out the terms of their employment. It was noted that wider rights existed in other jurisdictions, but with Alderney's limited resources, the legislation required to achieve this should be kept to the minimum in order not to become burdensome on employers or create any significant cost for the government to administer. Clearly the States of Alderney wishes to progress this, but it would value the assistance and support from your Employment Advisory Service team to enable us to make progress and introduce uncomplicated employment legislation which does not require detailed mechanism or tribunals to administer and enforce it.

Minimum wage

On this issue there are a range of views among Alderney States Members. A majority considered that a minimum wage would be challenging to administer and potentially make some businesses unviable. It was noted that the average household income in Alderney was lower than Guernsey, with many residents needing to have multiple jobs and that most pay rates reflected the market, such that if it was too low it would not be possible to recruit. There were however other views suggesting that a living wage should be contemplated.

Overall, after an interesting debate on the topic the consensus was that Alderney was not in a position at this time to introduce a minimum wage.

In May of this year, the Policy and Finance Committee reflected again on current policy. They were minded to reconsider both the States' previously-stated position and the wider issues that are now perceived as problematic inconsistencies in Guernsey. The

Committee was inclined to put to the States for debate and decision the question of whether legislation should be introduced in the four areas set out in the letter of 12th October 2017. I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.

James Dent, Chairman"

Committee Meeting Attendees:-

Mr J Dent, Chairman
Mr D Earl, Deputy Chair
Ms A Burgess
Mr M Dean
Mr K Gentle
Mr C Harris
Mr L Jean
Mr G McKinley OBE
Mr S Roberts
Mr A Snowdon

The States of Alderney is asked to resolve that it is open to developing:

- i) basic employment legislation**
- ii) minimum wage legislation**
- iii) disability legislation**
- iv) a Health and Wellbeing Strategy where physical and mental health are integrated.**

Item III Questions and Reports

Issued: **7th June 2019**