

4.1. Public Services Commission Bill 2014 – Third Reading approved

Mr Robertshaw to move:

That the Public Services Commission Bill 2014 be read a third time.

The Speaker: We turn now to Item 4, Bill for Third Reading, which is the Public Services Commission Bill, and I call on the mover, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

As Hon. Members will recall, the Public Services Commission Bill is designed to establish a new Commission which would be the employer of more than 4,000 people, representing about 50% of central Government staff. It would have a clear mandate to deliver consistent policies in respect of its workforce and work towards the simplification of employment structures, the harmonisation of terms and conditions of employment, and facilitate redeployment of staff across relevant Departments, Boards and Offices as necessary in support of Government's priorities and changing circumstances.

The new Commission would also provide the opportunity to both streamline and modernise collective-bargaining arrangements in respect of its staff and enable arrangements to be put in place that are modern, representative and focused on agreed outcomes.

The establishment of a Public Services Commission is, as Hon. Members will appreciate, a further step in modernising and introducing more flexible and responsive employment structures which, coupled with the culture change, are fundamental to the development of more efficient ways of working and the reduction in bureaucracy, all of which of course contribute to the ongoing imperative to achieve long-term financial sustainability.

Given that the principal objectives of the Bill were set out at Second Reading stage and detailed description of individual clauses was given at the sitting of the House on 10th June, I do not therefore intend, as Hon. Members will appreciate, to revisit them today. Having said that, I would like to thank Hon. Members for their various contributions in the consideration of this Bill, which I believe to be an important measure and therefore, Mr Speaker, I beg to move the Third Reading of the Public Service Commission Bill 2014.

The Speaker: Mr Quayle.

Mr Quayle: Thank you, Mr Speaker.
I beg to second.

The Speaker: Hon. Member for Onchan, Mr Karran.

Mr Karran: I do not want to be seen as being awkward in this House or as it was tried to put out about hijacking. I did at the Second Reading try to have this Bill put into a committee.

One of the things... I mean Question 2 to the Ard-shirveishagh was put down in this House, because I believe there is a sincere belief by those that are in a position of power in the Council of Ministers to trying create in the public service fair, equitable conditions and severance pay and the likes. I believe that that message needs to be put out.

I am concerned about this Bill, because my concern is that this Bill is so well-meaning, that is something which I believe the politicians are well-meaning with principles of equality that we have battled over the last 30 years, where we have had the ridiculous situation in the past, where somebody's pension rights of 30 years were only worth the pension rights of somebody who have

done five years and things like that. We have seen vast improvements in the anomalies that we have as far as public sector pay is concerned.

My concern is that we have not heard anything as far as the issue of the International Labour Organisation, as far as this being in contravention of the International Labour Organisation that imposes on this legislation. My concern is that I believe that the Trades Council, the majority of the Trades Council, are opposed to this body and that the union, Unite is totally opposed to this body at the present time.

We have got more likely one of the difficult times and it is going to be one of the most important growing-up periods this House is going to have, because for 20 years, we had such an economic boom that it did not matter. And the situation we have got... We are going to have to grow up and we are going to have to start bringing about proper due process, like it would be outside this Hon. House.

I fear, by supporting the Third Reading of this Bill, that what we will end up with is the winter of discontent that is going to come, if we do not have proper negotiations with the interested parties. I think it is very proud that when you think of the way we have improved... People do not realise, 45% was the average working wage of a person in the Isle of Man employed if he did not have UK parity like the burden scale if you were a teacher, a doctor, a policeman or the likes with UK, where we had no redundancy, no unfair dismissal.

I would hate us to be once again seen outside this Island as going back to the old traits of what some of us were complaining about years ago, where there was more subsidy on a four-legged, altitude-sick sheep than there was on many individuals, as far as many individuals that voted for us and their children were concerned.

I just worry with this Bill, and that is why I feel I cannot support and I do not want to hijack it. We have lost the vote, we accept the vote, and I hope that the mover proves me wrong because that is what we want. We want the right decision in this House. We do not want just to win for the sake of winning. There has been far too much of that at great cost to the taxpayer over the years.

So I feel the Minister needs to at least inform this House: has any representation been made as far as the ILO is concerned – the International Labour Organisation – about breaking international law? Has there been any representations from the Trades Council or the like? If he can assure me that I am not correct, then I will support the Third Reading, but otherwise I will be voting against the Third Reading of this Bill, even though I believe that the politicians are sincere in what they move, but I feel that the people who are drafting this and the people who are behind this have a totally different agenda to what the Council of Ministers is proposing at the present time.

The Speaker: Mr Teare.

Mr Teare: Thank you, Mr Speaker.

I think we have to acknowledge that we have to move with the times and our employment legislation does definitely need modernisation, when we consider that Whitley Council, which has been in existence for some time, has been abolished in the UK for many, many years. It seems sensible to me that we should not have a distinction in various classes of employees. The Hon. Member who has just resumed his seat did mention earlier this morning that there should be equality of arms, as it were, towards the Government as employers' attitude towards employees, and I think that this legislation will do exactly that.

So I feel that this legislation –

Mr Karran: Would the Member give way?

Mr Teare: Happy.

The Speaker: The floor is yours, sir.

Mr Karran: Would the Member like to clarify the points, when he talks about the UK, the decimation, the absolutely divided society that we now see, and the wages and conditions in the public sector, at the bottom end of the public sector in the UK, when he is talking about the issue of the UK, allowing for the fact there have not been the same changes as far as the ones at the top as far as the public sector is concerned?

The Speaker: Mr Teare.

Mr Teare: Not unsurprisingly, I do not agree with the Hon. Member's argument. Also, this in effect will introduce a level playing field for all employees with a single employment body. It will make it easier to negotiate. Instead of having various sections to negotiate with, there will be a central body and I feel this is a sensible step forward, and I would urge Hon. Members to support the Third Reading.

The Speaker: I call on the mover to reply, Mr Robertshaw.

Mr Robertshaw: Thank you, Mr Speaker.

I thank my seconder and for the comments from the Hon. Member for Ayre.

It would not be my intention in replying to the Hon. Member for Onchan, to try to prove him wrong in any shape or form. I respect and acknowledge his interest and concern in these matters and we share his profound interest in this matter.

But what I would like to do it is just quickly reiterate the intention of this Bill. The intention of this Bill is to bring the two main components together and to respect the existing terms and conditions for all employees. That is the first thing.

The second thing is that there will be a need to enter into negotiations to ensure that the representations are the appropriate ones on the new Commission, and that process has begun. Yes, it is indeed a sensitive process as you would expect, but I just would again remind Hon. Members that great efforts will go into trying to ensure a successful conclusion to these negotiations on representations, but in the final analysis, if it is not possible, it will be brought to Hon. Members in another place to consider at the appropriate time.

So I do trust that he would support that process.

To answer the specific points that he makes, I do not believe that this Bill is in any way breaking international law and is not contradicting ILO regulations –

Mr Quirk: We had the letter.

Mr Robertshaw: Other than to say that if it was the case that it was strongly felt in some quarters – and I do not share this – that there was a problem that it is absolutely within the remit of those concerned to be able to make a complaint following ILO procedures. But I think that is something of a red herring.

So that with that, Mr Speaker, I beg to move the Third Reading.

The Speaker: Hon. Members, I put the motion that the Public Service Commission Bill be read for the third time. Those in favour, please say aye; against no. The ayes have it

A division was called for and electronic voting resulted as follows:

FOR

Mr Anderson
Mrs Beecroft
Mr Cregeen
Mr Cretney
Mr Gawne
Mr Hall
Mr Henderson
Mr Quayle
Mr Robertshaw
Mr Ronan
Mr Singer
Mr Skelly
Mr Teare
The Speaker
Mr Thomas
Mr Watterson

AGAINST

Mr Karran
Mr Quirk

The Speaker: The motion carries, 16 votes for, 2 votes against.