

# STATES OF JERSEY



## JERSEY EMPLOYMENT TRIBUNAL: APPOINTMENT OF MEMBERS

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Lodged au Greffe on 20th January 2014  
by the Minister for Social Security

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to appoint, further to a process overseen by the Jersey Appointments Commission, and in accordance with Regulation 3(2) of the Employment Tribunal (Jersey) Regulations 2005, the following persons as members of the Jersey Employment Tribunal, each for a period of 5 years commencing on 1st March 2014 –

Advocate Michael Preston  
Mrs. Hilary Griffin  
Mrs. Emma Harper.

MINISTER FOR SOCIAL SECURITY

## REPORT

### Appointments to the Jersey Employment Tribunal

#### Background

Article 81 of the Employment (Jersey) Law 2003 (the “Employment Law”) provides for the establishment of the Jersey Employment Tribunal (the “Tribunal”) and provides that it will exercise the jurisdiction conferred on it by the Employment Law and any other Law.

The Tribunal became operational in 2005 and is responsible for enforcing the Island’s employment legislation: the Employment Law and the Employment Relations (Jersey) Law 2007. It hears and determines complaints relating to –

- written statements of employment
- minimum rest periods and annual leave
- minimum wage
- payment of wages (including itemised pay statements)
- notice pay on termination of employment
- unfair dismissal
- redundancy pay and related rights
- breach of contract of employment
- trade union recognition
- collective disputes.

The written decisions of the Tribunal are published on the Jersey Legal Information Board website ([www.jerseylaw.je](http://www.jerseylaw.je)). Annual Reports of the Tribunal are presented as a Report to the States each year. The latest Annual Report was presented to the States on 16th April 2013 (see [R.28/2013](#)).

In September 2014, subject to the States approving an Appointed Day Act and new Tribunal Regulations<sup>1</sup>, the Tribunal will become the ‘Jersey Employment and Discrimination Tribunal’. It will then also hear complaints of race discrimination made under the Discrimination (Jersey) Law 2013.

#### Constitution of the Tribunal

Article 82 of the Employment Law provides that Regulations may provide for the constitution, membership and administration of the Tribunal, including for the appointment and terms of membership of the members. These provisions are set out in the [Employment Tribunal \(Jersey\) Regulations 2005](#) (the “Regulations”).

The Regulations provide that in hearing a complaint, an Employment Tribunal 3 person Panel consists of a legally qualified Chair with 2 Side Members; one from a pool of 8 employee representative Side Members who have knowledge or experience

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<sup>1</sup> see [P.4/2014](#) and [P.5/2014](#)

of or interest in trade unions or matters relating to employees generally, and one from a pool of 8 employer representative Side Members who have knowledge or experience of or interest in employers' associations, or matters relating to employers generally.

The Regulations also provide that the recruitment of Tribunal members must be overseen by, and conducted in accordance with, the guidelines produced by the Jersey Appointments Commission (the "Appointments Commission"). Members are appointed by the States on the recommendation of the Minister for Social Security (the "Minister"), after consultation with the Appointments Commission.

The Employment Tribunal (Amendment No. 3) (Jersey) Regulations 2012 increased the number of Deputy Chairmen that may be appointed to the Tribunal from one Deputy to a maximum of 5 Deputies.

### **Recruitment of Tribunal members**

Open recruitment was undertaken during the period October to December 2013 with the intention of filling up to 3 of the newly created Deputy Chairman positions. In addition, a vacancy for an employer representative Side Member was advertised following the resignation of Mr. Tim Allen on 16th September 2013.

An advertisement was placed in the Jersey Evening Post and on the States website in October. Following shortlisting, structured interviews were undertaken in December by a recruitment Panel chaired by a representative of the Appointments Commission. Having considered the candidates, the recruitment Panel recommended the appointment of 3 new members.

The Minister is satisfied that the 2 proposed Deputy Chairmen have the required legal qualifications, knowledge and experience. The Minister is also satisfied that the proposed employer representative Side Member has the required knowledge and experience of matters relating to employers generally. Further details of the 3 proposed members are provided in the attached **Appendix**.

The Minister proposes that the States approves the following appointments, each for a 5 year term of office commencing on 1st March 2014 –

- Advocate Michael Preston as a Deputy Chairman
- Mrs. Hilary Griffin as a Deputy Chairman
- Mrs. Emma Harper as an employer representative Side Member.

### **Financial and manpower implications**

There are no financial or manpower implications for the States arising from this Proposition. Training for new members will be financed from within existing budgets.

## APPENDIX

**Advocate Michael Preston** has been a Partner of Voisin law firm since 2000 and a non-executive director of the associated trust company Volaw since 2006. Advocate Preston has considerable relevant experience, having appeared in all Courts of Jersey in a wide variety of contentious matters, including trust and commercial disputes, criminal matters and employment complaints. His primary focus is on advising and appearing in respect of criminal and civil matters before the Royal Court and Court of Appeal, including a number of recent high-profile criminal matters. Advocate Preston has also appeared before the Employment Tribunal on a number of occasions and has appeared before the Royal Court in 3 appeals from decisions of the Employment Tribunal.

**Mrs. Hilary Griffin** qualified to practice as an English solicitor in 2002, and for 9 years worked for London-based international law firm Clyde and Co. as a Senior Employment Associate, and latterly as a Professional Support Lawyer. Mrs. Griffin's experience in these roles included acting for clients in a wide variety of cases in employment tribunals and the High Court, as well as marketing and training for the employment law team and clients. Mrs. Griffin's experience includes employer and employee representation in a wide variety of Tribunal cases, including unfair dismissal and discrimination complaints. Mrs. Griffin moved to Jersey in 2011, and has divided her time between settling her young family into Island life and continuing to act as a director of a family chemical business in England which employs approximately 15 people.

**Mrs. Emma Harper** has 19 years' experience as Owner, Director and Company Secretary of Harpers Catering Limited. In that role, she employs and manages a multi-cultural workforce of more than 100 staff, which includes a small number of permanent employees and a wide range of seasonal, temporary and part-time staff. Mrs. Harper has practical, hands-on experience of running a small business in accordance with the employment legislation. Harpers Catering was awarded runner-up in the 2012 Jersey Enterprise Awards 'Small Business of the Year' category. Mrs. Harper has previous experience of working in the travel and retail sectors, and she served for 2 years as the Chairman of the Parent Teachers' Association for St John's Primary School.