

STATES OF JERSEY



JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL: APPOINTMENT OF SIDE MEMBERS

Lodged au Greffe on 10th December 2020
by the Minister for Social Security

STATES GREFFE

PROPOSITION

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

in accordance with the Employment and Discrimination Tribunal (Jersey) Regulations 2014, to appoint the following persons as side members of the Jersey Employment and Discrimination Tribunal, each for a period of five years, from 25th January 2021:

Claire Bowes (side member employer)
Scott Hollywood (side member employer)
Lorraine Bennett (side member employee)
Patrycja Zakrzewska (side member employee)
Sue Pallot (side member employee)

MINISTER FOR SOCIAL SECURITY

REPORT

Background

The Jersey Employment and Discrimination Tribunal was established by the Employment (Jersey) Law 2003 and became operational in 2005. The Tribunal is responsible for enforcing the Island's employment and discrimination legislation, consisting of the Employment Law, the Employment Relations (Jersey) Law 2007 and the Discrimination (Jersey) Law 2013. It hears and determines complaints relating to:

- Written terms of employment
- Minimum rest periods and annual leave
- Minimum wage
- Payment of wages
- Notice pay on termination of employment
- Unfair dismissal
- Redundancy pay and related rights
- Family friendly rights
- Breaches of contracts of employment
- Trade union recognition
- Collective disputes
- Discrimination on the grounds of race, age, disability, gender, sexual orientation, gender reassignment, pregnancy and maternity

Constitution of the Tribunal

The Employment and Discrimination Tribunal (Jersey) Regulations 2014 (the "Tribunal Regulations") set out the requirements for the constitution and membership of the Tribunal, including the appointment and terms of office of the members. The Tribunal consists of the following:

- A Chair
- Up to five Deputy Chairs
- Up to eight employee representative lay members who have knowledge or experience of, or an interest in, trade unions or matters relating to employees more generally
- Up to eight employer representative lay members who have knowledge of, or an interest in, employers' associations, or matters relating to employers more generally
- Up to eight discrimination panel lay members who have knowledge or experience of, and an interest in, equality and discrimination matters generally, or discrimination and specific protected characteristics.

When hearing a complaint that relates to employment or discrimination in employment, the Tribunal Regulations provide that a three-person panel must consist of a legally qualified Chair or Deputy Chair, together with two lay members – one employee representative member and one employer representative member. It is important that the employee/employer balance is maintained in employment and employment-related discrimination cases.

When a panel is formed to hear a complaint about an act of discrimination that does not relate to employment or recruitment (for example, issues relating to housing, services or education), the panel must consist of the Chair or a Deputy Chair and two members from the pool of discrimination lay members.

The Tribunal Regulations provide that members are appointed by the States Assembly for an initial term of up to five years. If a member requests an extension of their appointment, the Minister for Social Security may, after consultation with the Jersey Appointments Commission, extend the member's term of office. The Commission's recruitment guidelines state that members of independent bodies should not normally be appointed for terms in excess of nine years.

The current recruitment exercise

A recruitment exercise has identified five new side members for the Tribunal. In September and October 2020, advertisements were placed in the Jersey Evening Post, on the website gov.je, on the Jersey Advisory and Conciliation Service website and the Jersey Law Society website. Following short-listing in October 2020, structured interviews were undertaken for each position by a recruitment panel.

Side Members of the Tribunal – the recruitment panel which interviewed candidates for both positions consisted of the Deputy Greffier of the States, the Magistrate, the Judicial Greffier and a representative of the Jersey Appointments Commission.

The Jersey Appointments Commission oversaw the exercise. The Commission has indicated it is content that the process has been conducted in accordance with its guidelines.

Having assessed the candidates and reached a decision, the recruitment panel recommends to the Minister that the five new appointments be made. The Minister is satisfied that the individuals possess the required knowledge, experience and expertise and proposes their appointment, each for a five-year term of office, beginning on 25th January 2021. Further details about the five new members can be found in the Appendix.

Financial and manpower implications

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

Side Members of the Tribunal

Claire Bowes' (side member – employer) most recent position was as Managing Director and Head of HR Legal, Risk and Compliance for a major banking group. Ms Bowes was responsible for all strategic HR provision for Group General Counsel, Chief Compliance Officer and Chief Risk Officer and their global functions. Her role included setting strategy for delivering diversity and inclusion projects, reinforcing workforce skills and training and managing sensitive employee relations.

Ms Bowes' career has spanned a variety of functions, particularly in the HR area of employee relations issues, trade unions, employee grievances and Tribunal work.

Scott Hollywood (side member – employer) is a General Manager of the Merton Hotel. He is a committee member, Travel and Tourism, of the Chamber of Commerce. His role in the hospitality industry means he is heavily involved in all aspects of employee management, recruiting and retention, and he has been responsible for many investigations into disciplinary and grievance matters, both as investigator and as chair.

Lorraine Bennett (side member – employee) is an Operating Department Practitioner at the General Hospital. Her main responsibility is for patient safety. Miss Bennett has supervisory management experience, ensuring service and training needs were planned and met. She has a union representative function in her current role, with a skill base in employment rights and an in-depth knowledge of the wider organisational structures in Jersey workplaces.

Patrycja Zakrzewska (side member – employee) is a consultant in People Services in the Government of Jersey. She manages a large portfolio of complex and sensitive HR cases across a range of issues, including bullying and harassment, discrimination, grievances, appeals and Employment Tribunal claims. Ms Zakrzewska has particular experience in managing employment and discrimination matters and has a comprehensive knowledge of Jersey employment law.

Sue Pallot (side member – employee) has 20 years' experience within the Trust and Banking industries, and is currently employed as a Regulatory Consultant heading up anti-money laundering remediation teams. Ms Pallot has planned and delivered many successful projects in the anti-money laundering sphere and has particular expertise in recruiting, leading and building project teams, with experience in personnel management, training and development.