

2018.07.10

3.5 Deputy J.H. Perchard of St. Saviour of the Chairman of the States Employment Board regarding an action plan to address the recommendations of the HR Lounge report on bullying and harassment: [OQ. 94/2018]

Given the content of the HR Lounge report on bullying and harassment in the States, will the chairwoman inform Members when she plans to draw up a written action plan and timeline detailing how the States will work to change the bullying culture identified?

Senator T.A. Vallois (Chairman, States Employment Board):

I thank the Deputy for her question and I would like to firstly state how deeply saddened I am that our employees have had to endure this kind of behaviour and reiterate the fact that it is not acceptable and should not be acceptable within the public sector, or elsewhere within our Island. **[Approbation]** The States Employment Board is scheduled to meet for the first time under my chairmanship on Monday, 23rd July. The previous board accepted the recommendations and I have met with officers to discuss priorities and can confirm that they will be presenting an action plan and timetable, as requested by the previous board, for approval at the meeting. I am advised that this will cover a revised organisational framework for developing, or managing, future cases and it will include proposals for an independent whistle-blowing service among other initiatives. Once the new board has reviewed and approved the action plan, I undertake to publish the plan, on gov.je, to be accessible to both Members and the public.

3.5.1 Deputy J.H. Perchard:

Given the aforementioned report, will the Minister commit to including training for managers, as recommended, in order to change the bullying culture identified?

Senator T.A. Vallois:

If anything, I think our training needs to be reviewed. Our human resources provision for public sector employees needs to be an issue that is discussed at the States Employment Board about how we provide the right kind of training and the quality of training to ensure that we embed proper values and behaviour-led culture within our public sector and ensure that people all feel valued as part of the Island and the public sector going forward.

3.5.2 Deputy L.M.C. Doublet of St. Saviour:

The chairwoman will recall, on the Education and Home Affairs Scrutiny Panel, we asked the previous Minister for Education to send a copy of the current bullying policy to all Education staff. This action, although committed to, was not carried out. Would the chairwoman commit to following up on this? Does she believe that all States staff should be directly communicated with and they should be sent the current bullying policy, and also the report that has just been carried out, and receive ongoing direct communication about this issue?

Senator T.A. Vallois:

I would like to check that the bullying policy is up to scratch first, to make sure that it is of quality that people understand. But also it is not just about sending out a policy to people. It is important that we embed those values in forms of training and ensuring that we are sharing that information. But I absolutely agree, every member of our public sector should be aware of the bullying policy and the whistle-blowing policy, ensuring that they know their rights and their ability to take action when they feel it is necessary to do so.

3.5.3 Deputy G.P. Southern:

At this stage, does the Minister have any idea about how she might establish the independence of any board, which is going to receive grievances from employees and to ensure that that independence is seen throughout the service?

Senator T.A. Vallois:

Unfortunately, at this time I do not have an idea of how I am going to establish ... I mean I have lots of ideas how it could happen but I think it is important for the States Employment Board to meet first, discuss the report, ensure that we get all our ducks in a row first, ensuring that the action plan that goes forward is the appropriate one, so that we are not pulling at all different angles. But absolutely, the independence of a grievance board, the independence of that board, is absolutely necessary and important to ensure that people feel that they are being listened to and heard, and that the case is being dealt with in the appropriate manner.

3.5.4 Deputy G.P. Southern:

Does the Minister agree with the statement that there is a fine line between bullying and robust management in particular sectors, especially Education?

Senator T.A. Vallois:

Yes, I totally agree with that.

3.5.5 Senator S.C. Ferguson:

Will the Chairman - this is a generic title, not a sexist one - confirm that the S.E.B. (States Employment Board) will be following a policy of encouraging proper behaviour from the top down, from the very senior levels of the management? Will she also undertake that employees leaving with compensation payments should not be forced to sign a non-disclosure clause? Will she undertake to get non-disclosure clauses removed?

Senator T.A. Vallois:

In terms of the top-down approach, if the Senator read the legislation in terms of what our framework is, as a States Employment Board, we have responsibility with regards to codes of practice. It is something that I think we should be ensuring they are properly and quality framed in terms of ensuring that people understand them and that there is an appropriate accountability mechanism. We also have an independent adviser on the States Employment Board that can assist us, who is very experienced and very knowledgeable in terms of helping assist in best practice for dealing with these bullying and harassment issues. In terms of employees leaving with non-disclosure agreements, it is something that I am happy to look at and I can report back to the Senator from the meeting of the States Employment Board.

3.5.6 Deputy R.J. Ward:

May I ask the Minister to address, in any action plan that comes from the report, the legacy of those who left States employment because of bullying, an issue that was perhaps not addressed, but has been identified in this very extensive report?

Senator T.A. Vallois:

Sorry, I am not quite sure what the Deputy is asking me.

Deputy R.J. Ward:

Will you make sure that you address any legacy in terms of those who lost their jobs, left the States employment because of bullying, are now out of employment, but nothing has happened to it? We know about this bullying now so we have, as I say, a legacy of those employees, and that needs to be addressed.

Senator T.A. Vallois:

I thank the Deputy for his question. There are legacy issues. I am not sure how many there are. I am not sure whether everybody would want to come forward, because there is a certain fear of reprisal. I have been dealing historically in the last term with a legacy issue. I think it is extremely important that we handle this with care and people understand that we are moving forward in a different atmosphere, with different values and behaviour, and make them realise that this behaviour was not acceptable in the past, that we have moved

forward in a new light, and that we do respect their commitment that they provided to the States when employed.

3.5.7 Deputy J.H. Perchard:

As the Bailiff said in his wonderful induction to us, words do matter and patronyms are, by their very nature, patriarchal; it is all in the name. My final supplementary is very simple: I was just wondering if the Minister intended to perhaps just remind the Employment Board to thoroughly read the report from cover to cover and perhaps make their own notes before attending this upcoming meeting and discussion?

Senator T.A. Vallois:

Yes, I would hope all members of the Employment Board will have read, or will read, all of the report to ensure that we have appropriate thought-out discussion and that the action plan that comes forward is properly tested and ensure that it is practical in terms of delivering.

The Deputy Bailiff:

Can I just mention to Members: one or 2 are showing some disappointment, because they have put their light on and I have not called upon them? There are obviously 20 questions within this. That is normally 6 minutes per question, although, of course, there is some flexibility built into that, and that is the reason why I need to be fairly clear. The answer is: if you really want to ask a question as part of this question, please put your light up sooner rather than later and that then improves your chances.