

20.11.17

22 Deputy M.R. Higgins of St. Helier of the Chair of the States Employment Board regarding the Human Rights compliance of disciplinary hearings in the uniformed services (OQ.343/2020):

Will the Chair explain how the States Employment Board's policies ensure that all disciplinary hearings are conducted in accordance with the principles of natural justice and with Article 6 of the European Convention on Human Rights?

Answer

Sir, the **three** main requirements of **natural justice** that must be met in every case are: adequate notice, fair hearing and no bias.

Where a disciplinary process takes place the individual is notified with adequate time, normally orally and in writing, of the allegation against them which has been subject to an independent investigation process – has the right to respond to the allegations, present their own evidence and proof.

Before the final report is issued, the person being investigated also can correct findings of fact.

Throughout this period, the employee has the right to be accompanied to these meetings by a trade union official or a workplace colleague.

Should the report find that there is a case to answer, the employee is then subject to an independent hearing where a decision is taken on the balance of probabilities and, if appropriate, an appropriate sanction is applied.

The employee has the right to appeal the findings or outcome of the first hearing. This is heard independently.

We therefore feel that our processes meet these three tests

Article 6 of the EU Convention on Human Rights largely relates to criminal and civil legal proceedings, however our process, where relevant measure up well to this convention .