

22.01.18

**10 Senator S.C. Ferguson of the Chair of the States Employment Board regarding out of hours working practices (OQ.1/2022)**

Will the Chair advise whether the States Employment Board agreed any policy to govern contact between senior managers and their direct reports outside of standard working hours and, if so, whether it is considered acceptable for senior managers to initiate such contact in the evening to provide feedback or criticism?

**Senator J.A.N. Le Fondré (Chair, States Employment Board):**

The vice-chair is taking this question, Sir.

**3.10.1 Connétable R.A. Buchanan of St. Ouen (Vice-Chair, States Employment Board - rapporteur):**

I am sure the Senator is not going to be surprised by my response as she has already been in touch with officers previously about this case. We have advised her of the States Employment Board's disapproval of the behaviour described in her question. Across the range of public service we have committed public servants who work a range of different working patterns to enable services to be delivered. Contact from senior managers outside agreed working patterns to provide feedback, as described in the question, is - and I stress- absolutely not acceptable and should not be happening. Our general advice where an occurrence such as this happens is that the staff member should initially try to resolve this informally but if that is not successful then there is sufficient scope within the States Employment Board code of conduct and, potentially, the bullying and harassment policy to provide a firm challenge for this sort of behaviour.

**3.10.2 Senator S.C. Ferguson:**

What does the S.E.B. (States Employment Board) intend to do to prevent such actions, given that such a complaint, from my experience of workings in the civil service, would result in the bullying of a junior member of staff?

**The Connétable of St. Ouen:**

As I am sure the Senator is aware, there is sufficient scope within the bullying and harassment policy to resolve the issues, initially informally but if it is not resolved informally then there is scope within the bullying and harassment policy for it to be resolved formally and H.R. (human resources) officers would deal with that.

**3.10.3 Deputy R.J. Ward:**

Can I ask the Assistant Minister whether this extends his welcome words - he said this approach is not something that should be happening - extends to other areas of public service? For example, in teaching and lecturing, as education has moved into people's homes with people working online, the likelihood of being contacted out of hours has increased. Does he extend that same intention to those areas of work?

**The Connétable of St. Ouen:**

Yes, I thank the Deputy for his question. I think we all understand that we are living in unusual and strange times and calls on our time come at unusual times. But as a general principle, senior managers or managers should not be harassing staff at unsociable and unreasonable hours to

provide the sort of feedback that the Senator described in her question. Yes, the S.E.B. would certainly support staff members that had a problem of that nature.

**3.10.4 Deputy R.J. Ward:**

I think it is similar to the Senator's question but how is he going to ensure that is not happening, given the pressures that staff are under across our public service?

**The Connétable of St. Ouen:**

I think, given that this issue has been highlighted to the States Employment Board, I have already asked officers to draft a note outlining that this sort of issue should not occur and that senior managers should have respect to more junior members of staff at private time and home time and that will be going out shortly.

**3.10.5 Senator T.A. Vallois:**

Can I ask the vice-chair how the States Employment Board determine whether the policies that he has referred to are being carried out in the spirit and the actual expectations of the States Employment Board, in that the culture required to ensure that this type of thing does not continue to happen, is kept up as expectations of that board that have agreed the policies?

**The Connétable of St. Ouen:**

It is a difficult question to answer but normally we would initially expect to receive the sort of feedback that we have received from Senator Ferguson, which initially would raise concerns along these lines. But more formally we use, as the Senator knows, staff surveys to try and gauge staff reaction to their working conditions and we would use that as a feedback mechanism.

[14:45]

But certainly we would expect to get feedback through managers that this sort of problem is happening and as such we would take action to stop it.

**3.10.6 Senator T.A. Vallois:**

Can I ask the vice-chair whether they are satisfied that the customer feedback or the complaints mechanisms that are in place at present are sufficient to ensure that the culture that is being expected to be played out in the public sector is the one that is expected by the States Employment Board?

**The Connétable of St. Ouen:**

I will respond rather unusually to the Senator and say that we are never complacent about the policies we have in place and we are always alive and alert to feedback we receive from the staff, especially where that indicates that the intention of the States Employment Board in this respect is not taking place. Yes, the policies we have in place seem to be working but that does not mean to say that if it is demonstrated to us that it is not working we were not going to do something about it.

**3.10.7 Deputy M. Tadier:**

Does the chair agree that it is not necessarily a problem if emails are received from managers after working hours but it is also the expectation about whether or not somebody can be expected to respond or work after hours because of an email being sent? Is that his understanding of things?

**The Connétable of St. Ouen:**

I thank the Deputy for his question and that would be my understanding. As always in these situations it is about reasonableness. We are very lucky in the States that we have a very dedicated, loyal and a workforce that goes well above and beyond at times to achieve their aims. But that does not mean to say that managers should take advantage of that and should play on a staff member's good nature. If that happens then we will take action.

**3.10.8 Senator S.C. Ferguson:**

In the private sector, as the vice-chair knows, managers are in fact sacked if they behave like this. Will the vice-chair come back to the Assembly to report on how S.E.B. will make senior managers understand that such behaviour is indefensible and will result in a warning on the personnel file?

**The Connétable of St. Ouen:**

Yes, I can respond to that question and I thank the Senator for her questions, and I can respond immediately. As I have already indicated, we will be sending out a reminder to managers exactly along the lines that the Senator lays out because it is not acceptable and it is playing on loyal staff members' good nature to do this sort of thing.