

# The Jersey Advisory and Conciliation Service 2007



Annual Report 2007

# **The Jersey Advisory and Conciliation Service**

## **ANNUAL REPORT 2007**

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# Annual Report 2007

## The Board

<b>Chair</b>	Michael Berry
<b>Deputy Chair</b>	Tom Slattery
<b>Board members</b>	Edmund Daubeney
	John Noel
	Lorna Pestana
	Kevin Keen (from 18 December 2007)
	David Warr (from 18 December 2007)
	Gill Oakes } resigned on 14 December
	Teresa Lamy } at end of term of office

## The JACS Team

<b>Director</b>	David Witherington
<b>Team members</b>	Patricia Rowan, Senior Advisory and Conciliation Officer
	Patricia Weston, Advisory and Conciliation Officer

## JERSEY ADVISORY & CONCILIATION SERVICE

### YEAR IN NUMBERS – 2007

<b>7696</b>	Enquiries received in total
<b>4247</b>	Employee enquiries (or others on their behalf)
<b>3449</b>	Employer enquiries
<b>1806</b>	Enquiries from employers employing less than 50 staff, 808 of which employing less than 10 staff.
<b>1100</b>	Attendees at 35 workshops
<b>425</b>	Attendees at 24 public training courses run by JACS
<b>292</b>	Thousand pounds received as annual States Funding (£7,000 increase from 2006 funding level).
<b>135</b>	Tribunal claims resolved, 108 (80%) by conciliation
<b>62</b>	Requests for advice or conciliation in respect of collective disputes and trade union recognition.
<b>23</b>	Thousand visits made to our website <a href="http://www.jacs.org.je">www.jacs.org.je</a>
<b>7</b>	Board members
<b>3</b>	Staff members, unchanged since 2001
<b>1</b>	Website: <a href="http://www.jacs.org.je">www.jacs.org.je</a>
<b>0</b>	New employment laws in force in Jersey during 2007.

# Chairman's Foreword

Welcome to the 2007 Annual Report of the Jersey Advisory and Conciliation Service. I thought I would begin by emphasising that this is the report of JACS and not the Jersey Employment Tribunal, because comments I have read and heard over the last year imply that some individuals and organisations are having difficulty distinguishing between the two!

This is not a facetious comment – both ourselves and JET have extremely important roles to play but act independently from one another. Of course, our work is closely related but the role of JACS is much more than dealing with potential Tribunal claims.

David Witherington's report, which follows, sets out the breadth and depth of the services that JACS provides. Underlying the effectiveness of this work is our reputation for objectivity, integrity and impartiality – the reason we are trusted by those with whom we deal, whether employer, employee, trade union or Government department.

Claims to the Tribunal will inevitably continue. Although it gives JACS great satisfaction that we are successful in settling so many of the Tribunal claims submitted, it is the success achieved in preventing many hundreds of disputes becoming Tribunal claims in the first place which is particularly important.

Of course, not everybody is delighted at the advice they receive from JACS, particularly when it does not line up with their own view, but our aim is to ensure that the advice that is given is always objective and impartial, as well as being well informed and based on our experience of dealing with employment issues. I would add that those issues have become increasingly complex, so our success in dealing with so many of them before they become Tribunal claims is particularly noteworthy.

Reflecting back, Jersey businesses have responded positively and proactively to the Employment Law introduced over two years ago. A challenge for all businesses is to keep up to date with developments as they arise, and on the horizon we see the Employment Relations Law, Discrimination, Redundancy and Business Transfers, and beyond that, Maternity, Paternity and Family Friendly legislation.

This is an appropriate time in my foreword to thank our small team of David Witherington, Patricia Rowan and Trish Weston who clearly will continue to be extremely busy!

In addition to our success rate in dealing with Tribunal claims (80% remains higher than the ACAS "Gold Standard" of 60%-70%) and potential claims, I would like to highlight two further features of 2007. Firstly, as David comments, over 50% of the employers seeking assistance employed less than 50 staff and, of these, more than 800 employed fewer than 10 staff. I take pleasure in reading this because I have previously commented on the need for us to engage with smaller employers, who seldom have the professional Human Resources facilities or other administrative support to handle new legislation. JACS is an essential portal of information and advice for all businesses and I continue to encourage small businesses who have yet to fully engage with the Employment Law to do so and use our resources.

Secondly, we have refreshed and upgraded our website. It is becoming increasingly difficult to distinguish one website from another, but I wholeheartedly recommend a visit to [www.jacs.org.je](http://www.jacs.org.je). Its success is particularly important to our work because, with such a small team, the more information that can be sourced from the website the better. Indeed, the slight fall in enquiries this year indicates that the website is indeed proving to be an effective alternative for information requests.

I would like to thank all of the JACS Board members for their involvement and input throughout the year, in particular Teresa Lamy and Gill Oakes who retired from the Board at the end of the year. I welcome both Kevin Keen and David Warr to the Board and hope that in due course they will share our pride in being associated with such successful work. I would also like to thank the Social Security Minister, Senator Paul Routier and his team for their ongoing support, enabling us to provide a service which is now an integral part of employment relations in Jersey.

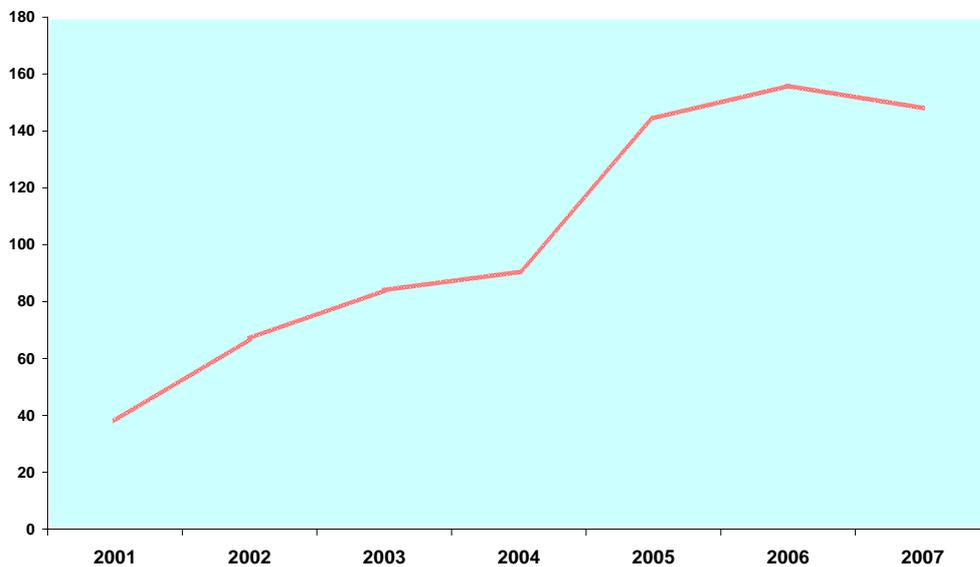
**Mike Berry**

**Chairman**

## Director's Report

The Employment (Jersey) Law has now been a feature of employment relations for more than 2 years. In 2005, we reported a 60% increase in client contacts and this was compounded in 2006 by a further 8% increase. It is pleasing to report that in 2007 demand seems to have stabilised, total client contacts reducing slightly to 7696 at year-end. I hope that this indicates that employers and employees are adapting to the new working arrangements that the legislation requires.

**Client Contacts Per Week**



While advice to employers and employees remains an important feature of our work, dispute resolution occupies the majority of our time. Most employment disputes can be resolved satisfactorily without the need for a Tribunal claim to be lodged – in the order of 75/80% of potential claims are dealt with in this way, providing that both parties are willing to compromise to an extent.

We remain concerned that a number of employers fail to issue written terms of employment and confusion appears to arise regarding written terms of employment and the contract of employment. The contract of employment between an employer and an employee begins as soon as the person starts work (a contract can be verbal or written). Where the confusion arises is that the law allows the employer a period of time in which to issue the written terms of employment. It specifically states that an employee must be given written terms not later than four weeks after employment begins and it sets out the particulars that must be included. If an employee leaves for whatever reason before he has received his written terms, the law still requires that they be given to him. To help employers, a model framework for written terms of employment is available on our website [www.jacs.org.je](http://www.jacs.org.je) together with a great deal of other helpful information.

As we point out in our guide, the A to Z of Work, good practice would be to provide a written statement of the main terms and conditions of employment at the time a job offer is made, rather than up to 4 weeks after employment has commenced. This helps to avoid confusion and to prevent disputes from arising, providing of course that both parties abide by the terms set out. It also protects the employer from the risk of incurring a substantial fine for what is rightly regarded as a fundamental breach of the Law.

It is for this reason that we still offer our services to employers who wish to review and update their contracts of employment or staff handbooks and encourage employers to attend our series of free, half-day training courses which remain in high demand.

### **Contacting JACS**

To help employers and employees deal effectively with employment issues, not only their legal obligations but also in terms of good practice, we have further expanded the facilities available to our clients. In 2007, we launched an updated website ([www.jacs.org.je](http://www.jacs.org.je)) which has been very well received, with over 23,000 visits in the year. HR professionals in particular find the newsletter a useful aid in keeping them up to date with the latest information – although any employer or individual is able to sign up on-line for this free service.

Many clients appreciate discussing their needs on a face-to face basis and the proportion of personal callers, either by appointment or by “drop-in”, increased from 22% in 2006 to 27% last year. Our main point of contact remains our telephone advice line, however, available from 08.30 to 17.00, Monday to Friday. The advice line generated 63% of our contact workload with the remaining 10% being in response to written enquiries.

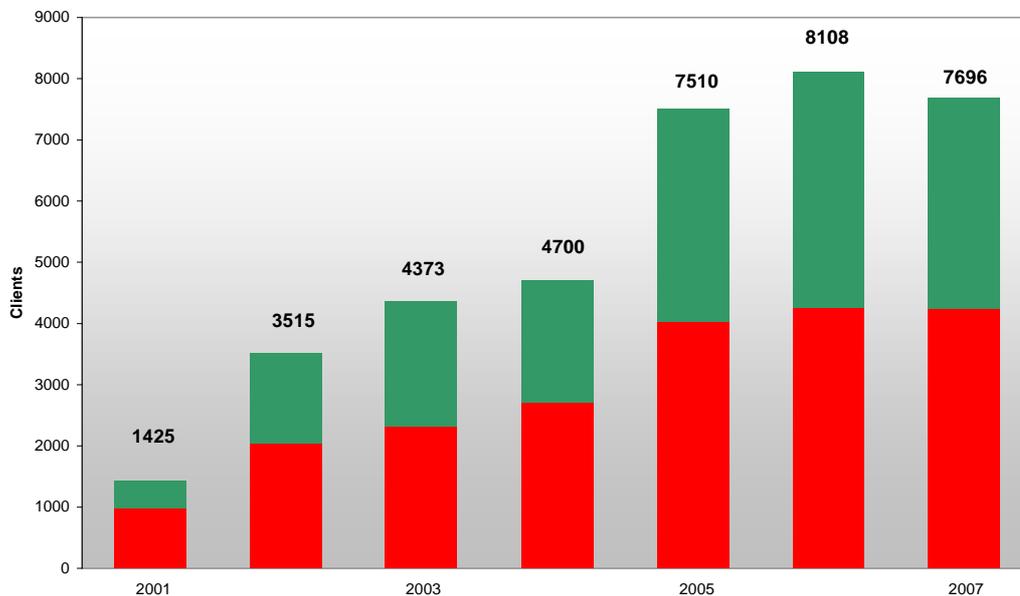
In addition to the website and verbal advice, we regularly update and develop our model policies and procedures and demand remains strong for the A to Z of Work, our guidelines to good practice, and the Brief Guide to Employment Law for Small Businesses. While we will continue to provide hard copy documents, these are only economic for the basic information that changes little and we will increase the use of the internet to give more wide-ranging advice and to provide specific up to the minute news on developments in employment law.

### **Information, advice and conciliation**

Throughout the year, 148 clients contacted us on average each week (individual cases often give rise to multiple contacts) which was, as previously stated, a modest decrease compared to the 2006 level of 156 per week. Employees accounted for 55% of client contacts (4247), a proportion that appears to be consistent year on year.

While we still deal with a number of routine problems, for example, minimum wage or statutory holiday queries, increasingly the issues that occupy our time are now more complex. When dealing with redundancy claims, for instance, we need to understand a range of issues: was there a meaningful consultation process; were potentially redundant employees given fair warning of the possibility of redundancy; were alternatives to redundancy meaningfully considered; when compulsory redundancy was necessary, was a fair selection process used?

### Client contacts 2001 - 2007: **Employer** and **Employee**



Most aspects of employment were covered, but most frequent were requests for advice or dispute resolution regarding unfair dismissal, disciplinary and grievance procedures, holidays/public holidays and redundancy.

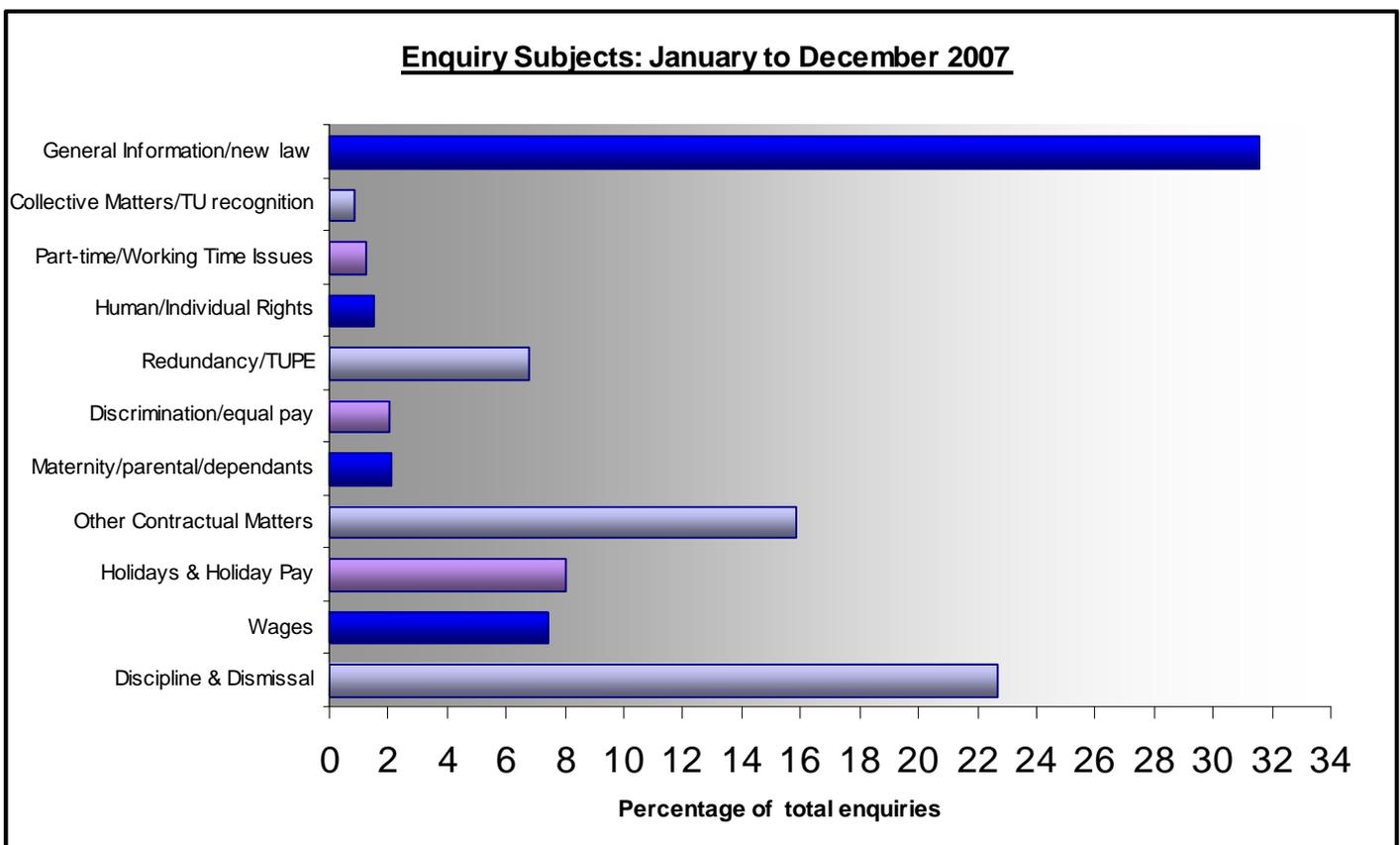
Yet again, I must highlight the number of staff that allege they have been harassed, bullied or discriminated against at work. This remains a very difficult area and the point I made in my report last year is worth reiterating. What may be perceived by the employee as bullying may be, as far as the employer is concerned, simply an over-reaction to being disciplined about poor work standards or attitude to work. The important issue here is perception. If the employee perceives the treatment that he or she receives is overbearing, undeserved or inappropriate, then the employee will feel bullied and harassed and will not be effective in his role. It is important that employers develop and utilise procedures to deal with performance issues in a private and in a structured way – not by criticising the employee openly or aggressively in front of work colleagues or customers. “Side-lining” or ignoring the right of an employee to be involved or to be consulted is an act that regularly causes considerable distress, resulting in frequent absences from work that give rise to further criticism.

We note the impending Discrimination Law. Initially this will deal with Race Discrimination but it is the intention of legislators to include Sex, Disability and Age Discrimination in successive years. While the Law will address some of the very real issues that we see, the potential for vexatious claims will give some employers cause for concern. We hope that the recommendations made in the context of the Employment Tribunal will focus on this potential problem. We remain of the view, however, that the absence of laws dealing with discrimination and the consequent lack of clear policies to deal with discriminatory practices by some employers leads to Jersey’s relatively high incidence of claims of alleged bullying and

harassment and results in a relatively high number of Tribunal claims for constructive dismissal.

Employers accounted for a further 3449 (45%) requests for advice or guidance across a whole range of issues. Many employer requests are for information on how to deal with specific disciplinary or capability issues such as frequent absences. We often find it necessary to bring to employees' attention their contractual obligations to their employer and explain why their employer may be taking particular actions that the employee could find uncomfortable. Employers should note it is important for them to introduce well-constructed policies that are followed correctly, as these are helpful in dealing fairly with staff-related issues. Recent Tribunal claims have made employers increasingly aware of the need for detailed procedures to handle consultation with staff when, because of business restructuring for example, there is the possibility of redundancies. In advance of the anticipated Redundancy Law, we have spent considerable time advising employers on this matter, together with the need for fair redundancy selection procedures.

The range of employment matters on which we advise is diverse, with disciplinary and grievance, contractual disputes and general guidance on the Employment Law predominating, as can be seen:



The major problems faced by smaller organisations are due mainly to lack of proper written terms of employment, failure to follow a fair disciplinary procedure and failing to deal correctly with Public and Bank holidays.

## Conciliation in potential Tribunal Cases

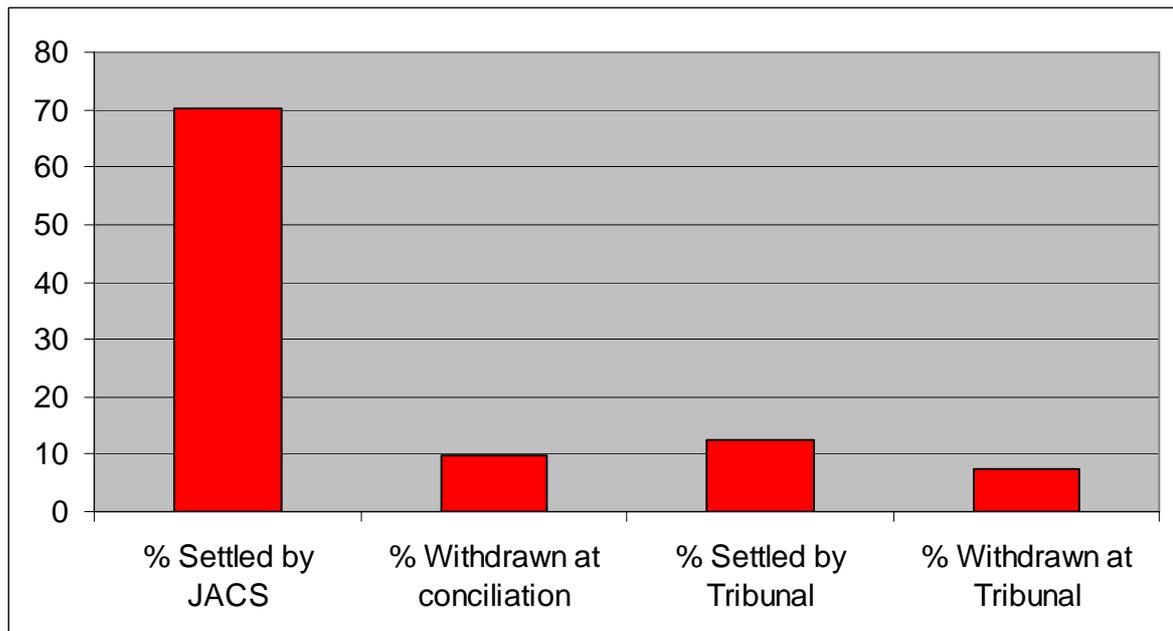
We regard our primary role as helping employers and employees to avoid disputes in the workplace and to assist by conciliation when disputes do occur. If an employee contacts JACS with a problem then, providing the employee gives us their permission, we normally contact the employer by telephone or in writing to hear the employer's point of view. This helps us to establish whether we believe there is an issue that may result in a Tribunal claim. If there is, then we encourage the employer and employee to resolve it themselves or, if that proves impossible, we offer to conciliate. The solution could be simply the issue of proper written terms of employment or the clarification of a particular clause in the employment contract. On occasions, it could involve the payment of significant compensation if the employer agrees that actions he had taken were likely to lead to a successful Tribunal claim by the employee or former employee. When disputes are settled in this way, with or without compensation, there is no need for either party to attend a public Tribunal Hearing.

While many hundreds of potential disputes are resolved without the need for the employee to submit a Tribunal claim, despite our best endeavours it is not always possible to reach an early settlement. Without a resolution, the employee may elect to submit a formal claim - sometimes the employee will have submitted a claim without first coming to JACS. When the Tribunal has received the claim and the employer's response, the documents are forwarded to JACS to allow us the opportunity to reach a settlement now that formal proceedings have begun.

In 2007, the Tribunal forwarded 185 cases to JACS. Of these, 135 were resolved and, at year-end, 50 cases were subject to ongoing conciliation or awaiting resolution.

Of the 135 claims that were resolved in 2007, 80% (108) were settled by conciliation or were withdrawn as a result of conciliation. The statistics are as shown in the following chart:

**Claims settled or withdrawn 2007**



Tribunal claims often comprise a number of different complaints, for example that an employee was dismissed unfairly and had not been provided with written terms of employment. An analysis of the 185 cases received in 2007 shows the following complaints:

Unfair Dismissal:	114
Payment of Wages:	48
Breach of Contract:	35
Redundancy:	8
Annual Holidays:	38
Minimum Wage:	5
Written terms/pay statements	22
Total	270 separate complaints

As was seen in 2006, Unfair Dismissal remains the most significant of the claims made, followed by claims about wages or salaries and breach of contract.

When the Employment Tribunal was established in 2005, the aim was to offer a cheap, accessible and non-legalistic process for resolving workplace disputes. The Tribunal system is effective in a number of respects, but some employers, particularly in smaller businesses, feel that even if a claim lacks merit they have to settle such claims before they reach a hearing, rather than incur significant costs, either in their own time in preparing for and defending a claim, or in legal fees.

We encourage employers who find themselves in such a position to discuss matters with us. After careful analysis of the claim, if we believe it has no merit, we discuss the issue with the claimant and sometimes, after considering the points made, the claimant withdraws their claim. This is reflected in the 10% of claims “withdrawn at conciliation” shown in the previous chart. If the claimant continues to press their claim and the employer truly believes it is without merit, or is vexatious, the Tribunal Chair has reiterated that the employer should seek a Directions Hearing – a relatively short hearing compared to a full Tribunal Hearing.

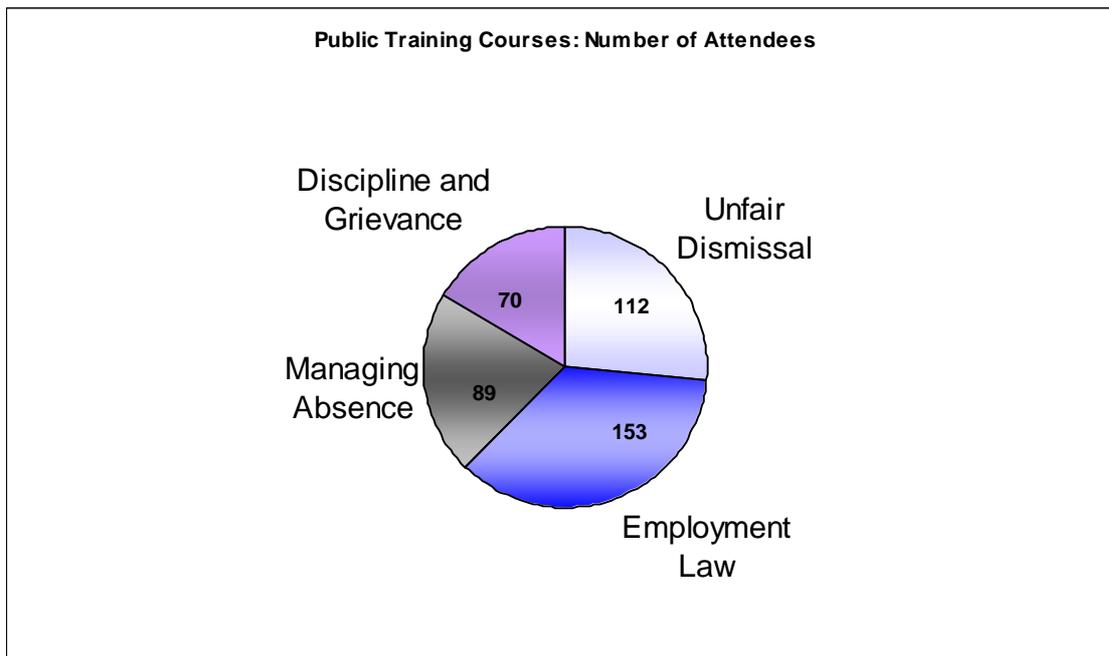
While weak and vexatious claims make up only a minority of tribunal applications, if they are not dealt with appropriately, they will undermine the credibility of the whole system and reduce confidence in its fairness and effectiveness. In our view, additional mechanisms to those described above are necessary to ensure that claimants are discouraged from taking forward weak or vexatious claims. One alternative would be for the Tribunal to have discretion to award costs, a facility that is available to tribunals in other jurisdictions. This facility could be introduced by an Order under Article 91(4) of the Employment (Jersey) Law 2003.

Much can be done by employers to reduce the likelihood of a claim being made against them. Bearing in mind the prevalence of unfair dismissal claims, the most important area on which employers should concentrate is ensuring that they adopt fair processes in dealing with matters of discipline or poor performance. The States of Jersey Code of Practice on Disciplinary and Grievance Procedures, which clearly sets out what is expected of an employer, has recently been amended to reflect the new statutory right to representation and can be found on our website [www.jacs.org.je](http://www.jacs.org.je) . If this code is properly used, an employer will not turn what otherwise would have been a fair dismissal into an unfair dismissal. Our website also contains a great deal of useful information, including a model process for redundancy consultation and selection – another area that has caused a number of difficulties for employers.

## Training

Our program of half-day training modules has continued to flourish. Thanks to the ongoing support of the Economic Development Department, we have been able to continue our policy of making no charge for attendance. Anticipating new legislation, particularly the Employment Relations Law and the right to representation at disciplinary or grievance hearings, we have updated the content that we deliver. A total of 425 business owners, line managers, supervisors, human resource specialists and trade union representatives from a whole range of organisations, large and small, attended one or more training modules. Of particular interest to delegates has been the inclusion of practical examples from the findings of the Jersey Employment Tribunal and the use of new case studies, ensuring that the training remains up to date.

In addition to our public program, we have provided free training, workshops or seminars to a variety of interest groups, including: Chartered Institute of Personnel and Development; Chamber of Commerce; Construction Industry; Inn Keepers; Chartered Institute of Company Secretaries and Administrators; Jersey Business School; Education; Recruitment Forum and Highlands College. In total, 35 such sessions were delivered by the JACS team and 1,100 delegates attended, bringing the number of course delegates for all of our training to 1,525. Many organisations have asked us to provide training tailored to their own needs and these sessions we deliver in-house on a cost recovery basis



We continued to respond to a number of requests to speak on various employment topics at conferences and seminars organised by others. These provide further opportunities to brief employers and employees about JACS' role, the provisions of the Employment Law and forthcoming developments and, of course, the benefits of adopting good employment practice.

## **Resolving collective disputes and improving relationships**

This year has been busier in regard to involvement in collective conciliation and advice. Employers, groups of staff and trade unions have regularly sought assistance throughout the year to resolve issues or disputes that have not been resolved by normal negotiation. JACS offers a range of alternative dispute resolution procedures such as conciliation (informal assistance to help both parties reach their own solution), mediation (which is more formal and may lead to non-binding recommendations being made by the mediator) and arbitration (a formal hearing, usually chaired by an employment relations expert selected from the same list of arbitrators used by Acas – arbitration leads to a binding award).

In 2007, the number of requests for assistance increased to 62 compared to 48 in 2006. Areas covered included pay disputes, grading claims, transfer of undertakings, redundancy, contractual disputes and workplace ballots.

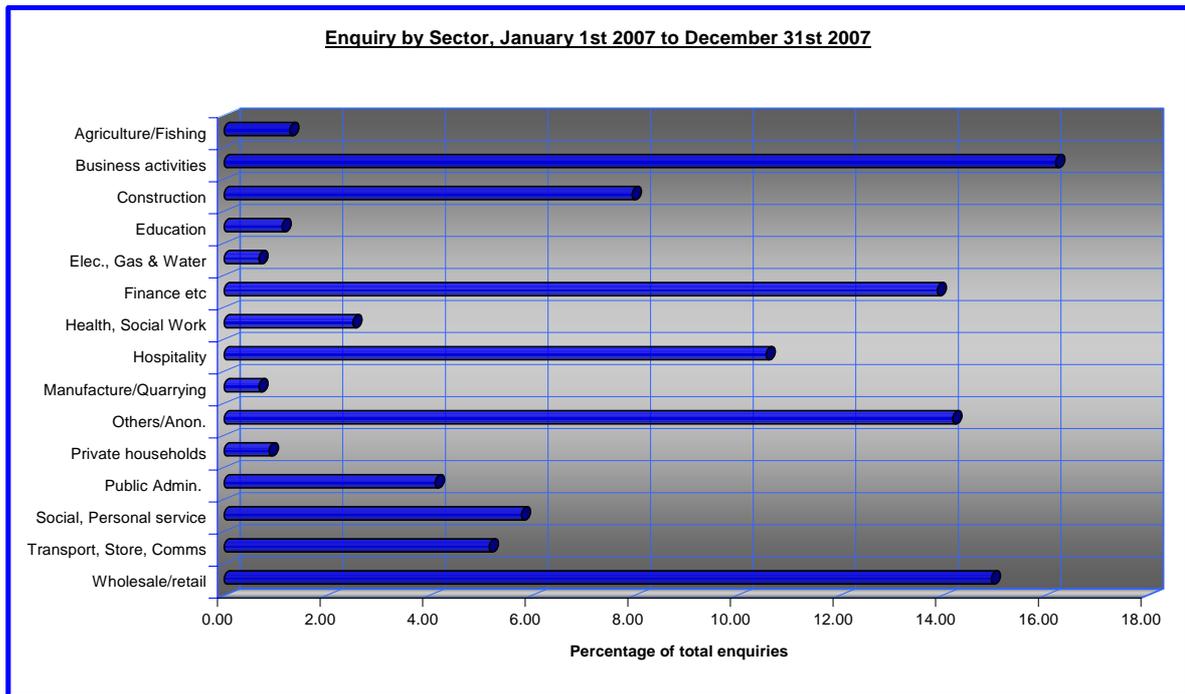
JACS adopts the appropriate role depending on the needs of the parties. The level of JACS involvement ranged from discussions with one or other of the parties, clarifying issues so that normal negotiations could resume, to full mediation, involving both parties, where we proposed potential solutions and moved between separate meetings until a point was reached where the parties accepted a particular proposal. Formal mediation meetings may last all day and often lead to an ongoing involvement giving us the opportunity to help improve communication and working relationships in the organisation.

## **Organisations working with JACS**

We deal with many issues other than disputes. In 2007, over 3,400 requests were received from employers for advice and guidance, many of these not dispute-related. We have always enjoyed a good working relationship with HR professionals, but one of our problems in the past has been reaching out to smaller organisations that do not employ a dedicated HR specialist. Through our training courses and probably due to the publicity given to Tribunal cases, this year over 50% of the employers seeking assistance employed less than 50 staff and, of these, more than 800 employed fewer than 10 staff.

Smaller organisations are particularly vulnerable to the financial impact of a successful Tribunal claim being made against them. While all employers, irrespective of size, have clear obligations and responsibilities under the Employment Law, we recognise the difficulties faced by busy owners or managers trying to cope with a whole raft of laws and regulations. We strongly encourage them to make full use of JACS' services and the statistics indicate that we are getting the message across to this vital group of employers.

There are a number of interest groups that represent smaller businesses and through the good offices of organisations such as the Chamber of Commerce, Licensed Innkeepers, Building Federation and others we have been able to provide tailored information sessions for their members at times of the day most suitable for them. A full analysis of the enquiries from the various sectors that make up our diverse economy is given in the following bar chart.



## Staffing

Despite the increase in workload and complexity of cases, we have maintained our permanent staff level at three team members since 2001, supplemented during the past year by a temporary, part-time receptionist/administrator. While we have met our published standards of service, it has proved increasingly difficult to provide the immediate response often needed by our clients. Consequently, to ensure we continue to provide an effective service, at the end of the year we took the decision to recruit a fourth team member on a permanent, part-time basis to support the three full-time team members. We hope that this relatively modest increase in permanent staff resources will allow us to deal with the demands anticipated in 2008, particularly when the States introduces new legislation over the next 12 to 18 months.

## Managing our Finances

In 2007, the total cost of running JACS was approximately £275,000 compared to budgeted expenditure of £290,400. Expenditure included all operational costs, for example rent, rates, insurance, utility services, provision of free training, printing, upgrading of I.T. facilities and equipment to accommodate a fourth team member, permanent and temporary staff salaries and related costs such as pension contributions, Social Security contributions and staff training.

Our grant from Social Security Department increased to £292,000 under a medium/long-term funding agreement reached in 2005. This has allowed JACS to have available sufficient funds to employ the additional part-time team member referred to earlier and to maintain and improve service levels while maintaining other facilities provided, such as free training for the Island's employers and employees.

Careful cost control over the years has resulted in the accumulation of a financial reserve. During 2007, the Board agreed to return £50,000 to Social Security Department as the reserve was in excess of anticipated requirements.

An un-audited Financial Summary is included at the end of this report. Audited accounts will be prepared by Mazars C.I. Limited.

## **Future Plans**

In our reports for the past two years, we pledged to continue our focus on the needs of smaller businesses – an area that we see as vulnerable in the absence of dedicated human resources functions. We have succeeded in doing this as highlighted earlier in this report and we are pleased to note that over 50% of those organisations making contact with JACS are organisations employing less than 50 staff. We will continue this focus in 2008.

We reiterate our commitment to raise awareness of the important issues through a comprehensive training programme focused on the new legislation, via the media and through our everyday role in dispute resolution advice. Employers will face new challenges in 2008 and beyond, particularly in relation to anticipated Discrimination, Redundancy and Transfer of Businesses (TUPE) legislation as well as the proposed Maternity, Paternity and Family Friendly Law. Our training courses, workshops and seminars will reflect these new obligations and we will continue to arrange such sessions on an early morning, lunchtime or evening basis when necessary to assist smaller organisations whose staff may find it difficult to attend during normal working hours.

We shall continue to develop the skills and knowledge of the JACS team to ensure that we keep up to date with developments in employment law in other jurisdictions as well as in Jersey, so that we can respond effectively when asked to do so by those responsible for developing further legislation. By ensuring that our knowledge base is maintained, we believe we can best serve the needs of employers, employees and trade unions.

## **Summary**

2007 has been a year in which the Employment (Jersey) Law 2003 has been accepted as part of business life – Phase I of the employment legislation will soon be complete with the enactment, in January 2008, of the Employment Relations (Jersey) Law 2007. The States of Jersey will shortly be moving on to Phase II of the legislation program, which will have significant implications for employers of all size in every employment sector.

While the call upon JACS' services has been consistently high, year on year comparison suggests that, in terms of advice centred on current legislation, we have reached a plateau. The impact of Phase II will doubtless raise the bar in terms of demand and our ability to respond to the needs of employers and employees will be regularly reviewed. Many employers continue to seek advice to ensure that their policies and actions conform to good employment practice and to the law. However, despite considerable publicity of the consequences arising from Tribunal Hearings for those employers who do not meet their legal obligations, not all employers have responded as proactively as they should. Yet again, we repeat the message to those that ignore the need for review and change. Unless such employers take urgent steps to adopt good practice and to meet their legal obligations they are likely to be found wanting by the Employment Tribunal when it deals with employee complaints about unfair treatment.

In 2007, we continued our efforts to help employers and employees to avoid the adverse consequences of disputes. While it is inevitable that disagreements will arise in the workplace, effective communication, sound policies and procedures and a joint effort to resolve differences has proven time after time to be more productive than confrontation. Working together creates greater efficiency, greater profitability where that is necessary and greater benefits for all those contributing to that success.

**David Witherington**  
**Director**

**31<sup>st</sup> January 2008**

## **About JACS**

**To assist in the building of harmonious relationships between employers and employees, both collectively and individually and thereby help improve the performance and effectiveness of organisations.**

### **Our values**

Our role is to seek to resolve conflict, maximise agreement and encourage employment policies and practices that contribute to improvements in performance, organisational effectiveness and quality of working life. We are committed to helping employers and employees to develop positive ways of working together, to their mutual benefit. We will promote employee involvement and we will:

- act independently and impartially, with integrity and professionalism
- respect confidentiality
- be accessible to all and respond promptly to all requests for information or assistance
- use resources cost effectively within budgets
- continue to develop a highly motivated and committed workforce able to deliver our services courteously, efficiently and effectively.

### **Activities**

In working towards our mission we will provide a number of key services such that we shall seek to:

- prevent and resolve industrial disputes
- resolve individual disputes over employment rights
- provide impartial information and advice on employment matters
- improve the understanding of industrial relations.

In providing any of our key services we will be ready to identify other ways in which JACS' involvement might improve industrial relations.

### **Service standards**

#### **Preventing and resolving collective disputes**

JACS assists parties seeking settlement of collective disputes on employment issues by way of conciliation, mediation or arbitration. JACS can also assist in preventing and resolving problems at work by providing advisory mediation. JACS is not able to insist on the acceptance of its assistance or to impose any solution for an issue in dispute. Before providing assistance JACS encourages parties to make full use of any agreed procedures they may have for negotiation and the settlement of disputes.

#### **Advisory mediation**

Advisory mediation enables JACS to work jointly with employers, employees and employee representatives to help overcome problems which threaten to damage the employment relationship or which constitute a major obstacle to organisational effectiveness.

We will:

- acknowledge all requests for assistance within five working days
- discuss fully the nature of the problems and what help might be provided and, where appropriate, be ready to suggest alternative sources of assistance
- explain our role and working methods and agree clear terms of reference
- provide advisory mediation only when there is joint participation of the employer, employees and/or their representatives.

### **Collective conciliation**

This is a voluntary process whereby employers, trade unions, and worker representatives can be helped to reach mutually acceptable settlements of their disputes by the involvement of an impartial and independent third party.

We will:

- acknowledge all requests for assistance within 24 hours, whether made separately or jointly, and seek to reach agreement on how and when we should assist
- offer assistance where no request has been made where we consider it appropriate
- provide appropriate assistance for as long as a dispute continues
- explain to the parties that they alone are responsible for their decisions and any agreements reached

### **Arbitration and mediation in disputes**

Arbitration involves the parties jointly asking a third party to make an award that they undertake to accept in settlement of the dispute. Mediation involves the third party making recommendations as a basis for settlement. JACS will normally agree to mediate or to arrange arbitration only when it has not been possible to produce a conciliated settlement.

We will:

- maintain access to a panel of independent, impartial and skilled arbitrators and mediators from whom we make appointments
- assist parties to agree clear terms of reference for arbitration or mediation
- explain to parties that arbitration is to settle the issue between them and they are committed to accepting an award
- provide parties with a nominated arbitrator/mediator and details of any hearing arrangements within five working days
- arrange for reports and awards to be provided simultaneously to both parties within 3 weeks of the hearing.

### **Resolving individual disputes**

JACS conciliation officers have a duty to attempt to conciliate settlements of disputes where complaints have been or could be made to a court or tribunal under relevant employment protection legislation. Conciliators offer to assist both parties involved in a dispute to reach a voluntary settlement without the need to go to a formal hearing.

We will:

- write to or telephone applicants and (as necessary) respondents, or their named representatives, giving information about the conciliation process together with a named contact and an offer to conciliate. We will do this either:
  - within five working days of receiving copies of a formal complaint from the offices of a relevant body, or
  - within five working days of receiving directly from an employer or employee, or their named representatives, a claim that a formal complaint could be made to a relevant body and where no settlement has already been reached
- take prompt further action as soon as requested by either party or, if no request is received, when it is useful to do so
- keep the parties informed about the options open to them and their possible consequences whilst not expressing an opinion on the merits of a case
- seek to promote reinstatement or re-engagement, if the complaint is of unfair dismissal, before any other form of settlement
- not disclose information, given to a conciliation officer in confidence, to any other party unless required to do so by law
- encourage the parties to consider the consequences of proposed settlement terms and to seek further advice if necessary
- encourage the parties to record the terms of a settlement in writing as quickly as possible.

### **Providing information and advice and promoting good practice**

We provide a telephone enquiry service ready to respond to queries from individuals on virtually all employment matters (other than job vacancies and health and safety), including the rights, protections and obligations which employment law provides. We do not provide legal advice for particular cases.

We can provide more extensive advisory assistance and we also publish advice and promote good employment relations practice.

### **Enquiry point (Trinity House, West's Centre, Bath Street, St. Helier, Jersey, JE2 4ST)**

We will:

- respond to all telephone queries promptly, courteously and accurately
- identify ourselves by name to all enquirers
- answer written enquiries within five working days
- see personal callers promptly or make an appointment with a named member of staff.

### **Advisory assistance**

Where an enquiry is too complex to deal with in a telephone conversation, we will:

- suggest an appropriate JACS or other publication, or
- suggest an appropriate JACS conference, seminar, or workshop, or
- arrange a meeting at a mutually agreeable time and place, or
- suggest other sources of help, such as trade unions, employers associations and the Citizens Advice Bureau.

### **Publishing advice and promoting good practice**

We will use our experience of working with organisations and the results of any research we carry out to promote good employment relations practice. In particular we will provide:

- conferences
- seminars
- small firms workshops
- advisory booklets, handbooks, occasional papers and other publications.

Written material will be readily available, in hard copy or electronic format, and provide practical, accurate guidance. Material will be available on our website [www.jacs.org.je](http://www.jacs.org.je)

In order to recover costs there may be a charge for some publications, conferences, workshops and seminars.

**SCHEDULE TO THE DETAILED ACCOUNTS (DRAFT)**  
**For the year ended 31 December 2007**

	<b>2007</b>	<b>2006</b>
	<b>£</b>	<b>£</b>
<b>TURNOVER</b>		
Grant received	242,125	284,500
Other income	<u>13,950</u>	<u>11,200</u>
	<u>256,075</u>	<u>295,700</u>
	<b>2007</b>	<b>2006</b>
	<b>£</b>	<b>£</b>
<b>ADMINISTRATIVE EXPENSES</b>		
Auditors' remuneration	2,710	2,975
Rent	21,600	21,600
Depreciation	3,781	3,781
Staff costs	201,607	175,663
Motor running costs	3,795	3,735
Travel and entertainment	2,003	2,669
Stationery, printing and production	2,730	1,908
Telephone	2,180	2,282
Computer support and maintenance	4,393	6,046
Marketing and advertising	9,621	8,053
Subscriptions	1,718	979
Legal and professional	129	696
Equipment/room rental	4,134	4,910
Sundry expenses	4,821	5,017
Light and heat	2,554	1,792
Service charges	4,671	4,865
Insurances	2,843	2,843
Repairs and maintenance	0	4,955
Arbitration costs	<u>0</u>	<u>1,200</u>
	<u>275,290</u>	<u>255,969</u>
	<b>2007</b>	<b>2006</b>
	<b>£</b>	<b>£</b>
<b>INTEREST RECEIVABLE</b>		
Bank interest receivable	<u>14,740</u>	<u>8,045</u>