

The Jersey Advisory and Conciliation Service 2008



Annual Report 2008

The Jersey Advisory and Conciliation Service

ANNUAL REPORT 2008

Page 3	Board members and staff
Page 4	“Year 2008 in numbers”
Page 5	Chairman’s Foreword
Page 7	Director’s Report
Page 19	About JACS

Annual Report 2008

The Board

Chair	Michael Berry
Deputy Chair	Tom Slattery
Board members	Edmund Daubeney John Noel (retired 27 th November 2008) Lorna Pestana Kevin Keen David Warr

The JACS Team

Director	David Witherington
Team members	Patricia Rowan, Senior Advisory and Conciliation Officer Patricia Weston, Advisory and Conciliation Officer Chrissie Snell, Administration and Advisory Officer

JERSEY ADVISORY & CONCILIATION SERVICE

YEAR IN NUMBERS – 2008

(2007)

8575	(7696)	Enquiries received in total
4521	(4247)	Employee enquiries (or others on their behalf)
4054	(3449)	Employer enquiries (up 605)
1985	(1806)	Enquiries from employers employing less than 50 staff, 990 of which employing less than 10 staff.
1138	(1100)	Attendees at 43 workshops and public training courses
299.5	(292)	Thousand pounds received as annual States Funding (£7,500 [2.5%] increase from 2007 funding level).
153	(62)	Requests for advice or conciliation in respect of collective disputes and trade union recognition.
127	(135)	Claims passed to JACS by the Tribunal
96	(108)	Tribunal claims resolved, 73 (76%) by conciliation
22	(23)	Thousand visits made to our website www.jacs.org.je
7	(7)	Board members
4	(3)	Staff members, including 1 part-time advisor/administrator
1	(1)	Website: www.jacs.org.je
1	(0)	New employment law in force in Jersey during 2008.

Chairman's Foreword

It gives me great pleasure to introduce the 2008 Annual Report of the Jersey Advisory and Conciliation Service, my eighth and final Foreword as I retire from the Board this month.

This past eight years is a period for which I and my fellow Board members, past and present, can take great pride in the work of others, i.e. David Witherington and the JACS team. How successful has JACS been?

As an accountant, I am impressed by facts and figures, and the "Year in Numbers" on the previous page sets out how successful JACS has become. The volume of enquiries that JACS now receives in a year tells us not only that David and his team have been busy once again, but that so many individuals and companies continue to seek their advice and services. The split of those enquiries between employee and employer – very close to 50% each – demonstrates that JACS is truly open to all, and is perceived as an expert advisor and honest broker. Approximately one half of the employer enquiries arise from companies employing less than 50 staff, which demonstrates that JACS has reached many sectors of the business community.

Over a thousand people a year now attend a JACS workshop or public training course, demonstrating that JACS has built up a considerable reputation for relevant and helpful training.

At the sharper end of the spectrum of services offered by JACS, David and team have received over 150 requests for help or advice in respect of collective disputes and trade union recognition. With regard to individual Tribunal cases, 76% of claims received have been resolved by conciliation, without the need for a time consuming and stressful tribunal hearing. JACS is a virtual success too – our website has now reached an annual hit rate of some 22,000.

Indeed, every year I have commented upon the successes that JACS has achieved, and it is easy to take those successes for granted. It would be a mistake to do so. JACS was formed in 2001 following a period of consultation between the States, employers, employer groups, employee groups and indeed the public at large, as it sought to work towards "Fair Play in the Workplace". It was widely accepted that there was a gap between our island's approach to managing employee/employer relations and that adopted by most other modern economies.

The "Jersey Way" to address this gap was to talk of partnership. It was essential, therefore, that alongside the legislative process, there was and is the availability of a service to provide advice, guidance and support that is readily accessible and, importantly, free. But success was not a given.

To be successful in its role, JACS had to be many things. The team needed to be multi-skilled and be able to keep up-to-date with emerging legislation and associated issues. It needed to demonstrate impartiality and fairness and become an independent and objective advisor. JACS needed to quickly establish a reputation for trust, and then maintain that reputation consistently. The team needed to work hard.

It is not only the numbers that demonstrate that these objectives have been admirably achieved. I continue to hear extremely favourable comments about the work of the team, and I am sure that there are many more employers and employees alike who have benefitted from the service that JACS provides.

The JACS team itself has, I hope and believe, thoroughly enjoyed meeting its challenges. Over the eight year period, only one member of staff has left the team and, in addition to June Summer Shaw's replacement, Patricia Rowan, we have more recently recruited Chrissie Snell as the fourth member of our busy team. David Witherington and Trish Weston have served throughout the period. The continuity of staff within a small team is very important, so well done to David and the Board for establishing an environment in which its own team is comfortable to work.

Of course, this is not the time for JACS to rest on its laurels, with forthcoming legislation in the areas of discrimination, redundancy and business transfers and family friendly provisions. There is more hard work to be done but, knowing David, Patricia, Trish and Chrissie, I don't think they would have it any other way.

I would like to thank my fellow Board members for their contributions during 2008; indeed, thank you to them and previous Board members for their service over the last eight years. In addition to my own retirement, John Noel has also retired from the Board, and we will be replaced in 2009 by John Moulin and Julie Crabtree; I trust that they will gain the same satisfaction from working with JACS that John and I have. I would also like to thank the former Social Security Minister, Senator Paul Routier, and his colleagues for their support over the years.

Finally, I wish Tom Slattery, our new Chair, well in continuing to support and guide the excellent JACS team, admirably led by David Witherington. JACS is a Jersey success story, and long may it continue to be so.

Mike Berry

Chairman

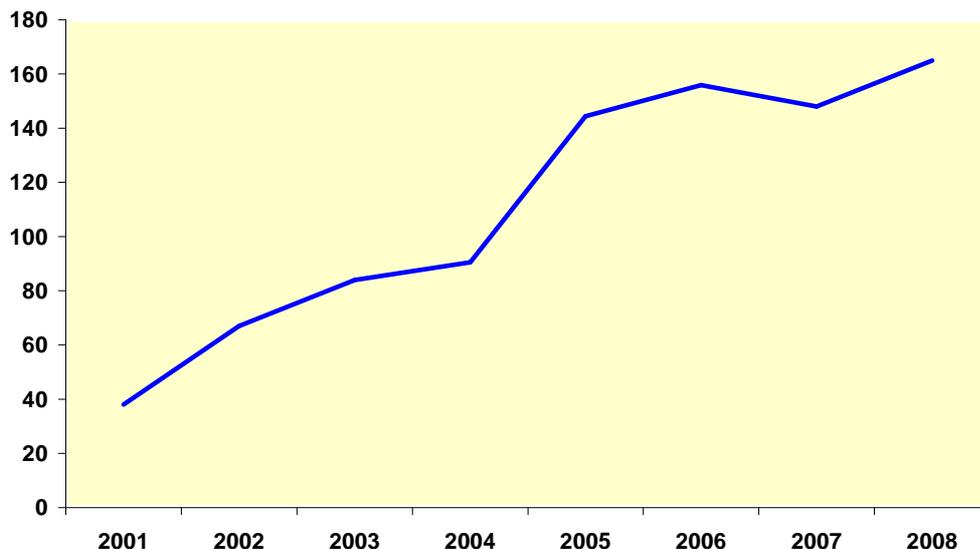
Director's Report

The year began with the expectation that we would see the introduction of the first part of the Discrimination Law, namely Race Regulations, but the Law has been delayed and most recent information suggests that it will not come into effect until the latter part of 2009. Nevertheless, at JACS we have been busy in developing our understanding of how discrimination legislation can impact employment relations and it will be seen from the section on training, later in my report, that this has been an active area in the past 12 months.

While the Employment (Jersey) Law has now become part and parcel of employment relations, in January 2008 the States enacted the final part of phase 1 of employment legislation, the Employment Relations Jersey Law 2007, together with three supporting Codes of Practice. This law deals with trade union recognition; balloting and conduct in employment disputes; resolving collective disputes. There is no doubt that the law has added some structure to collective employee relations and, despite the reservations expressed by trade unions, it is pleasing to note that both employers and unions are using the framework provided by the law to deal with recognition and employment disputes in a more orderly manner. JACS has been asked to take an active role in dispute resolution by unions and by employers more frequently than in the past and has helped parties in dispute to reach settlements and avoid the risk of damaging confrontation. Our guidelines to this new law are available in hard copy or on our website www.jacs.org.je

Once again the call on our services, measured in terms of client contacts, has been significant and 2008 has seen an increase in activity of 11% to 8575. Coupled with this increase in an already significant workload, the complexity of cases that are brought to us has added its own pressure on resources. It is for this reason that the ongoing training of our own team is so important to the service that JACS provides.

Client Contacts Per Week in 2008



To an even greater extent than previously, employers and employees are contacting JACS for advice before an issue escalates into a dispute. Nothing pleases the team more than helping to avoid damaging confrontation – and nothing frustrates us more than employers and employees ignoring the basic necessities that underpin good employment relations. For example, it continually amazes us that more than 3 years after the Employment Law came into force, a number of employers fail to issue written terms of employment within the required 4 week period from the date of employment. It is worth reiterating, 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 and, therefore, a criminal offence. To help employers, a model framework for written terms of employment is available on our website www.jacs.org.je together with a great deal of other helpful information. We continue to offer our services to employers who wish to review and update their contracts of employment, application forms or staff handbooks and encourage employers to attend our series of free, half-day training courses which remain in high demand.

Advice and guidance remains an important feature of our work but inevitably disputes do arise in the workplace and dispute resolution occupies a great deal of our time. While the “headline” news may suggest that Employment Tribunal cases are the inevitable end result of workplace disputes, the majority of such problems 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. Of the 20/25% of disputes that do result in Tribunal claims, around three-quarters of these are settled by one of our Conciliation Officers working with the parties in dispute to resolve matters before the date the Tribunal claim is due to be heard.

Conciliation in potential Tribunal Cases

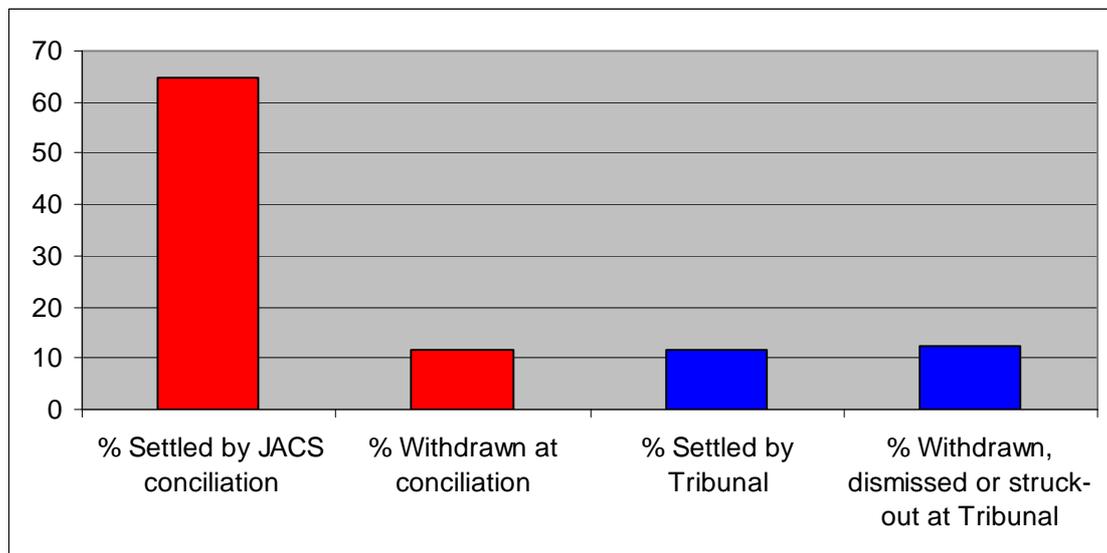
Many jurisdictions, including Jersey, now regard mediation as being important in developing a non-litigious society and mediation as a dispute resolution tool is increasingly promoted in the Island. Since our inception in April 2001 JACS has successfully offered conciliation services to those with employment disputes (conciliation and mediation are, in effect, the same) and one of our primary aims is to help 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. If action is taken early enough the solution can be remarkably straight forward e.g. simply the issue of proper written terms of employment or clarification of why the employer has taken a particular decision.

On occasions, usually when the dispute has been ongoing for some time and has resulted in more serious consequences such as unfair dismissal or constructive dismissal, the solution involves 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.

Year on year it has proved possible to settle hundreds of potential disputes without the need for litigation. However, it is not always possible to reach an early settlement and the employee may elect to submit a formal claim to the Tribunal. On occasions an employee will have submitted a claim without first coming to JACS. Unless one of the parties expressly refuses to consider conciliation, the Tribunal Secretary sends a copy of the claim and the employer's response to JACS to allow us the opportunity to reach a settlement now that formal proceedings have begun.

In the calendar year 2008 (the Tribunal's figures are slightly different as its annual report covers the period July 2007 to June 2008) the Tribunal forwarded 127 new cases to JACS. Of these, 96 were resolved and, at year-end, 31 cases were subject to ongoing conciliation or awaiting resolution. Of the 96 new claims that were resolved in 2008, 76% (73) were settled by conciliation or were withdrawn as a result of conciliation. A further 25 claims that had been carried forward from 2007 were successfully conciliated, making 98 in total.

Claims settled or withdrawn 2008



There are frequently a number of different issues set out in Tribunal claims, each issue being a different head of claim that first has to be identified, for example that an employee was dismissed unfairly and had not been provided with written terms of employment or adequate holidays. An analysis of the 127 claims received in 2008 shows the following separate heads of claim. Also shown is a comparison with 2007.

	2008	2007
Unfair dismissal (incl. constructive dismissal and redundancy):	78 (39%)	114 (45%)
Payment of wages:	44 (22%)	48 (18%)
Rest periods and annual leave:	33 (16%)	38 (14%)
Breach of contract:	25 (12%)	35 (13%)
Written terms/pay statements:	16 (8%)	22 (8%)
Minimum wage:	3 (1.5%)	5 (2%)
Pay in lieu of notice:	2 (1%)	-
Unauthorised deductions from pay:	1 (0.5%)	-
Total	202	270

As in previous years, Unfair Dismissal remains the most significant of the claims made, followed by claims about wages or salaries, termination of employment and holiday pay.

I have stated previously that some employers feel that even if an unfair dismissal claim is based solely on a procedural fault they have to settle such claims in full before they reach a hearing, although the employee behaved badly or performed poorly, simply because they see little point in putting forward the reasons for dismissal as the award is based on a set formula to calculate the amount of compensation, irrespective of the behaviour of the employee. This will shortly be addressed in that the States has adopted an amendment to the Law that will come into force in the first half of 2009, subject to Privy Council approval. Once in force the Tribunal will have the power to reduce the compensation where an employee has contributed to his or her own dismissal. Perhaps more controversially, the amendment also gives the Tribunal the power to order the re-employment of an unfairly dismissed employee instead of a financial award in certain circumstances.

One other issue gives some employers cause for concern – that is when an employee makes a vexatious claim on the basis that “there is nothing to lose”. 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 number of claims “withdrawn at conciliation” on the previous page. If the claimant continues to press their claim and the employer truly believes it is without merit, or is vexatious, the Tribunal Chair has stated that the employer should seek an Interim Hearing – a relatively short hearing compared to a full Tribunal Hearing.

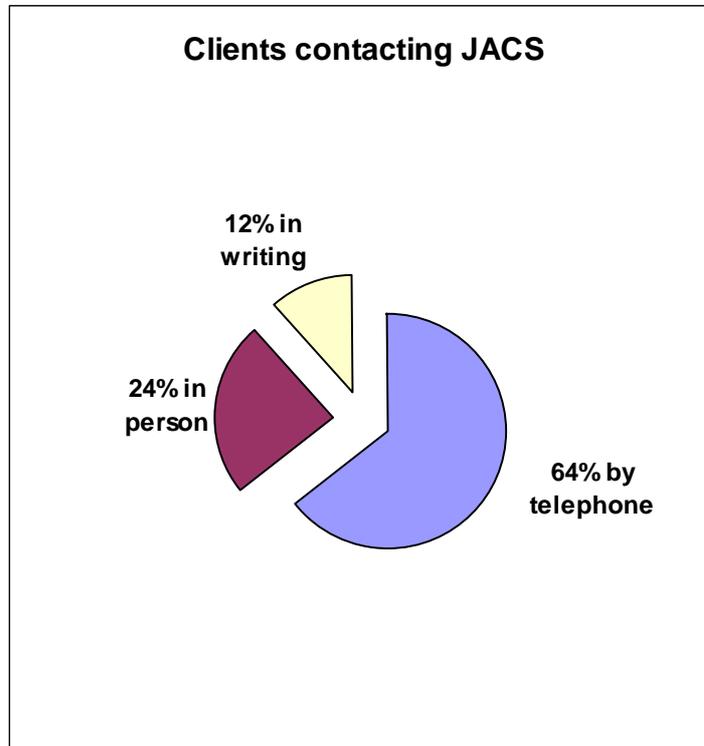
There remains one main way in which employers can reduce the likelihood of a claim being made against them. Bearing in mind that unfair dismissal claims remain the most significant and are certainly the most expensive if the claim succeeds, employers should concentrate on ensuring that they adopt fair processes in dealing with matters of discipline or poor performance. The Code of Practice on Disciplinary and Grievance Procedures clearly sets out what is expected of an employer and can be found on our website www.jacs.org.je It has recently been updated to include the amendment that provides for an employee to have the right of representation by a work colleague or trade union official in a disciplinary or grievance hearing. 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 still causes difficulties for employers.

Contacting JACS

While our website provides a valuable source of assistance to employers and employees, with individuals making more than 22,000 visits, many clients like to discuss their needs on a face-to-face basis or by telephone. About a quarter of clients are personal callers, either by appointment or by “drop-in”, but our main point of contact remains our advice line (730503) with around two-thirds of clients contacting us by telephone. Our advice line is available from 08.30 to 17.00, Monday to Friday.

In addition to the website and verbal advice, we have continued to update and develop our model policies and procedures. 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 and 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

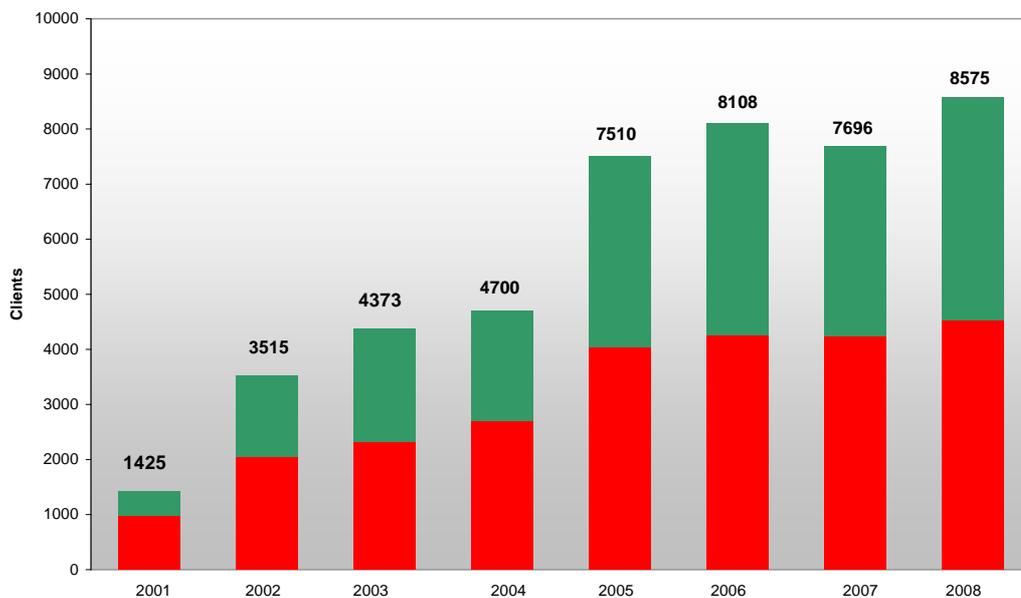
Throughout the year, 165 clients contacted us on average each week (individual cases often give rise to multiple contacts) which was, as previously stated, an 11% increase compared to the 2007 level of 148 per week. Employees and those persons acting on their behalf accounted for 52% of client contacts (4521).

Many of the problems with which we become involved are very complex. For example claims of bullying and harassment by their very nature require careful exploration and the use of investigative interviewing techniques in order to establish the facts behind the allegations. This year has seen a significant increase in the time spent with employers on matters associated with redundancy as Tribunal cases have raised awareness of the pitfalls and many employers require assistance in planning meaningful consultation with "at risk" employees, how best to warn potentially redundant employees of the possibility of redundancy without destroying morale in the rest of the workforce, the consideration of meaningful alternatives to redundancy and the use of a fair selection process when compulsory redundancy is necessary.

On a practical note, it is regrettable that some employees who lose their jobs due to redundancy are not fortunate enough to have worked for one of the larger organisations that pay redundancy compensation. In the absence of any legislation, such employees are only entitled to receive their contractual or statutory notice. As the public consultation on redundancy process and compensation legislation was completed almost two years ago, it is

to be hoped that the States will soon be asked to approve an amendment to the Employment (Jersey) Law so as to provide for financial compensation to redundant employees, including the provision of an insolvency fund. Such compensation would provide some financial buffer to those unfortunate enough to suffer redundancy, thereby providing a breathing space while they seek alternative employment, possibly involving some retraining.

Client contacts 2001 - 2008: Employer and Employee



For the third year in succession, I express my concern and that of my colleagues at JACS at the number of staff that allege they have been harassed, bullied or discriminated against at work. The problem extends to all races and genders, right across the employment spectrum. One of the major problems, even for those organisations that take the matter very seriously, is the inordinate time taken to investigate allegations of bullying, the poor standard of investigation in some cases and the reluctance to deal with “bullies in high places”.

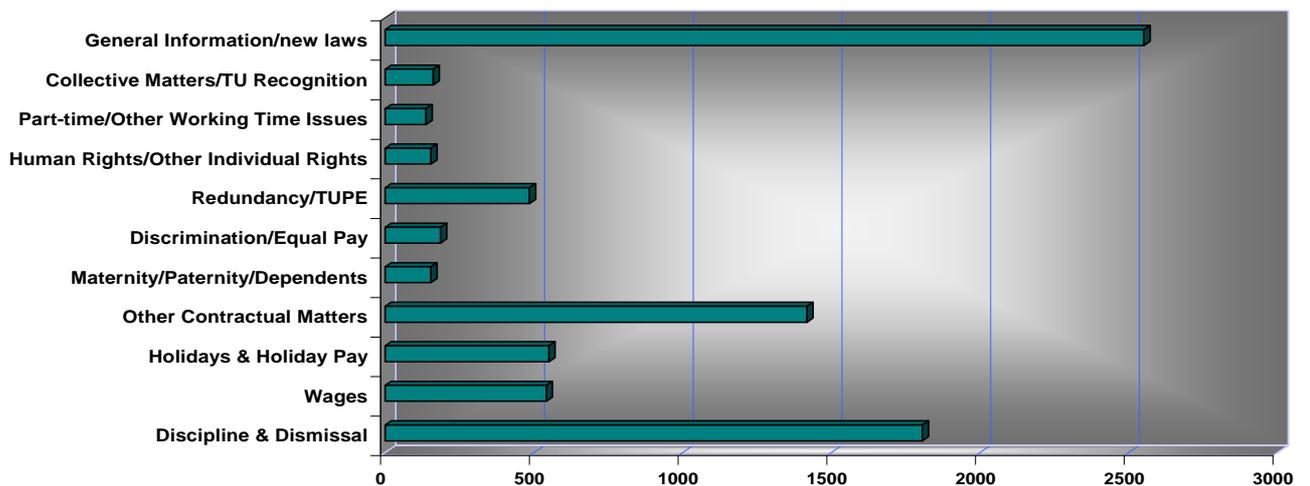
With this in mind, we are currently developing a half-day training course based around the video “Bully Beware” which we hope to offer on a free of charge basis (as is the case for all our public training courses) towards the latter half of Spring 2009. If the interest is as great as we believe it should be, then the course will be added to our regular program of training. Finally while on this subject, the following extract from my 2007 report is worth reiteration. *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 hope that 2009 will see the introduction of the Discrimination Law in Jersey. While it will not specifically deal with bullying (initially this will deal with Race Discrimination but it is intended to include Sex, Disability and Age Discrimination in successive years) we remain of the view 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.

The range of employment matters on which we advise is diverse. In addition to general advice, disciplinary and grievance, contractual disputes, redundancy, holiday pay and wage disputes predominate.

Enquiry Subject Volume January to December 2008

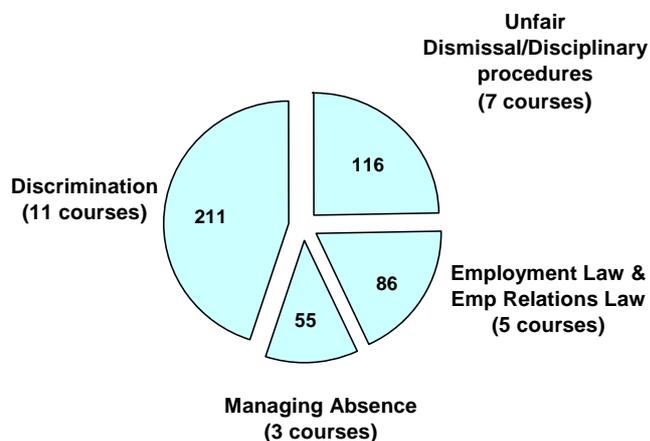


Smaller organisations' problems are often caused by the lack of proper written terms of employment and a failure to follow a fair disciplinary procedure.

Training

Our expectation, along with many others, was that Discrimination Law would be introduced in mid 2008 and demand for training was high. We responded by running 11 training courses on this specific subject, attended by over 200 delegates. While other priorities meant that the States did not debate the draft law, our training effort was not wasted as many organisations have taken the opportunity to review their policies and procedures in the light of anticipated legislation – as a result they will be better prepared and will cope more easily with the Discrimination Law when it is introduced, probably in 2009/10.

Public Training Courses 2008: Number of Attendees



As well as the discrimination training program we continued to run our 'old favourites', having redesigned and refreshed the content to reflect changes to legislation and the findings from various Tribunal cases. In total, 468 delegates attended our courses, including business owners, line managers, supervisors, human resource specialists and trade union representatives from a whole range of organisations, large and small. Feedback was very positive and thanks to the ongoing support of the Economic Development Department, we have been able to continue our policy of making no charge for attendance.

In addition we have provided free training, workshops or seminars to a variety of interest groups, including: Chartered Institute of Personnel and Development; Hoteliers, various States Departments, Inn Keepers: Jersey Business School; Education; Recruitment Agencies and Highlands College. In total, 17 such sessions were delivered by the JACS team and 670 delegates attended, bringing the number of course delegates for all of our training to over 1,100.

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, forthcoming developments such as discrimination legislation 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

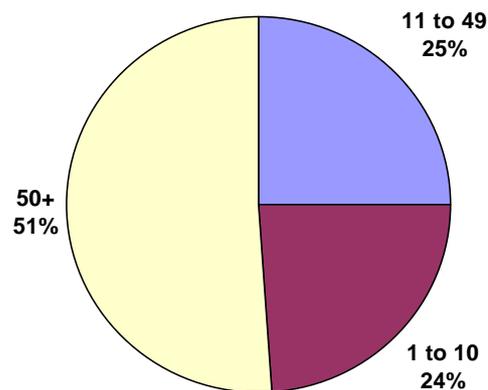
formal hearing, usually chaired by an employment relations expert selected from the same list of arbitrators used by Acas – arbitration leads to a binding award).

In 2008, the number of requests for assistance increased markedly to 153 compared to 62 in 2007. 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

Clients contacting JACS by organisation size

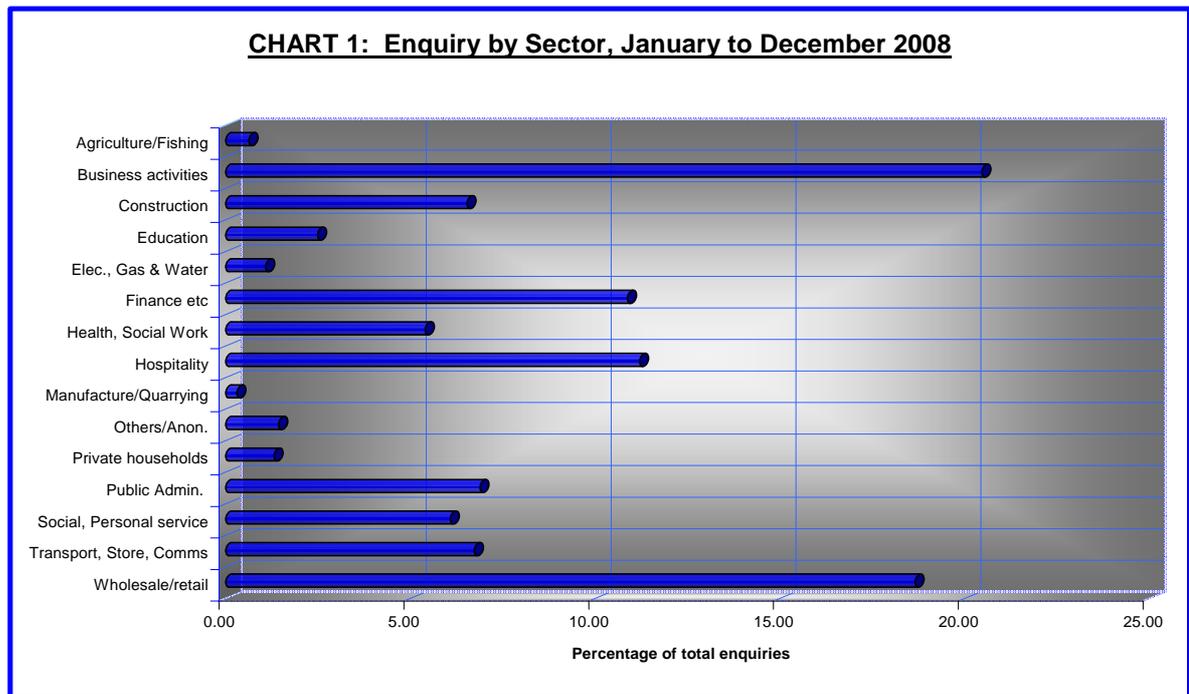


We deal with many issues other than disputes. In 2008, the number of employers requesting advice and guidance increased by 17% to 4054, and requests for assistance covered a very wide field from simple contractual issues to complex restructuring or dispute resolution. While any size organisation has free access to advice it was pleasing to note that 49% of organisations (i.e. 1985) employed less than 50 staff, and half that total employed fewer than 10 staff. In order to ensure that smaller organisations and employees were aware of JACS, for the first time we used commercial radio to advertise our services and feedback suggests that it has been effective in 'spreading the word'.

All employers, irrespective of size, have clear obligations and responsibilities under the Employment Law although we recognise the difficulties faced by busy owners or managers trying to cope with a whole raft of laws and regulations. It is these smaller employers that frequently lack HR specialists which can easily fall foul of the Employment Law. We strongly

encourage them to make full use of JACS' services and the statistics indicate that they are doing so in increasing numbers.

A full analysis of the enquiries from the various sectors that make up our diverse economy is given in the following bar chart.



Staffing

At the end of last 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. Chrissie Snell joined us in February 2008 and has proven that she is an effective receptionist/administrator who has quickly learned to provide sound, first-level advice. As a consequence we have continued to meet our published standards of service, despite the complexity and volume of matters referred to us.

Managing our Finances

In 2008, the total cost of running JACS was approximately £298,000 compared to budgeted expenditure of £315,500. 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, staff salaries and related costs such as pension contributions, Social Security contributions and staff training.

Our grant from Social Security Department increased by 2.5% to £299,500 under a medium/long-term funding agreement reached in 2005. This has allowed JACS to meet all the demands placed on services and to maintain and improve service levels while continuing to provide other facilities, such as purchasing new training videos to increase the effectiveness of the courses we run for the Island's employers and employees.

Our accounts will be audited by Mazars C.I. Limited and presented to the Social Security Minister as required by the Jersey Advisory and Conciliation (Jersey) Law 2003.

Future Plans

In the next year or two we expect to see the introduction of a number of new laws, or amendments to the Employment Law, covering Discrimination, Redundancy and Transfer of Businesses (TUPE) legislation as well as the proposed Maternity, Paternity and Family Friendly Law. 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 Jersey, as well as in other jurisdictions, so that we can respond effectively to developments locally. By ensuring that our knowledge base is maintained, we believe we can best serve the needs of employers, employees and trade unions.

We reiterate our commitment to raise awareness of the important issues through a comprehensive free training programme focused on the new legislation, via the media and through our everyday role in dispute resolution advice. In addition we will do our utmost to help employers understand the damage to their businesses and to the health and wellbeing of their employees that can result from stress, bullying and harassment in the workplace – hence our resolve to provide meaningful training in this difficult area.

In our recent annual reports we have 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 approximately 50% of those organisations making contact with JACS are organisations employing less than 50 staff. We will continue this focus in 2009.

Summary

The Employment (Jersey) Law 2003 is now an accepted part of business life. Phase I of the employment legislation was completed with the enactment, in January 2008, of the Employment Relations (Jersey) Law 2007. We expect the States of Jersey to now move on to Phase II of the legislation program, which will have significant implications for employers of all size in every employment sector.

While disputes do arise between employees and their employers, in 2008 we have seen a willingness to resolve problems by mediation rather than by litigation or industrial action. Such an attitude fosters a healthier and more stable employment relations environment. It appears likely the economic conditions that prevail globally will test us all and will give rise to a new set of problems as organisations struggle to control costs and to restructure their business. Effective communication, sound policies and procedures and a joint effort to resolve differences has proven time after time to be more productive than confrontation and will be even more essential in the future to ensure success.

Many employers continue to seek advice to ensure that their policies and actions conform to good employment practice and to the law and we reiterate the need to deal fairly with the consequences of change. JACS will continue to provide a professional, impartial advisory service to employers, employees and trade unions and we encourage everyone to make full use of it.

Finally, I would like to record sincerest thanks to my Chairman, Mike Berry, who retired from the Board on 29 January 2009. Mike's advice, encouragement and sense of humour have been much appreciated during our first 8 years and I will miss his presence. We are fortunate, however, in that the Deputy Chair, Tom Slattery, has agreed to step up to lead the Board and I am certain that with his support and that of the other Board Members, JACS will continue to flourish and serve the needs of the Island.

David Witherington
Director

29th January 2009

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

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