

The Jersey Advisory and Conciliation Service

ANNUAL REPORT 2014



R.19/2015

The Jersey Advisory and Conciliation Service

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Annual Report 2014

The Board

Chair	Tom Slattery (Stepped down November 2014)
Deputy Chair	Sarah Beirne (Chair from November 2014)
Board members	Ed Daubeney (Stepped down September 2014) Zoe Blomfield Craig Channing Alison Mellor Lynda Vautier (Appointed July 2014) Jimmy McCormack (Appointed September 2014) Donna Abel (Appointed November 2014)

The JACS Team

Director	David Witherington (Retired March 2014) Patricia Rowan (Appointed April 2014)
Team members	Martin Buckland Deputy Director (Appointed April 2014) Patricia Weston, Advisory and Conciliation Officer Sharon Timoney Advisor and Outreach Bruno Sousa Administration Officer

Chairman's Foreword

I am pleased to introduce the 2014 Annual Report of the Jersey Advisory and Conciliation Service, since becoming Chairman in November 2014.

During 2014 we have continued to see some improvement in the economic outlook, in particular in parts of the finance industry, however the recovery remains slower in the non-financial services sector. There have been some excellent initiatives established by the Social Security team in assisting unemployed people to re-enter the workforce. Statistics show a steady decline in the figures although the Island still has more than 1400 people registered as actively seeking work as at the end of December 2014.

The number of contacts recorded by JACS has declined again this year, although this should not be seen as a reduction to the workload as a whole. The number of queries relating to redundancies has fortunately dropped significantly over the year. However the nature of the queries has become more detailed and complex as the basic knowledge employers and employees have of Employment Law is growing. As a result the basic queries regarding minimum wage and annual leave have decreased. Additionally the JACS website remains a strong and much used resource which is demonstrated by the increased numbers of users along with many new contacts registering for the JACS newsletter in the last quarter of 2014

The Outreach service which has been running since September 2013 has presented JACS with the opportunity to engage more proactively with smaller organisations and to ensure they are aware of the services JACS offer. This has led to even better relationships with employers who do not have a dedicated HR function. They can now access the services that JACS offers at a time and place that is more suitable to them rather than being constrained to regular 'office hours'. The engagement with smaller business means they receive an understanding of the statutory requirements under the legislation and also of the importance of having such documentation in place. I wish to extend my thanks to both of the Social Security Ministers and the team for the additional funding JACS have received to enable this valuable business resource to continue beyond the initial pilot project.

Understandably individual workplace disputes do arise and those that cannot be resolved unfortunately often result in claims to the Employment Tribunal. However there has been a decline in the number of Tribunal claims passed through to JACS by the end of the year, of around 8%, which is encouraging. Conciliation of Tribunal claims plays a very important part in our work. Tribunal claims can be a stressful process for both parties involved as well as time-consuming and costly. This year many new claims were resolved without the need for a Tribunal hearing due to the intervention of JACS conciliating with both parties and achieving resolution. In real terms 111 cases were resolved by 3 JACS conciliators.

The Board has ensured that JACS continues to meet its statutory obligations which are reflected in the revised Service Level Agreement with Social Security Department as well as a separate Agreement with them covering the Outreach Services. In addition the Board has met

regularly on a quarterly basis reviewing comprehensive activity reports produced by the Director of JACS in order to enable it to monitor activity and operational expenditure against agreed budgets. This ensures that States funding is effectively used in a proper manner and we are satisfied that JACS has achieved its' objectives.

Ed Daubeney retired from the Board in July 2014. Ed was a founding member of the JACS Board and his contribution over the years cannot be overstated and I and the Board will certainly miss his practical guidance and wholehearted commitment to JACS.

Tom Slattery also retired as Chairman from the Board during 2014 and he too will be greatly missed. Tom has been a Board member of JACS since 2004 and the Chairman since 2009. On behalf of the Board I thank him for conscientious, practical and constructive input as well as his unwavering support and loyalty. I am looking forward to the future confident that we have a balanced representation on the Board, combining expertise from both the employer perspective and employee perspective, having made three new Board appointments under the auspices of the Appointments Commission during 2014 and we are grateful to Professor Ed Sallis for his assistance with these appointments.

I am very grateful to all the Board members who have served during 2014 and thank them for their continued support and for freely giving of their time and experience. On behalf of the Board I would also like to express our appreciation to both the former Social Security Minister Senator Francis Le Gresley, and the current Social Security Minister Deputy Susie Pinel for their support and to their team in the Department for their help in sustaining a positive and constructive relationship with JACS.

David Witherington the founding Director of JACS retired in 2014. David set up JACS in 2000, and it was his professionalism, knowledge and passion for developing employment relations that were the major factors in JACS gaining and maintaining its high and continuing reputation. I have worked with David for many years and would like to formally offer sincere thanks on behalf of the Board and wish him well in his retirement.

Finally I would like to extend the Board's thanks to Patricia Rowan and her team for their enthusiastic commitment during 2014 and to helping JACS continue to achieve its prime objective of improving industrial relations on the Island.

Sarah Beirne
Chairman

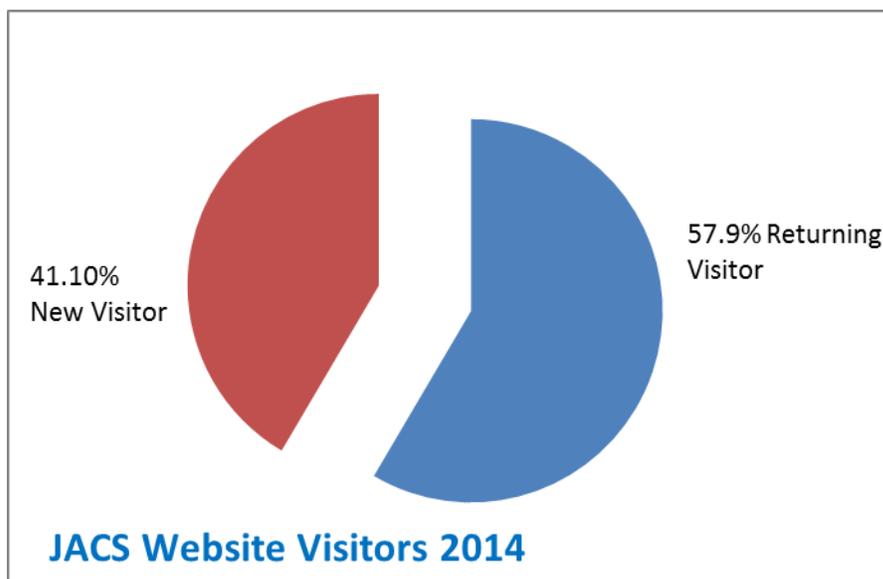
Director's Report

Overview

JACS has seen many changes in 2014 both internally and externally with what appears to be a slight turn around compared to the previous more difficult trading conditions for most sectors of the economy. This is not to say that some businesses are still struggling, and organizations are being re-structured to meet the demands of the market and consumer, but such re-organizations have decreased, and this is reflected in the far fewer contacts JACS is receiving related to redundancy.

We have continued to experience a reduction in the number of client contacts, which peaked during the height of the recession. Our data shows that in 2014 we received a total of 6656 client contacts. However it should be noted that such data alone does not reflect the time-consuming nature of advisory work, and changes regarding the queries we receive, reflects the complex nature of the queries that JACS now receive.

As the Employment Law has been with us now for over 9 years a significant change has taken place regarding the number of the more routine enquiries related to the basic employment issues such as annual leave and minimum wage. These have significantly reduced. The 24/7 asset of our website – www.jacs.org.ie – has contributed to this reduction as employers and employees are able to access a significant amount of information; along with the e-newsletters JACS sends out. During 2014 our website had over 41,095 visitors compared to 32,092 in 2013.



Pre-claim conciliation (PCC)

At times where problems and/or disagreements within a workplace look as though it may end in a claim being lodged with the Tribunal; JACS offer an impartial pre-claim conciliation (PCC) service. This free service is aimed at helping employers and employees find a solution which is

acceptable to both parties and avoids the costs, stress and time associated with an employment tribunal.

In the UK the Dispute Resolution Review (The Gibbons Review), published in 2007, highlighted the benefits for both employers and employees of the resolution of workplace disputes swiftly and with minimal formality before they escalate into litigation. The report further points out that often resolutions reached through this process may provide outcomes that are not possible through the Tribunal process. JACS has offered a PCC service for many years and in 2014 we successfully helped employees and employers in 179 instances to resolve their disputes through PCC; the reduction from 319 in 2013 is reflective of the corresponding reductions to the number of redundancy situations that have come through to us. However this is considered to be a valuable part of the JACS service as without this, many of the 179 issues are likely to otherwise have resulted in claims to the Tribunal.

Not all of these PCC requests result in the contract of employment being closed, and thankfully many more settlements were reached that allowed the employment relationship to continue, for example disputes about holidays, pay, contractual terms, disciplinary actions and grievance issues.

Conciliation in potential Tribunal Cases

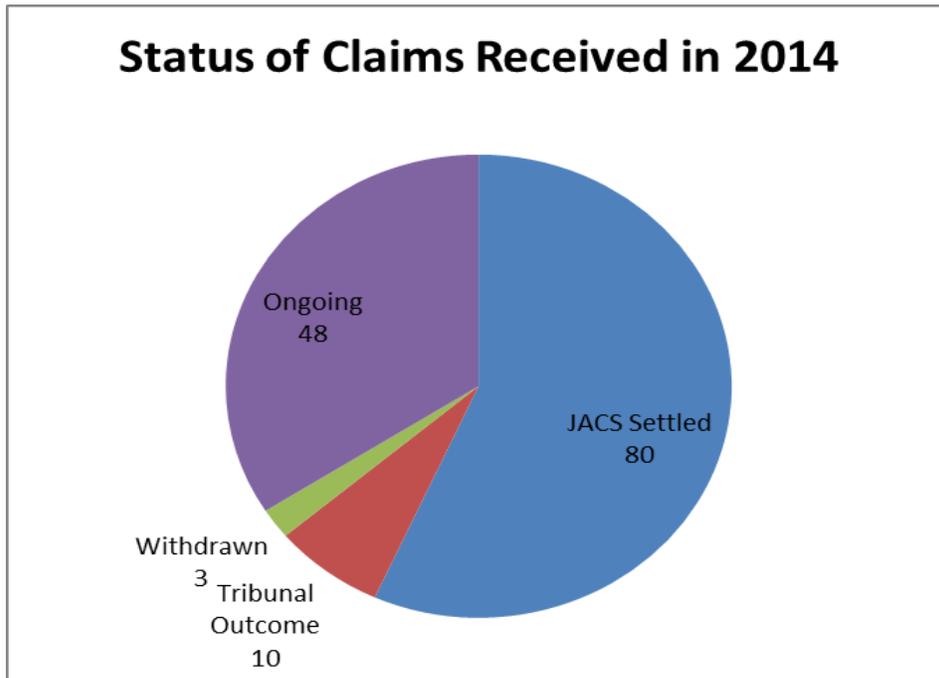
The number of Employment Tribunal claims passed to JACS for conciliation in 2014 (143) has decreased compared to 2013 (172). Disputes will always arise in the workplace and whilst the early dispute resolution is an important service offered by JACS and the PCC service prevents a significant number of potential claims from being made, not all matters can be dealt with at an early stage.

The process of conciliation is often lengthy and may extend over a long period of time; sometimes continuing until the actual Tribunal hearing date. There are parties who sometimes appear to be reluctant to engage in conciliation until the potential Tribunal date approaches, however we believe the sooner matters are dealt with then the easier it is for the parties to resolve issues without the time and expense involved in preparing the documentation that bringing or defending a claim requires.

Once a claim has been lodged with the Tribunal a Case Management Meeting with the parties involved is likely to be held by the Tribunal as part of the process. This CMM is held in order to determine the heads of claim and to ensure that the information and evidence that a full Tribunal Hearing will require is prepared and available. This approach has been proven to be very helpful as it focuses the thoughts of the parties to the dispute and often encourages them to enter into conciliation resulting in a conciliated settlement and a withdrawal of the claim from the Tribunal process.

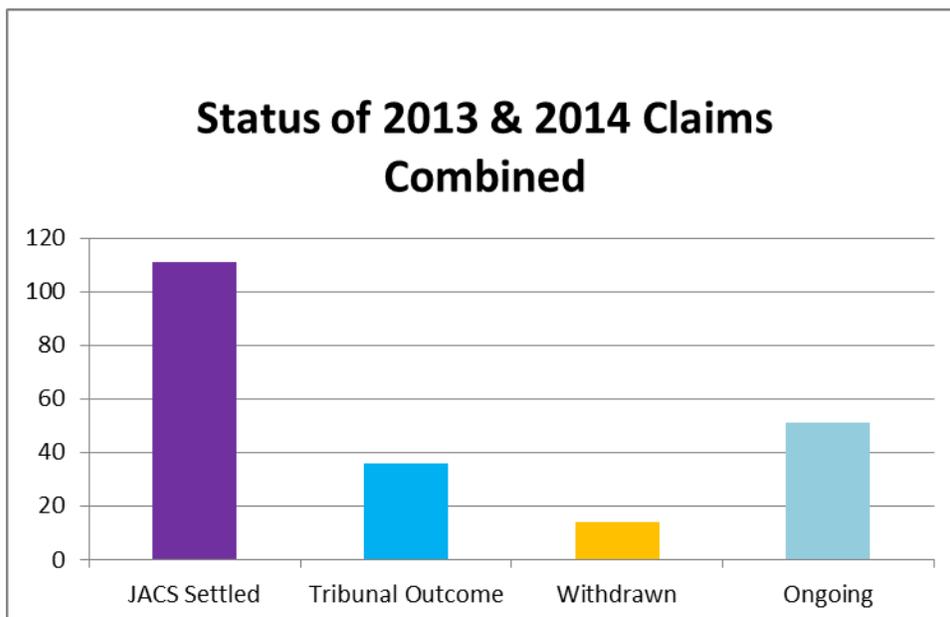
In 2014, of the 141 new cases forwarded to JACS by the Tribunal a total of 100 have been settled: 80 were settled by JACS conciliation, 1 was settled by the action of the Tribunal and 3 were subsequently settled or withdrawn by the parties themselves. This is frequently down to the Applicants taking further advice from their lawyers and/or having discussions with JACS.

At year-end, 48 cases were subject to ongoing conciliation or awaiting resolution and are carried forward to 2015.



At the start of 2014, 71 cases had been carried forward from 2013. Of these, 68 were resolved during the year: 31 by JACS conciliation; 26 via Tribunal Hearings; 11 claims were withdrawn and 3 claims remain outstanding.

Combining 2013 and 2014, a total of 212 claims were active in 2014 and during the year 168 cases have been resolved one way or another, as shown in the following chart:



In April 2014 an improved Code of Practice for Disciplinary and Grievance Procedures was released, however, 130 of the Tribunal claims lodged last year were stand alone or included a head of claim for either unfair or constructive unfair dismissal. The JACS website contains processes and procedures along with guidance notes for use when dealing with such matters. If employers follow similar procedures then the likelihood of resolving a problem without resorting to dismissal increases greatly; if however dismissal is necessary, then evidence of having followed best practice will mean that the risk of a successful claim being made is much reduced.

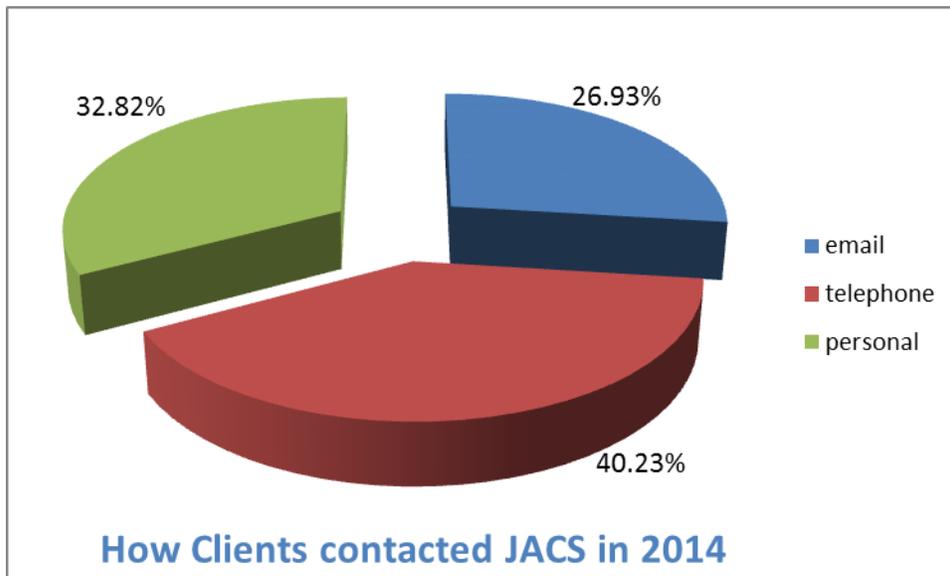
Resolving collective disputes and improving relationships

During 2014 JACS were asked to assist in the counting of 3 ballots and the year was much quieter than recent years in respect of collective disputes, and those that did arise were resolved swiftly.

JACS were asked by both Unions and Employers to assist with Recognition Processes in 2014. The framework for recognition is set down in the Codes of Practice and fall under the Employee Relations (Jersey) Law 2007, and as long as the union density check for the proposed bargaining unit demonstrates the union has sufficient employees as members of the union then the next step is for both parties to negotiate a recognition agreement. JACS have undertaken several such union density checks in 2014 and the parties involved have gone on to establish their recognition agreements.

Contacting JACS

The location and position of our offices in West's Centre means that a significant number of the contacts JACS receives are personal callers – either by appointment or as a 'drop-in'. In 2014 we welcomed 2158 (32.82%) personal callers to our offices. However, it is our advice line 730503 that remains the main point of direct contact, with 2678 (40.23%) of our clients contacting us via telephone between the hours 08.30 to 17.00, Monday to Friday. The percentage of email queries remains lower, but has shown an increase when compared to last year with 1793 (26.93%) of client contacting us via this route.



The re-design and re-structuring of our website, www.jacs.org.je has again demonstrated that this is a valuable tool with both employers and employees utilizing the site. The top 5 topics that are searched for are:

- General employment legislation in Jersey
- Best Practice for Employers
- Redundancy procedures and payments
- Model policies and procedures
- Tribunal

Our periodic newsletter is sent out when we either have significant developments in employment matters and/or when we advise of our training. Signing up to receive these (through the JACS website) is very straightforward and we are seeing new joiners on a weekly basis. We currently have around 1100 regular subscribers to this facility.

Below are a few examples of additional information/guidance added to our website to assist clients:

- Pro-forma letters for use during any disciplinary process;
- An investigation guide for both grievance and disciplinary processes;
- Put out alerts on the website as the count down to the implementation of the new Discrimination (Jersey) Law 2013;
- The new Code of Practice for disciplinary and grievance;
- Guidance notes 12 months ahead of Maternity and Family Friendly amendment is expected to be implemented;
- Extended guide to the Discrimination law;

Outreach Service

During 2013 the Social Security Minister commissioned a review of the Jersey Employment Tribunal by Darren Newman LLB, an employment law expert and writer. In his report he noted that some concern had been voiced that small businesses often found it difficult to take time away from the workplace to seek advice and training from JACS or from other sources and some employers do not seek help until a problem arises. Other employers saw employment legislation as too complex and as a barrier to employing staff. Therefore as a direct response to these concerns the Outreach Service was launched. The Service offers guidance and advice to primarily small employers to enable them to understand and comply with the essential requirements of the Employment Law. The 12 month pilot scheme ended in August 2014, however due to the success of this service the continuation of this was made viable due to further additional funding.

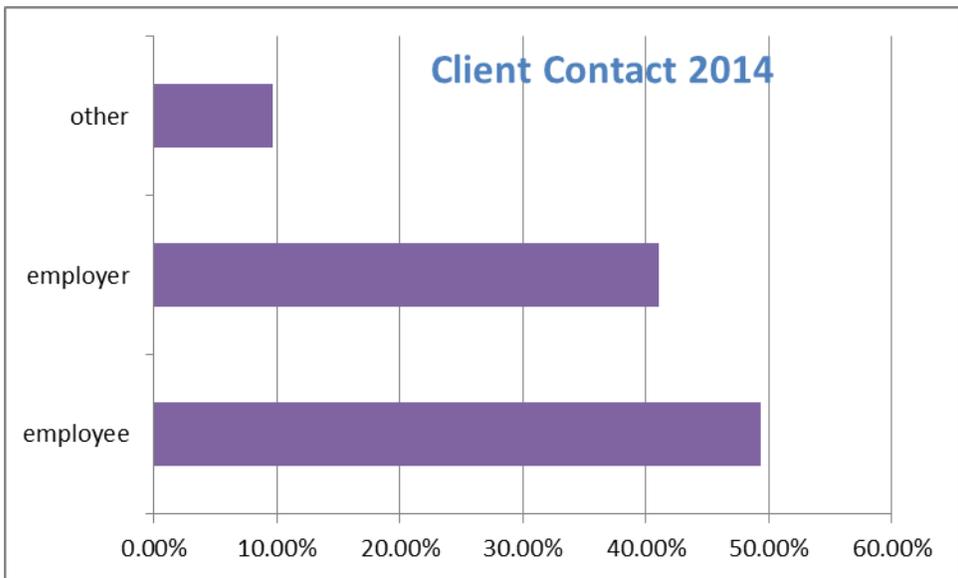
The Outreach service is available at times and places to suit the employer, such as out of town workplaces, either within or outside normal office hours, and is offered proactively to employers, typically those employing ten or fewer employees.

The Outreach service gives straightforward and practical advice to employers and helps them develop an essential toolkit of employment documents, including discussions around the utilization of the correct terms of employment appropriate for the business are in place as well as pay slips and policies and procedures, such as a disciplinary and grievance procedure.

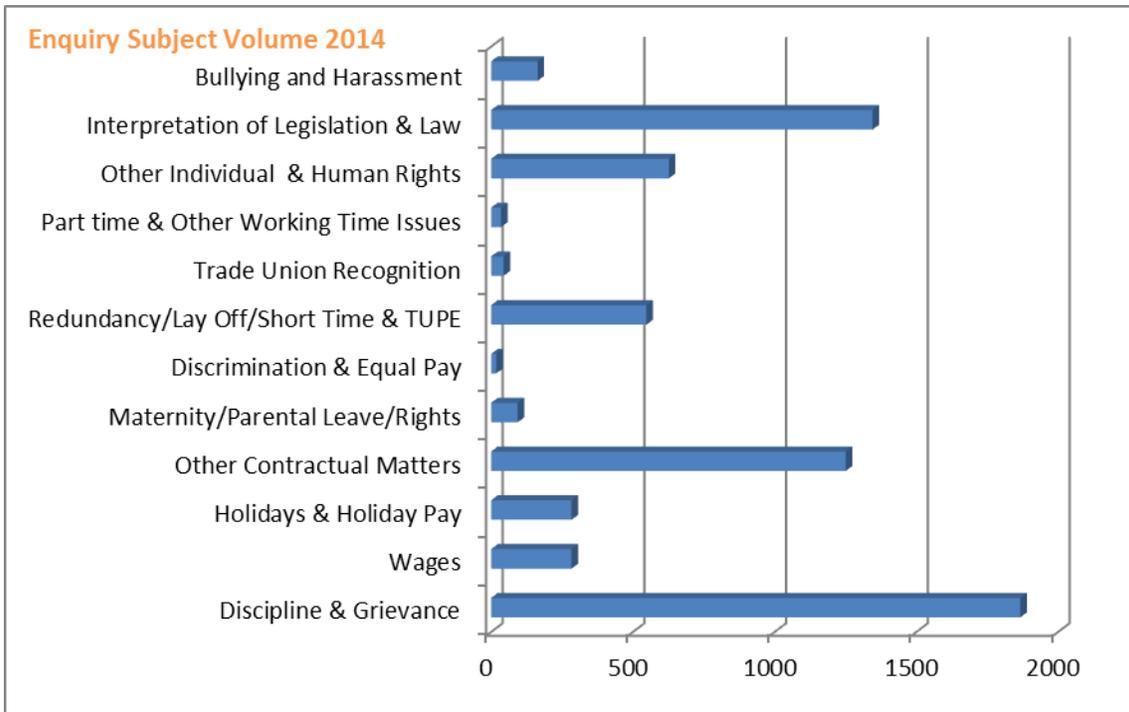
Owners of small businesses or those starting new businesses find the information particularly helpful in terms of understanding their obligations as employers. The quality of the Outreach service is monitored by a questionnaire which employers are requested to complete in the weeks following initial contact. Without fail all respondents have stated they are pleased with the service in terms of timeliness, documentation and general information provided. In 2014 the Outreach Service provided significant assistance to 341 employers, particularly focusing on terms of employment and written procedures covering such essential areas as disciplinary and grievance policies and advice on maternity and family friendly rights that are envisaged to be in place late in 2015.

Information, advice and conciliation

Throughout the year 128 clients contacted us on average each week, a lower number than in 2013 (169).



As previously mentioned whilst we do still deal with a number of basic issues such as statutory holiday entitlement or minimum wage, increasingly employers and employees appear to be more aware of their obligations and statutory rights, hence the decline in client contacts in general as many of the more fundamental answers to queries can be found on our website.



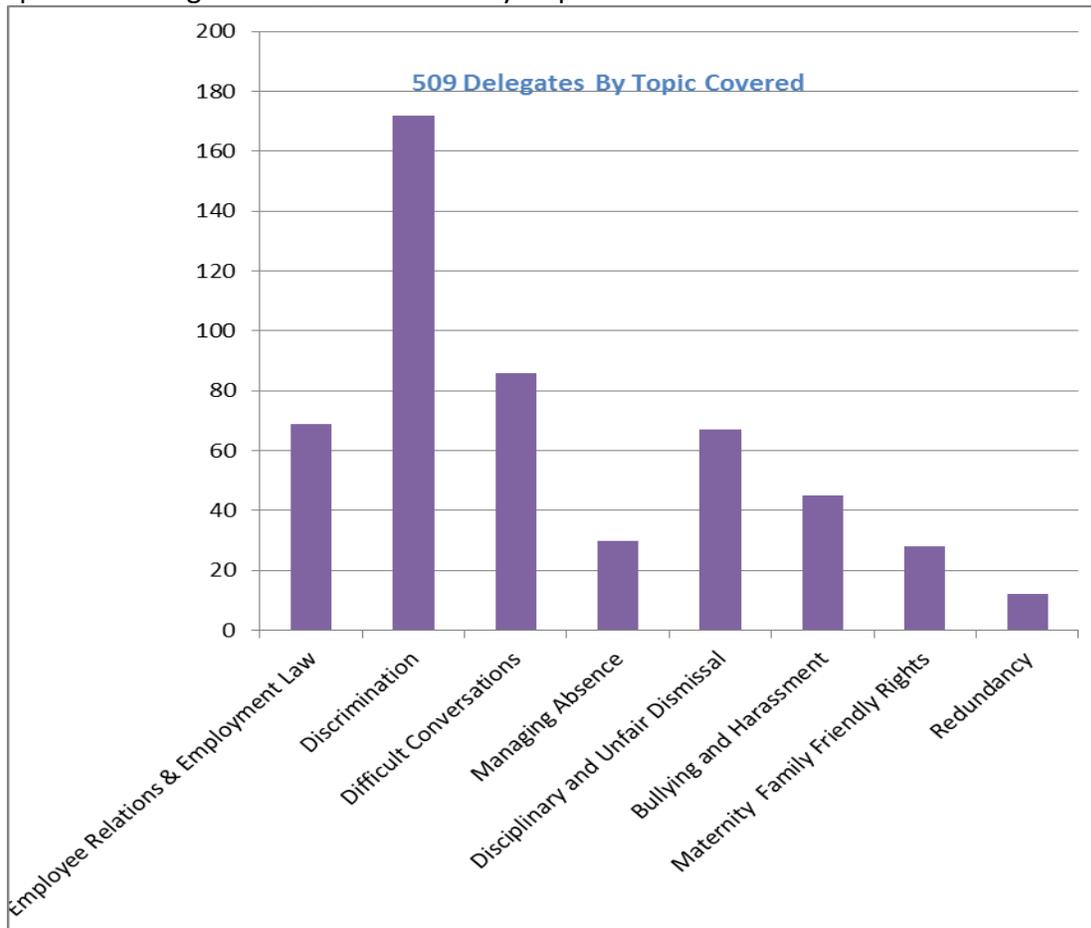
The volume of queries broken into subject continues to show similar trends to previous years, the two major differences are with redundancy and collective issues showing a decline for 2014.

Training and Other Support Services

The main emphasis for JACS remains in assisting to prevent disputes and problems from arising in the first instance. Although the settling of Tribunal claims or resolving disputes are an important part of our work, this only occurs once the employment relationship has broken down. For any organization having well trained managers, supervisors and staff representatives is an important factor in ensuring good employment relations operate across the business. Our program of public training courses remains very popular, particularly with individuals who are new to the responsibilities of management as well as the more experienced who want to update their knowledge or learn about new legislation that has either come into effect in recent months or is anticipated in the near future.

Throughout 2014, JACS ran 31 half-day public training courses, attended by 509 delegates. Whilst we continue to focus on those issues that appear to cause most problems in the workplace or have the greatest potential to cause problems for employers in their management of staff, our sessions on Discrimination legislation and more recently Maternity and Family Friendly Rights have proven to be popular and well attended.

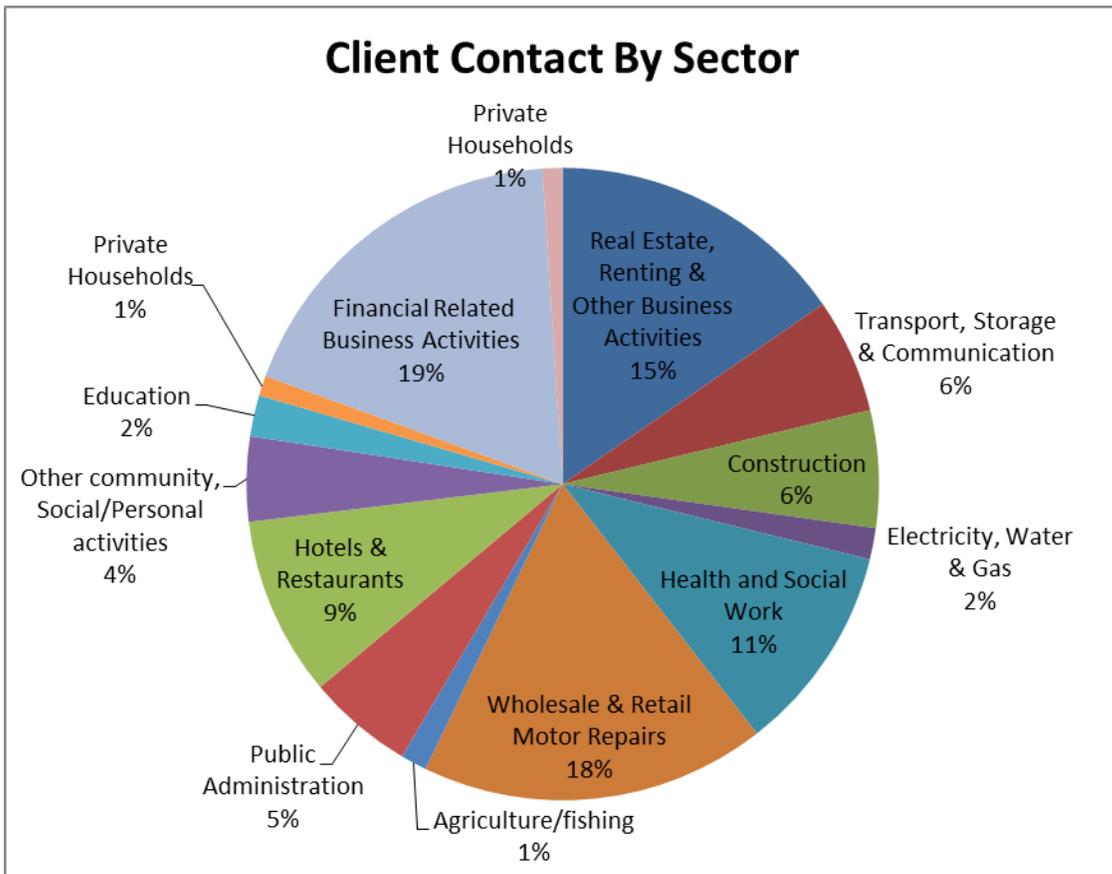
With the introduction of the Discrimination Law in September 2014 we continued to offer a “Discrimination in Employment” course which along with Maternity & Family Friendly Rights, (which we have run since September 2014) is offered free of charge to delegates thanks to special funding from the Social Security Department.



During 2014 we were requested to run an additional 69 training sessions. These were for in-house sessions requested by various businesses and whilst many of these were for sessions on the new Discrimination legislation; other companies requested the full range of the subjects covered in the public sessions which are run on a cost recovery basis. Over the year 1706 delegates attended these additional sessions.

Working with employers

During the year we dealt with 2731 employer contacts and whilst some of these contacts were JACS initiated having received requests from employees to contact their employer to assist in resolving matters, others were contacted by our Outreach Officer. However the majority of employers made the initial contact with JACS directly, seeking advice and guidance across a wide range of subject matters.



The chart on the above shows the percentage by sector of the enquiries from the various sectors that make up our business community. It should be noted that the Real Estate, Renting & Businesses is a general category for organizations that do not fit into more clearly defined sectors.

Legislation

The Discrimination (Jersey) Law 2013 was enacted on 1 September 2014 and it introduced the first protected characteristic of Race with the intention of following this by a series of successive Regulations in respect of Sex, Age and Disability discrimination. JACS have been advising on the employment implications of this piece of legislation and any claims related to employment when passed to us by the Tribunal will be conciliated on in the same way that other employment claims are dealt with. As this law covers more than employment the Citizens Advice Bureau covers the non employment claims. It is encouraging to note that as at 31 December 2014 JACS had not received any claims related to Race Discrimination in employment – this may well be down to the amount of publicity and training offered by JACS and other organizations on the subject. It is encouraging to see that concerns about Race Discrimination in employment have – to date – not been realized.

Earlier in the year the revised Disciplinary and Grievance Code of Practice was introduced, and whilst a code of practice is not a statutory instrument, the Tribunal will take account of the relevant code when dealing with claims.

The revised code was written to assist both employers and employees deal with matters related to discipline and grievance in a fair and appropriate way. It recognizes the balance that needs to be met in recognizing that whilst employees have the right to fair and reasonable treatment, equally employers have the right to manage their businesses and to ensure that employees conduct themselves in a way that contributes to business success. The principles set out in this code of practice apply to those employers with just one or two employees just as much as they apply to larger businesses with hundreds of employees and are designed to be as straightforward as possible.

The need not to burden employers with excessive bureaucracy has been carefully considered and it is hoped that this code of practice can contribute to the success of businesses in Jersey by setting out a clear framework of reasonable and fair treatment. This will help employers deal effectively with issues that arise in the workplace and help employees to raise their concerns in a constructive and proportionate manner and to act reasonably throughout the process.

December 2014 saw a proposed change to the unfair dismissal qualifying period, which was introduced by the Social Security Minister by Order. The change takes effect from 1 January 2015 and states that any employee starting work with an employer will have to accrue 52 weeks' continuous service in order to qualify for the right not to be unfairly dismissed instead of 26 weeks'.

New legislation in the pipeline for 2015 is the Regulation for Sex Discrimination and Amendment 8 to the Employment Law which will introduce Maternity and Family Friendly Rights – it is envisaged that this will be introduced during the latter part of the year. JACS have already started to run training sessions in anticipation of these amendments which have been well received. Additionally guidance notes are already available for Amendment 8 on our website. The training sessions will continue to be run throughout 2015 and additional

documentation will be available once the Regulations for Sex Discrimination have been released.

Staffing and Standards of Service

The JACS team consists of five full time staff, and 2014 has seen changes within this small team. At the end of March JACS' inaugural Director David Witherington retired after 14 years. As I had been appointed to the post of Director this left the role of Deputy Director vacant and Martin Buckland was appointed to this role with both of us commencing our new roles at the beginning of April. The ongoing support of the Social Security Ministers and Officers enabled our Outreach Officer to remain in post beyond the initial 12 months pilot project (that was due to conclude in August) and continues to provide support to businesses that do not have their own specialist HR function.

We continue to monitor our service standards and have again issued a client satisfaction questionnaire to those employers and employees whose Tribunal cases had been referred to us for conciliation. The rate of return was 89%, with slightly less employers returning their questionnaires than employees. Of the total returned, 98% reported they were 'very satisfied' or "satisfied" with the service they received, the information provided and the time taken to deal with their case; 2% of clients were "dissatisfied".

Published standards of service were maintained or exceeded and we fully met the requirements of the Service Level Agreement that we have developed, together with officers of Social Security Department, to ensure that JACS delivers value for money.

Managing our Finances

The total cost of running JACS for the calendar year to 31 December 2014, based on its unaudited management accounts was approximately £402,000, which was in line with the overall budget for the year. Key operating costs comprise staff costs, rent, rates and insurance, utilities, IT support and audit fees. Building maintenance has been a priority throughout the year and some unforeseen works needed to be undertaken including extensive repairs to the roof and weather-proofing, which if not addressed at this point would have led to increased costs in the future.

Our basic annual grant from the Social Security Department increased by 2% to £335,800 in 2014 plus an additional grant of £50,000 to enable us to run the Outreach Service.

Nominal fees (based on a cost recovery basis) charged to attend our public training courses and in-house training courses, to cover the costs of these events, contributed a further £23,000 towards our income.

Our accounts will be audited by our incumbent auditors, BDO Limited, in due course and presented to the Social Security Minister, as required by the Jersey Advisory and Conciliation (Jersey) Law 2003.

Future Plans

Our commitment remains – as it always has - to help and assist in avoiding and resolving disputes and this commitment includes continuing to raise awareness of the important issues through a comprehensive training program focused on existing and new legislation, via the media and through our everyday role in dispute resolution and the provision of advice. We will do our best to help employers, trade unions and employees to cope with the continued changes that will be necessary as they strive towards a sustained economic recovery.

We are committed to supporting all our clients in respect of their needs for advice and dispute resolution in relation to existing legislation and good employment practice and to offer training and advice in regard to the forthcoming Sex Discrimination and Family Friendly amendments. It is important that information starts to filter into businesses so that for those organizations where it is necessary terms of employment can be amended to reflect these new statutory entitlements. In particular, we will continue to provide additional support to small organizations through our Outreach service to ensure that the owners of such businesses understand and are able to comply with their statutory obligations.

We shall continue to develop the skills and knowledge of the JACS team to ensure that we are up to date with developments in employment law in Jersey, as well as in other jurisdictions, so that we can respond effectively to proposals locally. By ensuring that our knowledge base is maintained and developed we believe we can best serve the needs of employers, employees and trade unions.

Summary

This is my first annual report and in previous annual reports the expectation of continued redundancies and restructuring remained a concern as organizations struggled with the economic downturn. It is encouraging to see the drop in the number of queries we have received on redundancy as this can be seen as a sign that conditions in the Island have started to improve.

There will be organizations that will still need to undertake change and re-structure in order to align their business with the needs of the different market we are now in. As always we would encourage organizations to continue to consult fully with their employees and to employ good practice throughout such changes. Whilst we would equally anticipate that employees and trade unions will act responsibly, as they previously have done and to work alongside employers to meet any further challenges in developing a successful economy.

The JACS team are here to assist employers, employees and trade unions with impartial, professional and friendly advice. The training we deliver has been developed to assist employers in their understanding and practical application of the existing legislation, whilst also preparing for new upcoming legislation.

I must offer my thanks for the support and loyalty shown by the team at JACS; members have worked extremely hard to meet the expectations of our clients, whilst dealing with some major changes within the team. These words of thanks are also extended to my predecessor David Witherington, who despite having retired at the end of March has remained very supportive and available to offer guidance when needed.

JACS' is very fortunate to have a Board of honorary members who we are able to call upon and who willingly give their time to the organisation through the year. During 2014 our Chairman Tom Slattery stepped down as did Ed Daubeney, both of whom have served on our Board for many years, and I offer my sincere thanks for all the support and guidance and good governance they have given to JACS throughout their tenures. I am delighted that Sarah Beirne has picked up the baton and taken on the role of Chair, and I look forward to working with her. We also have three new Board members that joined us in 2014 who along with our existing members now make up a full compliment all of whom I extend my sincere thanks for the assistance and support and JACS is very fortunate to have such an approachable and highly skilled group of people on our Board.

Finally, I must thank the former Social Security Minister Senator Francis Le Gresley and the current Minister Deputy Susie Pinel along with the Social Security Officers for their encouragement and support of the work that we undertake. I look forward to continuing to work with Deputy Pinel and her term as the implementation of the planned legislation moves forward.

Director

7 January 2015

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 organizations.

Our values

Our role is to seek to resolve conflict, maximize agreement and encourage employment policies and practices that contribute to improvements in performance, organizational 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 organizational 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 organizations 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