
STATES OF JERSEY



JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL: RE-APPOINTMENT OF SIDE MEMBERS

Presented to the States on 2nd February 2016
by the Minister for Social Security

STATES GREFFE

REPORT

Background

The [Employment \(Jersey\) Law 2003](#) (“the Employment Law”) provides for the establishment of the Jersey Employment and Discrimination Tribunal (“the Tribunal”), and provides that it will exercise the jurisdiction conferred on it by the Employment Law and any other Law (under Article 81).

The Tribunal became operational in 2005 and is responsible for enforcing the Island’s employment and discrimination legislation: the Employment Law, the [Employment Relations \(Jersey\) Law 2007](#) and the [Discrimination \(Jersey\) Law 2013](#). It hears and determines complaints relating to –

- Written statements of employment
- Minimum rest periods and annual leave
- Minimum wage
- Payment of wages (including itemised pay statements)
- Notice pay on termination of employment
- Unfair dismissal
- Redundancy pay and related rights
- Breach of contract of employment
- Trade union recognition
- Collective disputes
- Discrimination on grounds of race, sex, sexual orientation, gender reassignment and pregnancy and maternity.

Constitution of the Tribunal

The [Employment and Discrimination Tribunal \(Jersey\) Regulations 2014](#) (“the Tribunal Regulations”) make provision for the constitution and membership of the Tribunal, including for the appointment and terms of office of the members. The Tribunal consists of the following members –

1. A Chairman.
2. Up to 5 Deputy Chairmen.
3. Up to 8 ‘employee representative’ Side Members who have knowledge or experience of, or an interest in, trade unions or matters relating to employees generally.
4. Up to 8 ‘employer representative’ Side Members who have knowledge or experience of, or an interest in, employers’ associations, or matters relating to employers generally.
5. Up to 8 ‘discrimination panel’ Side Members who have knowledge or experience of, or an interest in, equality and discrimination matters generally, or discrimination and specific protected characteristics.

The Tribunal Regulations provide that Tribunal members are appointed by the States for an initial term of up to 5 years. If a member requests that their term is extended, the Minister for Social Security may, after consultation with the Jersey Appointments

Commission (JAC), extend a member's term of office by re-appointing the member to the same office for a second term not exceeding 5 years.

The current JAC 'Code of Practice for Appointments to Autonomous and Quasi-Autonomous Public Bodies and Tribunals' states that "*it is recommended that the term of office of a member should not exceed 10 years*". It is noted that the JAC has prepared a new draft code of practice that will apply to bodies such as the Tribunal and which is expected to be approved shortly. Although the code of practice is not yet available, the Minister understands that the position will change in regard to the maximum term of office that a member may serve. In future, terms of office will ordinarily be limited to a maximum of 9 years.

Having consulted the JAC on the length of the re-appointments that may be permitted during this transitional period, it has been agreed that, on the basis that the Tribunal Regulations currently permit a maximum term of up to 10 years, the 2 Tribunal Side Members will be re-appointed for a further 5 years. It is expected that, once the new code of practice has been approved, Tribunal members who are appointed and re-appointed in the future will be permitted to serve a maximum of 9 years in total.

Re-appointment of members

1. Mrs. Louise Cram was appointed as an employer representative Side Member on 16th February 2011 for a 5-year term. Louise joined Collas Crill as Group Human Resources Director in April 2013 and is the firm's first Board-appointed Group Human Resources Director. Louise brings significant experience from strategic human resources roles in the banking and financial services sector, including RBS and Standard Bank. Immediately prior to joining Collas Crill, Louise was the Director of Human Resources Operations with the States of Jersey.
2. Mr. John Noel was appointed as an employee representative Side Member on 16th February 2011 for a 5-year term. John worked for the States of Jersey Civil Service for 43 years, retiring from his last position as Director of Immigration and Nationality in 2008. For 30 years, John has acted as a Civil Service employee representative, including as Lead Negotiator. John was Chairman of the Civil Service Staff Side for 12 years and was also a Board Member of the Jersey Advisory and Conciliation Service from 2001 to 2008.

The terms of office of the 2 members would expire on 15th February 2016. Both members have requested re-appointment for a 5-year term in order to serve a total of 10 years on the Tribunal. Having consulted the JAC, the Minister has decided to re-appoint the 2 members, each for 5 years, and their terms of office will end on 15th February 2021.

This report is presented to the States as a matter of good order.