
STATES OF JERSEY



JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL: RE-APPOINTMENT OF MEMBERS

Presented to the States on 28th October 2019
by the Minister for Social Security

STATES GREFFE

REPORT

Background

Article 81 of the [Employment \(Jersey\) Law 2003](#) (the “Employment Law”), as amended by the [Discrimination \(Jersey\) Law 2013](#) (the “Discrimination Law”), provides for the establishment of the Jersey Employment and Discrimination Tribunal (the “Tribunal”). It provides that the Tribunal will exercise the authority conferred on it by the Employment Law, the Discrimination Law, and the [Employment Relations \(Jersey\) Law 2007](#).

The written decisions of the Tribunal are published on the [Jersey Legal Information Board website](#). Each Annual Report of the Tribunal is presented as a Report to the States. The latest (2018) Annual Report was presented on 4th April 2019 as [R.41/2019](#).

Constitution of the Tribunal

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

- (a) one legally qualified Chairman;
- (b) at least one and not more than 5 legally qualified Deputy Chairmen;
- (c) at least 2 and not more than 8 lay members with knowledge or experience of, or interest in, trade unions or matters relating to employees generally;
- (d) at least 2 and not more than 8 lay members with knowledge or experience of, or interest in, employers’ associations or matters relating to employers generally; and
- (e) at least 2 and not more than 8 lay members with knowledge or experience of, or interest in, matters relating generally to equality and discrimination, or to discrimination and protected characteristics.

In hearing a complaint that relates to employment or discrimination in employment, the Regulations provide that a 3-person Panel must consist of a legally qualified Chairman or Deputy Chairman with 2 lay members; one employee representative member (paragraph (c)), and one employer representative member (paragraph (d)), chosen by rotation. It is important that the employer/employee balance is retained in employment-related discrimination cases.

Where a Panel is formed to hear a complaint about an act of discrimination that does not relate to employment or recruitment (e.g. housing, services or education), the Panel must consist of the Chairman or a Deputy Chairman and 2 members from the pool of discrimination lay members (paragraph (e)), chosen by rotation. The employer/employee balance is not required in such a case.

The Regulations also provide that members are appointed by the States on the recommendation of the Minister for Social Security (the “Minister”), after consultation with the Jersey Appointments Commission, for an initial term of up to 5 years.

After consultation with the Jersey Appointments Commission, the Minister may extend a member’s initial term of office by re-appointing the member to the same office. The Jersey Appointments Commission recruitment guidelines state that: “*States appointees and members of independent bodies should not normally be appointed for terms in excess of nine years.*”¹

Re-appointment of 8 lay members

The initial 5-year terms of office for 8 of the current Tribunal members would expire on 8th December 2019, and each of those members has requested to extend their term of office as a member of the Tribunal.

Having consulted the Jersey Appointments Commission and confirmed that the contribution of each of the members of the Tribunal has been satisfactory, the Minister has re-appointed the following 8 individuals as lay members, each for a further (and final) 4-year term of office which will end on 8th December 2023 –

Mrs. Elizabeth Adams
Mrs. Janet Brothertom
Mrs. Melanie Cavey
Mr. Thomas Gales
Mr. Mandlenkosi Mlambo
Miss Tamburai Mouni
Miss Daria Sawicka
Mr. Clive Holloway.

It is not necessary to request that the States Assembly approves the re-appointments. As a matter of good order, this Report notifies the Assembly.

¹ www.gov.je/SiteCollectionDocuments/Government%20and%20administration/P%20JAC%20recruiting%20guidelines%20%2020160517%20MN.pdf
