
STATES OF JERSEY



JERSEY ADVISORY AND CONCILIATION SERVICE: 2019 ANNUAL REPORT

Presented to the States on 3rd March 2020
by the Minister for Social Security

STATES GREFFE

The Jersey Advisory and Conciliation Service



2019 Annual Report

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The Board

Chair Sarah Beirne

Board members Alison Mellor
Zoe Blomfield
Lynda Vautier
Jimmy McCormack
Donna Abel
Sara Garwood

The JACS Team

Director Patricia Rowan
Team members Colette Wilson Senior Advisory and Conciliation Officer
Patricia Weston Advisory and Conciliation Officer
Sharon Timoney Business Liaison/Outreach Officer
Bruno Sousa Administration Officer

Trainer Sara Gascoigne

Chairman's Foreword

During 2019 one of the key focus' of the work of JACS has been to undertake a record number of public sector mediations against the backdrop of industrial action (actual and proposed). Over the twelve month period, in addition to this intensive work load which was under public scrutiny, this small team of five also dealt with almost 10,000 additional contacts from employers, employees and others. The contact is made directly to the team. Interestingly this year, the combined number of personal and telephone point of contact is greater than that of email contact. This demonstrates the value of 'talking things through' with someone personally. The online accessibility of pro-forma templates and guidance documents on legislation is an additional valuable resource, especially as this is accessible out of business hours. However the statistics demonstrate that the personal touch remains crucial in delivering this service.

For the smaller businesses who operate without a dedicated HR function, the Outreach/Small Business Service provides accessible and 'user friendly' assistance for such companies. By accessing this service employers are given advice on the statutory documents that are required. For example payslips, terms of employment as well as policies and procedures. It is essential that the smaller businesses are able to access this free support and advice. Once again we are grateful to the Social Security Minister and her team for her continued financial support for this function, enabling JACS to provide a vital and valuable resource to small businesses on the Island.

During 2019 the suite of topics JACS provided for training was extended to the business community. As a result this allowed us to charge for more courses, on a cost recovery basis which has provided us with a supplementary source of income. The feedback we have received on these sessions is very positive (whether these be the public sessions or in-house), and has given us an opportunity to develop stronger relationships with the business community. For the smaller employers, at minimal cost, these sessions also present opportunities for the attendees to understand more about the work JACS does and the reassurance that as a statutory body JACS is available to all. The public training sessions are now run at JACS offices and are delivered by our trainer who started working for JACS in April 2019.

In spite of all the policies, procedures and preparation that is put in place, issues can of course still arise in the workplace. If the parties involved are not able to resolve the issues themselves then claims can be lodged with the Tribunal Service. For JACS, claims in respect of employment and discrimination from employees are received from the Tribunal, following which the parties are contacted and offered conciliation. Conciliation gives a route to solutions that can be reached swiftly particularly if it is entered into at an early stage. In 2019, 81 claims were resolved by the JACS team. This means that 81 potential cases did not reach the Tribunal, significantly reducing their potential workload.

JACS has a Board of 7 members whose role is to maintain sight of the statutory obligations placed on the organisation as well as overseeing the operational spend against the agreed budget. Throughout 2019 the Board met on 6 occasions to review general activity reports as well as to monitor the finances. This overview ensures that the funding received (by way of a

grant) from Social Security is managed in a transparent and appropriate way, and that JACS continue to deliver a service that is value for money. At the end of 2019 the 8% grant reduction (over 4 years) as set down in the 2015 Medium Term Financial Plan agreed by the States, was achieved.

I am extremely grateful to my fellow Board members for continuing to support me and the JACS team. They freely give their time and I appreciate their professional reach and experience that they bring to the table.

My thanks are also expressed to the Social Security Minister, Deputy Judy Martin and her Assistant Ministers, as well as her departmental team for all their support and assistance in their continued strong and positive relationship with JACS.

I would finally like to extend the Board's thanks to Patricia Rowan and her team for their continued commitment in 2019; that commitment to continuously improve industrial relations in Jersey, in an enthusiastic and approachable way.

Sarah Beirne
Chairman

Director's Report Overview

I am very pleased to present the 2019 Annual Report for JACS. This report gives me the opportunity to present a performance and workload overview of JACS work in the past year. During the preparation of this report it consolidates all the changes that 2019 brought for JACS in terms of our workload and indeed the physical moving of our offices.

At the end of 2019 the total number of enquiries we received reached 9916, which is a decline of 217 contacts when compared to 2018. However 2018 was an exceptional year in respect of enquires, and this slight drop back is more in-line with the figures from previous years.

The JACS public training sessions have continued to be well subscribed and throughout 2019 we changed the format, venue and delivery of these sessions. More topics were added to the suite of sessions JACS offers to reflect the modern workplace. The number of sessions delivered in-house to companies upon request have continued to be popular in 2019.

Since first opening our doors on 1 April 2000, clients have come to expect JACS to provide an informed and impartial service/advice that covers all aspects of the employment legislation as it has been developed and introduced. Since 2013 this service was extended further to encompass the discrimination law and the additional regulations as they have been introduced. The number of queries recorded cannot reflect the complexity and diversity of queries JACS now deals with, as can be seen with the number of collective matters we dealt with throughout the year.

It was anticipated that during 2019 the next phase of Family Friendly rights would be introduced, however ahead of the intended debate in April, the process was paused whilst Scrutiny looked at the draft. The Social Security Minister then made further changes to the draft law in respect of clarity of some of the rights being introduced. The States passed the legislation in October however the introduction of the extended rights will not take place until a change has been made to Social Security benefits. These rights are expected to be introduced later in 2020.

Pre-claim conciliation (PCC)

Throughout 2019 our pre-claim conciliation service once again proved to be an important part of the service JACS offers. Pre-claim conciliation offers impartial advice and conciliation between parties, offering solutions and outcomes without pursuing matters through the Tribunal Service. This part of our service certainly prevents a greater number of claims being lodged with the Tribunal Service, therefore reducing time and costs for the parties involved as well as the Tribunal.

PCC is an alternative dispute resolution process allowing for outcomes that would not be available at the Tribunal. If resolution can be reached using PCC this can give rise to the employment relationship continuing. The total number of PCCs we dealt with during 2019 was

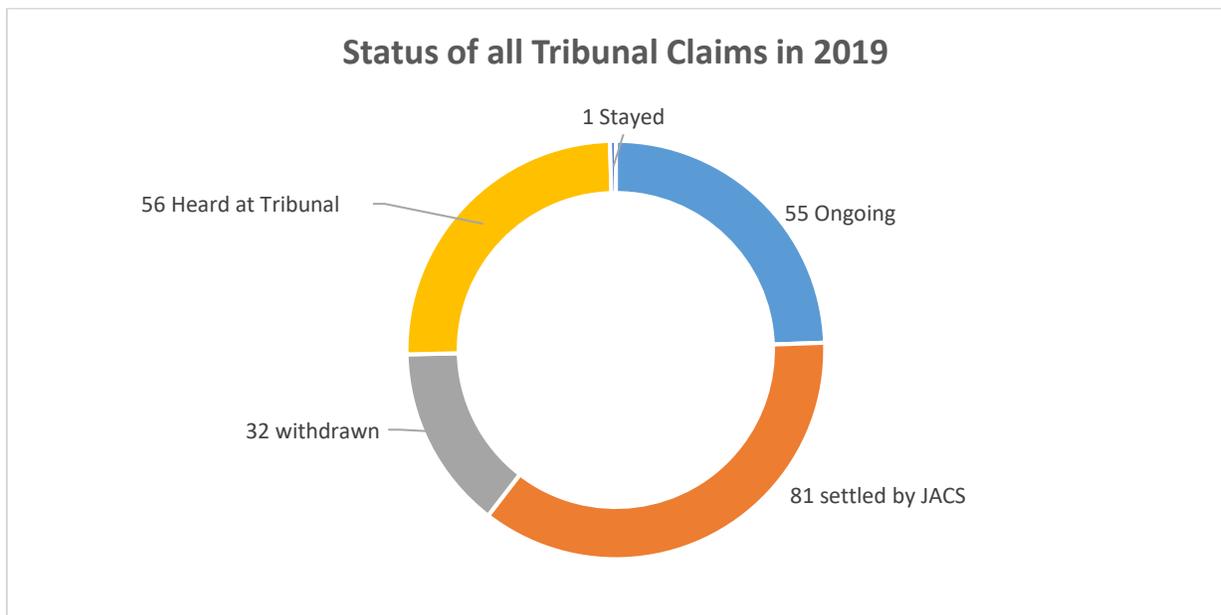
131, the majority of these are likely to have resulted in Tribunal claims had the parties not used this service.

Conciliation in lodged Tribunal Cases

I have referred in previous annual reports to the Employment and Discrimination Tribunal (Procedure) Order 2016 which clearly sets out the transition and process for the lodging and handling of claims and do so here again. Once a claim is submitted, the Tribunal will set a date for a Case Management Meeting (CMM) with all parties involved in attendance. A CMM will often help to determine what the claim concerns, and the Directions issued by the CMM Chair enable the parties to prepare and provide the information and evidence that a full Tribunal Hearing will require in order to determine an outcome to the claim. The inclusion of CMMs in the Tribunal process continues to be highly successful and effective in encouraging the parties in a dispute to enter into conciliation with a JACS officer, which can then result in a conciliated settlement being reached or the claim withdrawn from the Tribunal.

The Tribunal process itself can be lengthy and therefore a stressful process for the parties involved. JACS offers conciliation to the parties as soon as we receive a claim. In our experience the earlier parties engage in conciliation the likelihood of resolving matters is higher. Fair outcomes can be reached resulting in claims being withdrawn from the Tribunal resulting in less stress and expense to the parties.

As at 31 December 2019 JACS received 184 claims from the Employment and Discrimination Tribunal. Along with the 41 claims carried forward from 2018, JACS had carried forward from previous years, this resulted in us working on 225 claims throughout the year. Of this 225 a total of 169 have been settled as can be seen in the chart below, leaving 55 claims still ongoing as at 31 December 2019.



Claims in respect in of discrimination in employment are forwarded to JACS and during 2019 we received 52 such claims, across all of the protected characteristics. Discrimination claims that fall under goods and services are referred to Citizens Advice Jersey. The 52 discrimination claims referred to JACS were as follows:

- 27 disability discrimination.
- 13 sex discrimination (including pregnancy);
- 7 age/retirement discrimination;
- 6 race discrimination.

With the introduction of disability discrimination of 1 September 2018, last year was the first full year with such protection in place, therefore it was always anticipated that there would be a number of claims lodged in 2019.

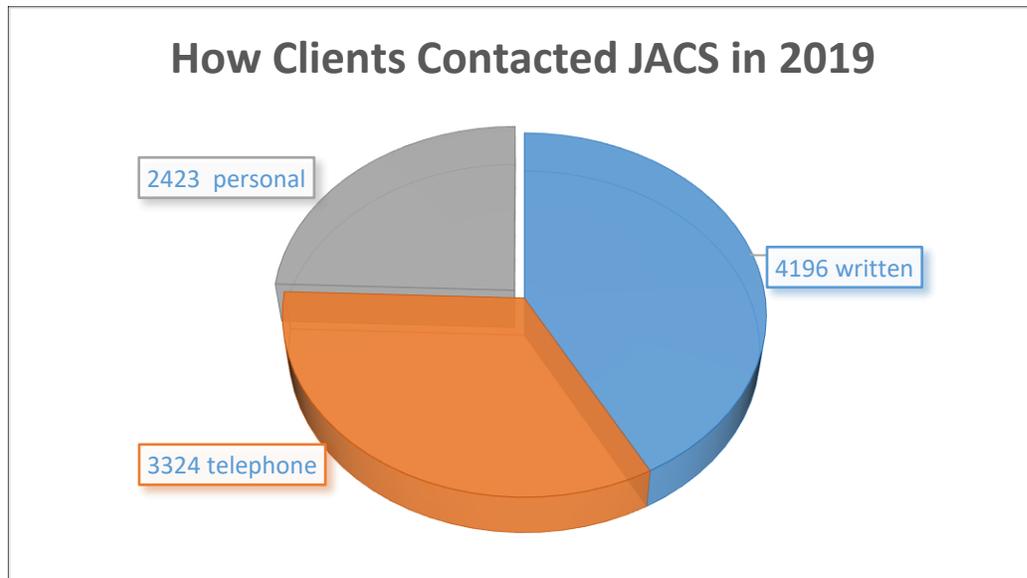
Resolving collective disputes and improving relationships

Throughout 2019 JACS was called upon to assist in a number of collective disputes that were widely reported on by the local media. We were asked to assist in 31 mediations and/ballots, for the parties involved in the public sector as well as some private companies. Mediations/ballots are undertaken as part of a collective dispute resolution process. This part of the work JACS undertakes is of significant important and well regarded by the parties using this service. The service is still free under the legislation but the amount of preparation and guidance that is required both prior to an actual mediation (as well as after the process) is significant and can take many hours of work. The decision was taken to train two further members of the JACS team in mediation skills.

Contacting JACS

The total number of contacts made to JACS in 2019 was 9,916. The number of clients calling into JACS in person during 2019 was 2,423. JACS moved offices on 11 January 2019 however we are still in a central position which enables callers to easily access our services which may account for the increase (by 310) when compared to 2018.

How Clients Contacted JACS in 2019



During the summer of 2019 the JACS website was given an overhaul and a new look that has been appreciated by those using it. Our website is regularly updated to reflect changes in legislation as well as in best practice, and recorded 56,888 sessions during the year. It provides examples of policies and procedures along with pro-forma documents/letters giving easy access for employers developing staff handbooks.

During 2019 the 10 most viewed topics were:

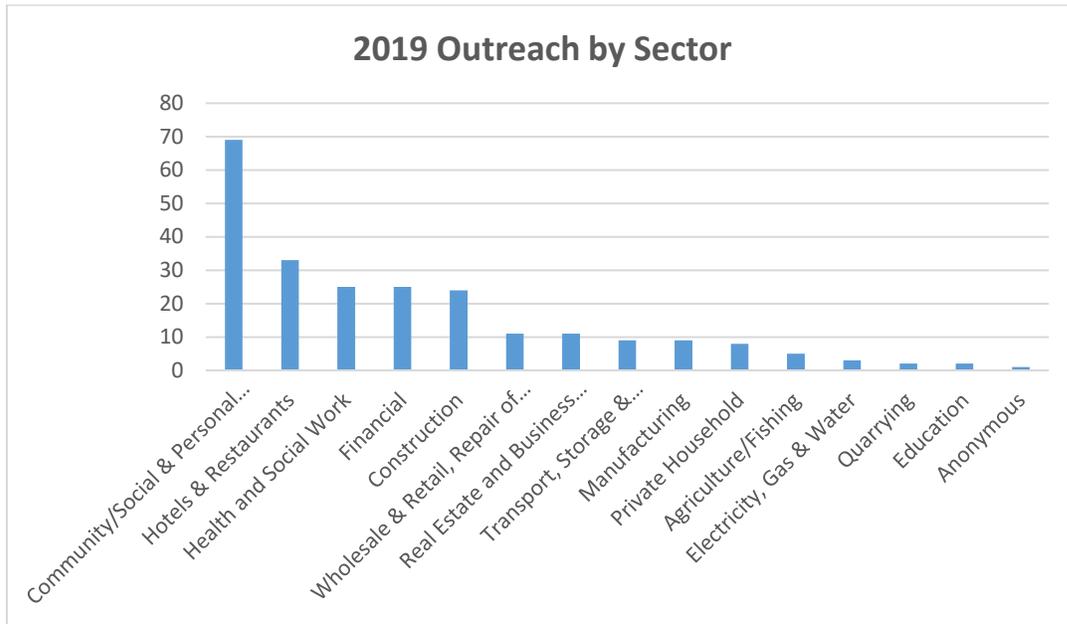
- Maternity
- Redundancy
- Guidelines to Employment
- Unfair Dismissal
- Parental Leave
- Flexible Working
- Minimum Wage
- Notice Periods
- Family Friendly Legislation

We also send out newsletters to those clients who have signed up via our website and currently 931 people receive this. The newsletter covers the training sessions we are running as well as advising of consultations being conducted by the Employment Forum, and changes to legislation.

Outreach Service

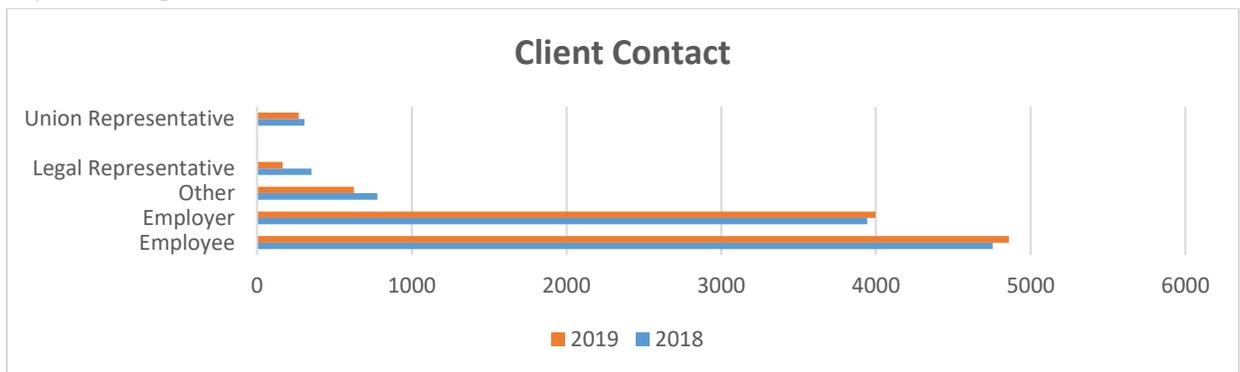
JACS continues to offer a proactive Outreach Service to employers through our Business Liaison Officer. This service is available at times and places to suit the employer, such as in their own workplace or outside of normal office hours. This service gives practical assistance and advice to employers to help them set up and develop the range of employment documents that are

required under the legislation. This service has once again been well utilised this year with 236 employers accessing this service, and an average of 18 employees within these businesses.

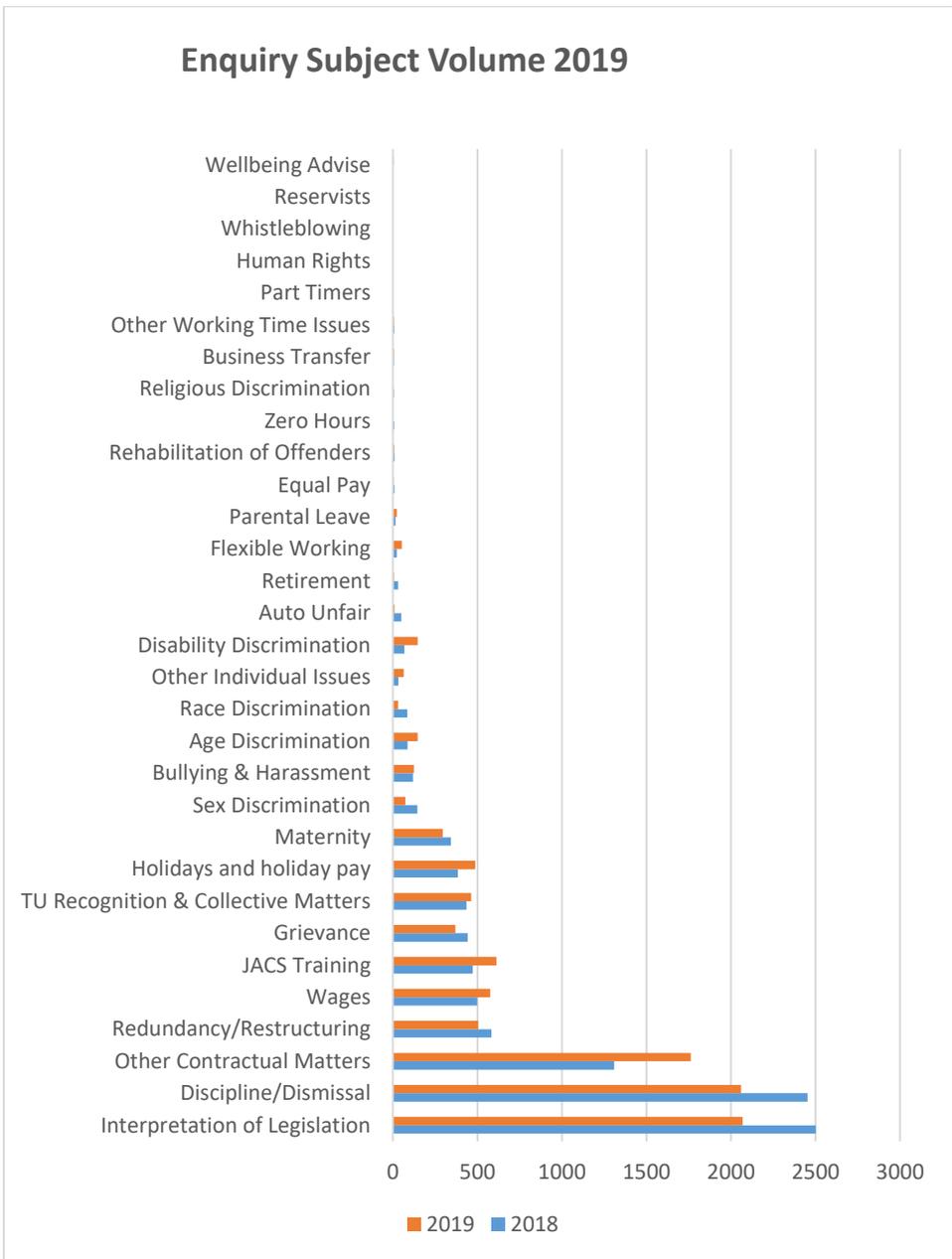


Information, advice and conciliation

An average of 191 clients contacted JACS each week throughout 2019 and, as can be seen below, the majority of these contacts were from employees. The category of ‘other’ (shown below) captures those who call on behalf of someone else, e.g. a parent, or lay persons representing clients for a Tribunal claim.



The chart below shows the subject volume in generic categories that JACS uses to record the query type received throughout 2019. As can be seen, the highest number of queries were in relation to interpretation of the legislation, with disciplinary procedures and dismissal, not far behind.



Training and Other Support Services

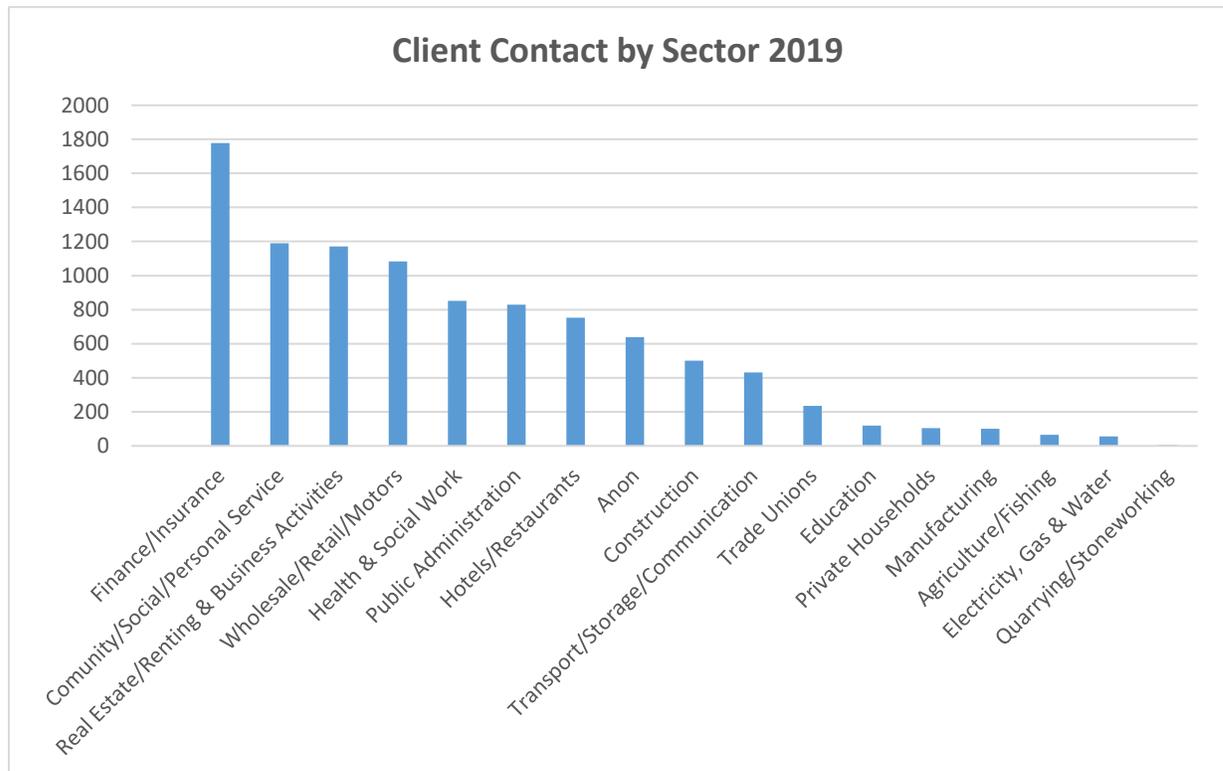
The move to Seale Street has enabled us to deliver our public training sessions from our offices, thus meaning we no longer needed to pay venues from which to run these sessions. It has been our long term belief that investment in the training of employees contributes to ensuring that a company’s policies and general good employment practices are applied consistently across the business.

During 2019 JACS continued to offer sessions on selected topics for public attendance and by changing the format and also the use of our offices has enabled us to respond swiftly to requests for additional topics. In April we welcomed Sara Gascoigne to JACS to deliver both the

public and in house training sessions. Throughout the year JACS delivered 75 public sessions, along with 50 in house sessions at the request of employers.

Working with employers

The following chart gives the breakdown of the different employment sectors contacting JACS last year. The categories are generic and one should note that Real Estate, Renting & Businesses includes 'general businesses' which do not fit into more clearly defined sectors.



Legislation

Minimum Wage:

1 April 2019 saw the increase to the Minimum Wage.

Following the Employment Forum's consultation for 2019 minimum wage, the States Assembly agreed to two increases for this year. The first was on 1 April 2019 and the second on 1 October 2019.

Staffing and Standards of Service

Through 2019, the JACS team consisted of five employees (along with our trainer), and throughout the year we continued to monitor our service standards. Published standards of service were maintained or exceeded and we fully met the requirements of the Service Level

Agreement between JACS and the Social Security Department, ensuring that JACS continues to deliver value for money.

A 2016 report published by Acas (the UK equivalent to JACS) looked at the economic value offered by Acas to the UK economy. The outcome of the independent findings estimated that for every £1 invested in Acas there was an economic benefit of £13. If we applied this same analysis to JACS for 2019, with our grant of £355,855 this would bring our overall contribution to the Jersey economy of approximately £4,626,000.

In June 2019 it was the turn of JACS to host the annual 'tri-island' meeting (Jersey, Guernsey and Isle of Man). This is a hugely invaluable event held on one of the Islands each year where the three Industrial Relations leads come together to discuss issues we are all facing, provide support and giving us a chance to network. Whilst each Island's legislation is different and our three roles are unique it is beneficial to have the chance to discuss broader issues, share information as well as knowledge with two other individuals who undertake similar work.

Future Plans

JACS remains committed to offering assistance in avoiding and resolving disputes, with continued raising of awareness to new legislation along with best practice through our training sessions and up to date information available on our website.

Our continued commitment is one of support to all our clients in respect of advice and dispute resolution. The Outreach Service will continue to provide a service accessible to businesses to ensure there is an understanding of the statutory obligations that employers need to meet.

Summary

JACS continues to offer practical advice in an impartial, professional and friendly manner. The training sessions offer assistance and provide an understanding of the legislation already in place and allow for early preparation of incoming legislation.

JACS is very fortunate to have seven committed individuals from across the employment sphere, who willingly give up their time to share their expertise and support as Board Members. We are privileged to have such a supportive and professional group of people who come together formally six times a year to ensure good governance and assist in ensuring JACS remains the professional committed organisation the Island has come to expect. Sarah Beirne is the Chairman of the JACS Board and I wish to express my personal thanks and gratitude to her and the Board for all the support they offer both to me personally and to JACS.

I also extend my thanks to the JACS team who have continued to work to meet the expectations of our clients in delivering the service and supporting all clients in understanding the legislation and best practice in Jersey.

Finally I wish to express my thanks to the Social Security Minister, Deputy Judy Martin, along with her Assistant Ministers and the Social Security Officers for their support in all the work JACS undertakes and I look forward to working further with them in 2020.

Patricia Rowan
Director

26 February 2020