



Submission from Unite the Union, by James Turner Regional Officer.

15.9.23

Using the outlined points of interest, please find below comments regarding: -

- I. The procedures for handling complaints of inappropriate behaviour, bullying and harassment.

The employer has in writing a reasonably robust policy on any element of behaviour and bullying in the workplace. However, as the Regional Officer for Unite the Union I see often how this is applied differently depending on the persons involved, questioning the consistency and the approach the employer has at times. For example, where a general worker on lower grades experience or are accused of such breaches in behaviour, they are handled differently from higher level staff accused of the same offence. Leading to disparity of treatment in most cases. Whereby managers seem protected from such behaviour that general workers are heavily punished for. This to is true if a specific skill is protecting the individuals involved, such as high-level doctors. Any complaints involving persons carrying such essential skills are handled much differently to others. This is something we have seen in previous years. I note however with changes in senior positions this is becoming less of a concern, however, noteworthy in relation to Unites response to this element on policy.

- II. The grievance and disciplinary procedure, its effectiveness and impact.

As above, these too can differ depending on the level of persons being accused of any wrongdoing, cause for the cultural issues we have seen in HCS for example, whereby management were being protected and the general workers punished heavily.

The grievance and disciplinary procedure again is reasonably robust in its written form, it is simply the application of the policy which Unite the Union see's inconsistency.

It is noted that this is changing, especially as the entire service and government employment sectors are now working closer with trade unions, by proxy then bringing parity and a more consistent approach.

Long term suspensions under disciplinary has been cause for concern and this too is being reviewed by both the employer and trade unions to prevent where possible. This can cause significant distress and harm to mental health and wellbeing.

III. The impact of policies and procedures on workplace culture.

The employer had a reputation for being very heavy handed when dismissing employees. This in turn generated a culture of fear and allowed management to control and intimidate employees. I note this culture has been exposed by trade unions, Unite the Union specifically, and well reported in the media after a damning report from within HCS. To a level where a senior position of Speak Up Guardian has been created to assist in such cultural problems that this historical behaviour has generated. The culture is changing slowly, and we continue to monitor this with our workplace representatives and myself keeping a close watch that things do not go backwards.

2. To consider the effectiveness of the States Employment Board in implementing actions to secure improvements for employee wellbeing since the People and Culture Review in 2021. This will include, but is not limited to, consideration of:

I. The action taken, and the impact thereof, following the HR Lounge reviews and reports into '*bullying and harassment*', including analysis of the initial report (February 2018) and follow-up progress report (February 2021).

I arrived in Jersey in January 2021 and the poor culture in relation to bullying was first on my agenda to improve and change, having recognised clear signs there were major issues within this employer from the top down.

Unite the Union has been a leading factor in changing this culture.

Many changes since my arrival have improved the culture but this still needs some work as we progress in dealings with the employer.

We have seen many changes in management at all levels and employees leaving their employment due to poor treatment or ill handled cases.

I am not assured this was anything to do with previous reports, more so the threat of an industrial response from trade unions, or the fact the employer's reputation was losing more staff than it could recruit having to address this swiftly and since other damning reports have been generated.

II. The action taken, and the impact thereof, following the recommendations published in the reports by the Comptroller and Auditor General, '*Role and Operation of the States Employment Board*' (March 2019) and in the follow-up report '*States Employment Board – Follow up*' (September 2022).

This is aligned with senior management changes and almost a step change and recognition of the problems of culture within the employer.

Unite the Union is a major stake holder in talks and representative of nearly all groups of workers within this employer, we have been heavily engaged with senior employee relations and the SEB directly since the time of the report.

We continue to meet with them regularly and the changes in culture are being seen.

IV. The action taken, and the impact thereof, following the Best Companies Be Heard Surveys' findings for 2020 and 2023.

Unite the Union is sceptical over the true results of the survey as they do not align with what our representatives are hearing on the ground from our members.

We think the employer is wise to continue these surveys but to ensure all staff are provided time to partake, we have seen certain groups left out, especially where the culture is already reported to be of issue, thus this could affect the true results being sought.

Unite would call for a review of lack of participation and data to be provided of which departments and percentages of employees took part.

V. The report and recommendations by Professor Hugo Mascie-Taylor (August 2022).

This report was the driving factor into the HCS overhaul, still currently ongoing.

We have seen senior managerial changes and some of the key departments where there have been cultural issues for some time are being focused on.

We see departments within health being some of the worst we have experienced, this in our view is due to several factors: Lack of training of management, people promoted above their capabilities, management left for far too long where poor culture and treatment are present, this then promoting such behaviour as the norm.

We have made some progress due to this report, but culture is one of the most difficult to change and we continue to drive improvement in areas where we continue to see issues.

3. To consider the culture within the Government of Jersey as a workplace since the commencement of the new term of Government. This will include, but is not limited to, consideration of:

I. The current status regarding inappropriate behaviour, bullying and harassment.

There has been a marked increase in attempts to resolve and promote a better culture in the workplace. This due to the reports that couldn't be ignored mentioned previously, in addition to Union's across all sectors having a strong voice. Union membership needs to be better promoted within this employer although some have been made compared to other senior management teams predating the current.

II. The impact of Government restructure, policy and procedures on employee well-being.

Unite the Union is working regularly with the employer over changes, many of which do cause distress to our membership, some of which are welcomed as bring benefit and improvement, some seem to be drastic and thus have a wider far-reaching impact.

Unite will always work with any employer to make the transition of change a smooth one and ensuring our membership interests are recognised and supported.

4. To consider the restructure of the Chief Executive Officer role, its impact on the Cabinet Office and workplace culture. This will include, but is not limited to, consideration of:

I. The recruitment process for the interim and permanent Chief Executive Officer.

There seems to be a change in the CEO more than necessary and with such changes brings a new view on the organisation.

The recruitment process on this occasion to appoint an interim CEO and the change in role comes with some apprehension as if the post holder has differing responsibility how then do we achieve a smooth transition, who is picking up the roles they no longer are required to undertake and then the suitability of any candidate must always be scrutinised.

The circumstances of the recent CEO change are still not 100% clear and much media attention on the culture at the top of government blamed for this change.

How can culture be improved unless the employer starts at the very top some may ask.

II. The changes to the structure and functions of the Chief Executive Officer role.

As above this is of concern and the changes need to be made clear to the trade unions and indeed the public who pay their wages.

III. The resultant changes to the structure of the Cabinet Office and its functions.

As above these changes need to be clarified and if changes are to occur how does this effect the service and job descriptions, leaving who to then perform the tasks removed from some roles.

IV. The impact of the restructuring on employee well-being.

Change of this nature is always stressful and support needs to be clear during any consultation process with trade unions and workers alike.

Many employees are adversely affected by such change and the impact on their wellbeing dramatic in Unites experience.

Absence goes up, efficiencies go down, headcount goes down, employees loose interest in their employment and feel under appreciated.

The Panel would also be interested in receiving your views or any comments you may have on the following key areas to help inform its review further:

- The current understanding of the organisation's culture, including any challenges facing the public sector in relation to addressing any behaviour concerns, since the start of the new Assembly term.

The historical problems and culture of bullying will be difficult to change, only by approaching this in a zero tolerance approach will this employer succeed, no matter where the level of genuine complaint comes from.

- Any department specific challenges or concerns in relation to improving and maintaining a satisfactory workplace culture.

CSSD, Pharmacy, Nursing, Community Care all seeing major problems in the last two years.

- The effectiveness of the current grievance, disciplinary, and bullying and harassment processes for employees and any changes required.

The processes here are only as good as the people enforcing them, if you have people with the wrong experience and knowledge or training this will always be a problem and handled poorly.

Working with the trade unions before the need for formal process is essential.

- How employee morale and wellbeing could be improved.

Pay, terms and conditions can always be improved, valuing employees and their service.

Unions are currently working with the employer over such improvements, to bring a better work/life balance. Pay being a driving factor in such an expensive jurisdiction.

- Whether the employee exit interview policy and procedures could be improved and how.

To involve the TU to get a real view and reasons for leaving.

- The effect of frequent Chief Executive Officer (CEO) changes on leadership of the public sector, people and culture in the workplace and service delivery

Mentioned previously this does indeed have an impact on service and public opinion.

- The impact of the CEO role's restructure on the Cabinet Office and the broader public sector.

Mentioned previously. This should be scrutinised to justify any such changes.

- Any other issues that the Panel should consider as part of its review.

The Panel would be most appreciative if any submissions could be received by **15th September 2023**. However, should the proposed timeline cause you difficulty then please do let our Officer know as alternative arrangements may be possible. You can get in touch in the following ways:

Letter: FAO – Monique Magalhaes, Scrutiny Office, Morier House, St. Helier. JE1 1DD

Email: m.magalhaes@gov.je

Please note that all written responses will be uploaded to the States Assembly website as a matter of course with the exception of any evidence received under a confidential or private agreement which, in accordance with Jersey Data Protection legislation, will not be released into the public domain.

We would value your participation in this review and look forward to receiving your contribution.