



Corporate Services Scrutiny Panel

People and Culture Follow-up Review

Witnesses: Unite and Prospect

Friday, 12th January 2024

Panel:

Deputy S.Y. Mézec of St. Helier South (Chair)

Deputy M.B. Andrews of St. Helier North

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter

Deputy L.V. Feltham of St. Helier Central (Co-opted Member)

Witnesses:

Mr. C. Hopkins, President, Jersey Civil Service Association Prospect

Mr. J. Turner, Regional Officer, Unite the Union Jersey

[12:00]

Deputy S.Y. Mézec of St. Helier South (Chair):

Thank you all very much. Welcome to this Corporate Services Scrutiny Panel public hearing for our people and culture follow-up review. For the benefit of the tape, we will just go round the table introducing ourselves and our titles. So I am Deputy Sam Mézec. I am the Chair of the Corporate Services Scrutiny Panel.

Deputy M.B. Andrews of St. Helier North:

Hello. I am Deputy Max Andrews and I am the Vice-Chair of the Corporate Services Scrutiny Panel.

Deputy L.J. Farnham of St. Mary, St. Ouen and St. Peter:

Deputy Lyndon Farnham, a member of the panel.

Deputy L.V. Feltham of St. Helier Central:

I am Deputy Lyndsay Feltham and I have been co-opted to this panel for the purposes of this review.

Regional Officer, Unite the Union Jersey:

James Turner, Regional Officer for Unite the Union Jersey.

President, Jersey Civil Service Association Prospect:

Chris Hopkins. I am the President of J.C.S.A. (Jersey Civil Service Association) Prospect.

Deputy S.Y. Mézec:

Excellent. Okay. Would you mind both just confirming that you have read the statement in front of you for panel witnesses?

Regional Officer, Unite the Union Jersey:

I can confirm that, yes.

President, Jersey Civil Service Association Prospect:

So can I. That is fine.

Deputy S.Y. Mézec:

Excellent. Just a very quick moment for any potential interests that need to be declared, but just for the record I am a member of Unite the Union but I have had no role at all in Unite's submission to this panel or in any other capacity.

Deputy L.V. Feltham:

I am also a member of Unite the Union. I previously used to chair the Civil Service branch of Unite the Union and have sat on that side of the table for the previous review.

Deputy S.Y. Mézec:

Indeed. Okay. Thank you. If we are all ready to begin, the first round of questions we will be looking at were to do with staffing issues. We thank both you and your unions for the submissions that you have made to us. When we had a previous hearing with the States Employment Board in November, they told us about their ambition to increase the number of permanent staff and they said to us that there had been collaboration with trade unions to learn and borrow from successes in other jurisdictions. So I guess just as an opening question it would be interesting to hear from you what that collaboration has been from your part and how you think that is going.

Regional Officer, Unite the Union Jersey:

Okay. From Unite the Union's perspective, we regularly meet now with the S.E.B. (States Employment Board), which is welcomed. We meet on a sort of sectoral basis, so Health will meet with the representatives and myself and the other requisite unions. We have had a standing agenda item, which is recruitment, retention and what strategy this employer is particularly applying across all sectors of government to bring people into the vacant roles. Because clearly providing the services, especially within Health, we see difficulties and our representatives who are the boots on the ground are feeding back to us that, one, the staff are oversaturated with workload and covering vacancies and vacant positions but the services are not really ... well, they were especially at breaking point. I do think the employer has worked with trade unions. They have listened to us about our concerns. They still struggle to recruit, quite frankly, across all sectors of government, but I think there has been some marked improvements, I believe, in teaching and in Health. Health is still very much a huge void in the recruitment process, but they have significantly improved over the last 18 months in terms of their vacancy rate.

Deputy S.Y. Mézec:

Thank you.

President, Jersey Civil Service Association Prospect:

Firstly, I would like to basically confirm everything James has said. I have been at the same meetings and everything he said is absolutely correct. The only thing that I would add to this is that at those meetings with the S.E.B. on a number of occasions we have highlighted certain departments where there is a significant amount of temporary or fixed-term contracts as opposed to full employment. We have raised with them the issues repeatedly about how that would affect our members and your staff's lives. They cannot get mortgages. They cannot get anything if they are only committed to one year's worth of work. Following on from that, the point we have raised is that a number of the fixed-term one-year contracts are still in place 2, 3 years later, so clearly there was a permanent position. So that is something that we have raised repeatedly and in certain areas there has been an improvement.

Deputy S.Y. Mézec:

When you find situations like the one that you have just described, how does that get dealt with? Are they receptive to what you say and try to fix that and turn it into a permanent role or do you find difficulties trying to get that done?

President, Jersey Civil Service Association Prospect:

I think it is fair to say that, as James has already highlighted, the relationship with the current S.E.B. is significantly better than previous. I have no doubt that they do listen. They do question Civil Service staff that are present, the senior staff, and they do task them with reviewing and doing some

work behind the scenes to ascertain whether there is a permanent possibility. One of the examples recently was a department that only has funding for one year but the project is for 4 years. It was an example we gave where: why can they not have permanent 4-year contracts, although it is still temporary, or some form of a more permanent role so that they can live their lives with the support of loans, et cetera?

Regional Officer, Unite the Union Jersey:

Unite may just have a slightly different view in terms of the relationship with the S.E.B. because we did not have a relationship with the S.E.B. previously and at least we have meetings with the S.E.B., it is correct to say, from our perspective. We tried, especially when I first came to the Island in 2021, to ask the question why we do not have regular meetings with the S.E.B. over sectoral issues. That is something that I was a big driver in and they have begun. Yes, they do seem ... I would not like to think they are just a talking shop. They do listen to us. Whether there is corrective measures that come from that it is difficult to tell ...

President, Jersey Civil Service Association Prospect:

Very much so.

Regional Officer, Unite the Union Jersey:

... because it is early days, but we do make those observations, as Chris rightly says, regarding short-term contracts. I think the previous chair of the S.E.B., who subsequently then stepped down, agreed with that position I think when we raised it at that particular point. But when it comes to overall staff recruitment and retention, we are also seeing a knock-on effect. Although they are quite desperate to bring people from other jurisdictions, they are putting people potentially in a position of debt because of the relocation packages, which we do not think are significant enough because they are automatically absorbed as soon as they come to the Island. The promise of the golden sands, I think they are changing that view now. I think they are going to concentrate more on the prospects of opportunities within the employer, not just promoting, as I say, the golden sands and the sunniest isle of Jersey as they used to. Because people then come to the Island; they pay a significant amount up front for their rent; they pay a significant deposit for their rent; they are left with a minimal amount of money then to begin living in Jersey. Although the wage is sometimes higher reflected per sector compared to the U.K. (United Kingdom), for example, they are significantly in a position where they cannot survive and live in Jersey. Then, if that is within a 3-year period, I think it is, once the relocation agreement has been exhausted, if they leave the Island in that time they owe a certain level of their position back to the employer. So they effectively are worse off. They are in debt to the employer and they leave the Island and that leaves a sour taste in their mouth. They speak to their colleagues when they go back to the U.K. and reputationally that is doing no justification for Jersey and the good things that Jersey can offer rather than just the bad that I think sometimes by

proxy, by this recruitment crisis that is reflected, by the way, across the Island ... Unite represents across the entire Island rather than just within government, but we are seeing that there are more jobs in Jersey than there are people to fill them. The whole recruitment crisis and retention is a major, major issue. There are more people leaving employment in Jersey than there are probably coming in.

Deputy S.Y. Mézec:

So on those packages for recruitment and relocation, are you getting much feedback of people looking at that package before they take up a role and then saying: "No, thank you" and changing their minds on it, or are you getting much feedback from people who do take up those packages and then suddenly the maths hits them and they realise that it is more difficult than they thought?

Regional Officer, Unite the Union Jersey:

That is a good question because we do not get to see or hear because it is the employer who directly deals with these individuals who are making the applications for these roles. We do not really necessarily see the job roles being advertised. They are with agencies potentially in the U.K. who seek to bring people into Jersey. So what we do see is the amount or the package not being enough. For example, they have just had to ... instead of just the £5,000 relocation package and then they seek their own private rent, we know - and we were a big driver in this - that there is a housing stock that the Government hold and for key positions and essential positions they have released up to 100, I think it is, or 110 of the housing stock. Now, that has a counterproductive effect because what happens then is you have over 100 people potentially and their families being given eviction notices last October to evict, to step away from the properties that the Government has provided, in February of this year. That is to release the housing to provide it to the new essential skills coming to the Island, but it is putting these people in a predicament where they have suddenly effectively had a £1,000 pay cut because they now have to go into the private sector after being supported. Yes, the guidance on the system, and it was mismanaged I think by Government as well, where these individuals with key skills and essential skills were offered 12 months' accommodation as part of their relocation, some of them have been in there 12 years. So it has just caused a problem and these people ... you may be bringing 100 new people and their families to the Island, but you could be creating a point where 100 people could leave.

Deputy L.J. Farnham:

Can I just show you that from the media?

Deputy S.Y. Mézec:

Sure. Someone from the media has just sent a message who just was not sure who we have before us. We have James Turner from Unite the Union and Chris Hopkins from Prospect, just for the

benefit of those watching. Very quickly on the housing situation, and then I have a question for Chris, when you said that those people are now being asked to leave those homes, is that people across the board in the Government's key worker housing or are you aware if that is people on specific housing sites?

Regional Officer, Unite the Union Jersey:

I think it is anyone who has exceeded that one-year agreement, which it was initially set up for. Some I have to say are being considered on the merits of their cases, whether they have 2 or 3 young children. I do not know the whole details of it but I do believe we raised it with the S.E.B. as a problem and it is going to be counterintuitive to bring new people into these properties, whereas other people who were maybe originally from the U.K. in the first instance will just simply go back because they can no longer afford to live here. So statistics, we are in early stages yet because we are not in February and the people are not being evicted from their houses or their residences, but come sort of second quarter we want that data on how many people have indeed left, how many people did come, how many properties remain vacant. Is the employer, for example, asking people to vacate a property and not filling it? It is going to remain vacant while there are people being forced to go into the private sector? There has to be a balance before you see or create a further problem of exodus from the Island.

President, Jersey Civil Service Association Prospect:

If I can just come in on the start of that question with James, he is absolutely right. We do not see what the employer offers, the job descriptions. We do not see that at all. But some feedback we have had via members is that there has been a degree of improvement. With the recruitment team, as I think they call them now, it used to be that all inquiries came into the people hub and anybody that happened to answer the phone was asked questions about, as James has said, packages, homes, renting, et cetera. Whereas now I am led to believe there is a recruitment team and that they work with people who apply for jobs from day one and stick with them until they get here. Since that started I have not been getting feedback that they have been misled or ... I will not go ... it is not deceived but have been given the shiny sun and sand, as James has said. They are giving them the facts and I think that is how the S.E.B. told us they had improved employment in schools was by these recruitment teams working directly to get them into what is happening as opposed to the promises.

Deputy S.Y. Mézec:

Okay.

Regional Officer, Unite the Union Jersey:

Just to further elaborate on that, I think what I asked for in the last feedback session that we received about this package and about how it is shaped for individuals and the offer that is being made to individuals from other jurisdictions, I asked for the costs of local services, goods in the supermarkets, utility costs, to also be presented within this relocation package to people so they understand the true costs; parking, for example, housing, rent. You could go on and on and on. You can only present so much but it has to be a realistic position. Otherwise you are duping people into coming to the Island that cannot afford to live here, quite frankly.

Deputy S.Y. Mézec:

Okay. Very quickly on this before moving on to some other connected areas on this, we did have a submission from Professor Hugo Mascie-Taylor, who was chairing the Health Advisory Board until very recently, who fed back to us that the length of time that it was taking to get employment agreed with someone was something that was putting off candidates, who were seeing just how long it was taking to get everything signed and approved and that was putting them off from taking a job at all. Is that something you hear from your members at all? That will not be from outside the Island but maybe moving up in roles.

President, Jersey Civil Service Association Prospect:

I can give you a fairly recent example of where that has happened with a member that I did assist. They were moving from a different jurisdiction to Jersey. They had been offered a number of positions, all via Teams. They were interviewed via Teams for those positions. They were offered 2 of them.

[12:15]

But it then took months to get to the point where here is your piece of paper saying you can come and this person will help you move and recruit, et cetera. The delays were months. It was not a couple of days or a week. It was months of delay to move here because the process was moving so slowly. Even within the Island there is another example very recently where a person was moving, left a States employment job, went into the private sector, got offered another States position, and due to delays it is at the moment counting 5 weeks, heading towards 6, to restart working for the States. Now, that to me seems ridiculous.

Deputy S.Y. Mézec:

Is that something you are feeding back to the States Employment Board?

President, Jersey Civil Service Association Prospect:

Yes, we do. Our next meeting is February, I believe.

Regional Officer, Unite the Union Jersey:

I think so.

President, Jersey Civil Service Association Prospect:

I think it is February.

Regional Officer, Unite the Union Jersey:

Just further on that particular point, I think the employer has made some drastic changes in their recruitment drive and process and team, as you said, but however, they have introduced a silver medallist ... I do not know if you have heard of this.

Deputy S.Y. Mézec:

I think we have.

Regional Officer, Unite the Union Jersey:

So, for example, if they go through an entire recruitment process and drive, which takes time - they get a pool of people applying for, say, 2 jobs, okay, and there is 4 left over and they are suitable for other jobs within government - they are, therefore, using that process to appoint into another position to save the restart of the process all over again. So I think that is a good initiative. There is more that can be done but that is one of the things we have seen. Obviously, you have had the licensing issue and all that red tape as well, which comes with Jersey and working in Jersey as well and registration, et cetera.

Deputy S.Y. Mézec:

Okay.

Deputy L.J. Farnham:

Sorry, do you know if they have solved that delay between interview and contract?

Regional Officer, Unite the Union Jersey:

I think they are improving. I would not say they have solved it 100 per cent.

President, Jersey Civil Service Association Prospect:

Yes, I was going to say it is very difficult for us to say they have solved it until they start here. It is only then that we get anecdotal. We would not know in advance because we do not know who has applied to the employer. Obviously, the H.R. (human resources) staff could help you with that as to how long it is taking them to process each employment.

Regional Officer, Unite the Union Jersey:

There lies a problem as well because if people are working on their notice with their previous employer and then there is a further delay, they may have left the employment and they are in a nil pay situation. So they are already putting themselves in a deficit to come here, so those delays are not fair on those individuals by proxy.

Deputy S.Y. Mézec:

What feedback do you get from your members about the levels of interim and temporary staff who might have different packages offered to them on the basis that they are only interim and temporary and what effect that has on the permanent staff and their morale and how they feel at work as a result of that?

Regional Officer, Unite the Union Jersey:

I mean, Health is the biggest factor here, I think. With the locums, et cetera, and the agency bank, it does cause friction, without question. It would be remiss of me not to mention that from my membership that I get through my representatives regularly: how are these people on £70, £80 an hour more in certain circumstances because they have come to the Island on that contractual basis? I do think it was reported from the Director of Health at the time that they were looking into that and trying to narrow that margin and gap. Obviously, they do not come with pension rights, et cetera, as well sometimes so they gain in the hourly rate, but sometimes you have to look at the other employment benefits as well they do not get in conjunction with that. But yes, clearly it is all about the pound in the pocket, which does have an effect on morale. It drives it down. They are working alongside colleagues who are on significantly less money. In an ideal world, if there was not the recruitment problem everyone would be working in full-time employment and we would not see that, but is there some position of it is advantageous to come into those roles? We would all consider that position ourselves if we were on significantly higher wages.

President, Jersey Civil Service Association Prospect:

One of the things that has been raised significantly recently because of the time of year, obviously, is that some of our members in the hospital and the children's service, et cetera, where there is a high percentage of locums, that they all had to work Christmas because the majority of the locums went home or did not work because they did not have to, whereas our members with residential qualifications, et cetera, they are having to work all of the Christmases and the holidays and the bank holidays, whereas their locum staff, sometimes junior, are saying: "No, I am not working. You can work; I am going home" which morale wise I am sure you can understand. If you all have to work Christmas and everyone else is going off for Christmas and they are being paid more and they

are getting more leave in certain cases, it destroys them. Having just finished Christmas, people are still coming out of that.

Deputy S.Y. Mézec:

Okay. Any supplementary questions on this area? No. Okay, in which case the next round of questions Lyndsay is going to lead on.

Deputy L.V. Feltham:

I am going to ask you some questions about culture. I know earlier, James, you had mentioned about the oversaturated - I think you classed it as oversaturated - workload within Health and Community Services. Could you describe some of the specific cultural factors within Health and Community Services that are leading to reports of overworking and stress?

Regional Officer, Unite the Union Jersey:

We were talking about the recruitment and retention earlier. Obviously, if there are vacancies and there is high levels of vacancies, that will have a knock-on effect to the saturation of workload for individuals covering those vacancies. In terms of the culture, whether or not the employer is moving swift enough or quickly enough, I think the Hugo Mascie-Taylor report obviously within Health exposed a lot of cultural problems across that sector, which are being dealt with. We still see on a daily basis issues coming from certain departments. I think, frankly, there is quite a toxic environment in Health. There have been changes within certain senior levels to try and improve upon that and I do think at the very top it has improved. Our members and our representatives are working well together; it is the middle management that seem to have the issues of recruitment and retention, that culture of having a good working relationship with staff. It is driving people away from the service, I think. We are seeing quite a few people who are involved in deeply entrenched grievance and disciplinary processes. We have worked with the employer to try and eradicate those, but it is not healthy to have that work environment and people will go elsewhere where they think the pastures are greener.

President, Jersey Civil Service Association Prospect:

Yes, I absolutely agree with James, but if I can just add to that and, if you like, talking about money, when you have shortness of staff, let us say it is a 5-person unit and there are only 3 there, to start with the other 3 are not that concerned because they can claim all the overtime and cover all the work, which obviously adds to your wage bill. So there is that money side of it, but it gets to the point where they realise that working overtime on their days off, working an extra 30 hours a week so that they get this extra money, is really only a short-term fix. It is not long before they start realising that I have loads of money but I have no family life, I have no well-being. When they then want to start coming back to their contracted hours, we have had a number of questions across the

board: can I be made to do overtime? Because the culture has been that we are surviving with 3 staff so we are not that concerned about employing the other 2, until all of a sudden those 3 have realised that I am earning loads of money but I have no life; I want time off. Then it goes into the recruitment process and, as we have mentioned already, long, drawn-out recruitment processes. So I would suggest that the culture at the moment for some people is great because they are making a fortune on overtime, but it is not long before they realise that they are doing that at their own health detriment.

Regional Officer, Unite the Union Jersey:

Just to further elaborate on that, Chris is right, the levels of stress and anxiety absence that is reported from our representatives from the workforce is increasing. So, therefore, by proxy, if absence goes up, suspensions and prolonged suspensions go up as well. This is causing your own temporary vacancy issue in addition with the permanent vacancy issue. We have worked with the employer within Health specifically to generate a new approach to the dealings of investigations in the first instance or suspensions. It has worked. We have seen a slight change but there is still this cultural element of certain areas or managers which create the problem, I think, and that is still ongoing.

Deputy L.V. Feltham:

In his submission Professor Mascie-Taylor advised that he had been repeatedly told that there are no consequences, particularly in relation to senior and more powerful people. I get the sense that is what you are saying there. It was also noted that vigorous public support from politicians was required in order to change the culture appropriately. What is the perception among your members on how more senior and powerful people are treated within Health and Community Services?

President, Jersey Civil Service Association Prospect:

I will come in on this one first. **[Laughter]**

Regional Officer, Unite the Union Jersey:

Yes, go on.

President, Jersey Civil Service Association Prospect:

There is a total ... everybody believes that once you get above a certain grade you do not lose your job. You retire early with a big pension; you are redeployed with money in your back pocket, et cetera. Senior people are never sacked, whereas the grassroots can be. I truly believe that is a perception across the entire States employment that nobody at a senior level ever seems to be held accountable for anything.

Regional Officer, Unite the Union Jersey:

Yes, similarly we have had many, many cases where bullying and harassment or the culture or toxic environment has been raised from even a group of individuals from a certain department within the Government. Yes, we have seen some minor changes, especially if it is direct bullying from an individual. However, Chris is right. If the individuals ... so instead of a disciplinary towards one of my members, if it is reversed and there is a grievance that they raise because they feel as if they are being directly ... and I mean some cases are blatantly obvious that they are being victimised and bullied and harassed to a level which has caused them adverse mental health issues. The individuals who are the cause of that treatment are almost untouchable. We see very few ... there have been a few instances but not many compared, as Chris says, to the grassroots individuals who, if they acted in the same manner, the majority of them would be dismissed. Whereas if you reverse that from the senior management down, very few would be dismissed and have been dismissed.

Deputy L.V. Feltham:

I want to just ask you a bit about the ... because I am aware of what a grievance process is and a disciplinary process is. Obviously, others in the room may not have seen that happen and understand what you mean by the difference between the 2. Are they both handled in a different way? Is that what you are saying? Is the process different for handling a grievance as opposed to a disciplinary process?

Regional Officer, Unite the Union Jersey:

Yes, the process of disciplinary is the employer's process. So, therefore, it is something they instigate with an employee whose conduct or behaviour or actions may need some corrective measure. A disciplinary, let us not forget, is meant to be a corrective action. It is not a punishment. It is not there to subject the individual to bullying and harassment. It is there for genuine cause, genuine reason, and it is there to manage behaviour and culture. As a union officer, it might seem strange but I understand what disciplinary is towards certain individuals whose actions and behaviour need to be corrected. Vice versa, from a grievance perspective, any employee who is employed has the ability to raise a grievance of their own particular frustration if they are aggrieved by any element of their employment, by the behaviour or culture within their working environment, and that is their process. So that is controlled by the member or the employee and their representative and we present the case on behalf of the member of why they are aggrieved in a particular instance. Then there will be levels of grievance procedure as well, as there is in disciplinary as well. So if the outcome at stage 1 is: "We do not see any case to answer", then you have the right to appeal. You take it to the next process and so on and so on until it is exhausted. We do not always see ... some members want magical outcomes or things we cannot gift to them. They want the manager dismissed, as I said before. We see very little dismissals. That does not happen, but at least it is

noted and documented for if it happens again they potentially have a case for tribunal for any bullying and harassment and things like that. It is a formal process to be noted.

President, Jersey Civil Service Association Prospect:

I think what James ... the very last sentence there absolutely is why it happens. Because the employee is looking for that evidence. They are looking for that protection that if they end up having to take it to a tribunal from constructive dismissal, they are trying to build that evidence to help them. Whereas the other way round it is not required because they can just get rid of them.

Deputy L.V. Feltham:

You mentioned earlier about your meetings with the States Employment Board. I just want for clarity to ... you did mention that you meet with politicians on the States Employment Board; is that correct?

Regional Officer, Unite the Union Jersey:

Yes.

[12:30]

Deputy L.V. Feltham:

So what is the overall sentiment regarding the involvement of politicians and what measures can be taken to provide a more positive relationship? So are the politicians on the States Employment Board aware of these things that you are raising with us now?

Regional Officer, Unite the Union Jersey:

Yes. We raise these cultural elements. They have teams of people to do their work for them in a sense. They give the instruction and Employee Relations will deal with it or H.R. will deal with it. As we know, the senior team that we deal with who negotiate and represent the S.E.B., they are in the room as well so they are the guidance for the S.E.B. The S.E.B. delegates are open and want to hear. To be quite frank, I do not think the S.E.B. are told as frankly and directly as the way I speak or the way Chris speaks sometimes from their employees, so they welcome the honest truth, no matter how frank and how direct it is sometimes. How that is dealt with when we leave the room is a different matter.

President, Jersey Civil Service Association Prospect:

Going back, because again we did mention this earlier, yes, we do speak directly to the politicians. If they do not know what we are talking about or they do not have knowledge, they will refer it to the liaison officers and they will get fed back. We do not always hear what that is and, as James says,

when we leave the room we do not know what is said. But there clearly is a want to learn and to work with us, but obviously that is not always possible.

Deputy L.V. Feltham:

You said earlier that there is a sense that senior people feel that they are untouchable. Who deals with that? Is anybody dealing ...?

President, Jersey Civil Service Association Prospect:

I think historically nobody has ever dealt with it and I think we are probably in the same situation. James and I are in a bit of a privileged situation that we hear information from all levels across ... well, James across the entire Island and mainly I am just States employees. We are aware of more than the majority of members would be. There are people that mysteriously retire early or resign and that is clearly reported in the *J.E.P. (Jersey Evening Post)*, et cetera. But nobody ever seems to look to why and that is never reported why, so that just feeds this lower level ... I think contempt is a bit strong but it leads to this picture that nobody at a higher level is ever held accountable. They have just retired and they got this money. Why have they retired early? Everyone just makes up their own version of why. It could be an absolutely genuine reason but it does not help the picture.

Deputy L.V. Feltham:

If we move on to grievances now and the types of behaviours that are being reported by your members within those grievances, can you provide details on those types of behaviours that are being reported and the impact that that has on individuals and the overall team morale and cohesion?

Regional Officer, Unite the Union Jersey:

I think bullying and harassment has been a red flag for me since I arrived in the Island. It seems to be disproportionate here in Jersey compared to other jurisdictions where I have worked in the U.K., for example, and Wales. I made it a task of mine to try and eradicate that from ... you know, protecting our members. I think this employer in particular knows me now, knows my members. The representatives are well trained. The members I hope feel supported and I know our representatives on the front line do a fantastic job in supporting the employees when they have a grievance or disciplinary process. But when it comes down to the culture from certain departments, it carries on. We have seen some changes. I do not know if you want me to mention departments directly but culturally we saw the pharmacy, for example, had a major, major cultural issue and it was only with the strength of the membership themselves and myself supporting them and the representative at the time and the new representative who has come into the role, almost to the point of having to do a vote of no confidence in the management in that particular ...

Deputy L.V. Feltham:

I will declare that I was the representative at the beginning of that issue.

Regional Officer, Unite the Union Jersey:

Yes. But it echoed on and it still continues to this day. It has not been fixed, even though we have taken a firm stance and there have been some changes. So this unfortunately does occur and it is not something ... we try and avoid conflict as a trade union. We are always prepared to take industrial action but it is not something that we use as our first position. It is a position where I think if these departments ... because it is a lay member-led organisation, so if my members approach me and they are aggrieved so much as a collective group that they have had enough, it will come to a potential dispute departmentally, sectorally, however you want to see it. But that is the members' decision, not mine directly.

President, Jersey Civil Service Association Prospect:

If I could also come in there, again at the beginning there James used the word "disproportionate". At the moment Prospect is going through a change of the leadership team, so I am having a number of meetings with U.K. representatives, who did not take a major role in Jersey but over the last sort of 6 to 8 weeks they have. It was said many a time yesterday they could not understand why Jersey has such a disproportionate amount of grievances, bullying. They did not realise the amount of work that was being done inside Jersey. We are one of the highest issues across the entire Prospect union in the U.K.

Deputy S.Y. Mézec:

Can I just butt in to ask on that? That is feedback that both of you have given from your unions' perspectives there. Do you have any reason why that might be? Is it a uniquely Jersey thing or ...?

President, Jersey Civil Service Association Prospect:

If I can just jump in, obviously ...

Regional Officer, Unite the Union Jersey:

Yes, you go first because my views on it ...

President, Jersey Civil Service Association Prospect:

Well, I have only been in the union in Jersey so I cannot give you an across the U.K. I can only give you the feedback I have just given you that I received yesterday. James, however, is in a far better position to answer that question across other jurisdictions. The only point I can say is that an awful lot of the enquiries that come to me in the way of small bits and bobs, not major problems but small bits that are upsetting people, I look at them and to me it is ridiculous that it just appears that ...

again, James referred to middle management. It appears that middle management do not seem to be able to solve reasonably small issues. It ends up either as a major issue or it is ignored. It does not seem to be dealt with at that level. So my guess would be that in the U.K. that is far better dealt with than it is here, but obviously James can help you there.

Regional Officer, Unite the Union Jersey:

It is a very good question because when I came from Wales ... and obviously Wales is a very strong generally unionised workforce or workforces. Came to Jersey and almost the culture was unions do not exist in Jersey: "We can do what we want" type of behaviour without consequence. If you raise your head out of the barrel you will never work for the States ever again. This is the culture that I was hearing when I first stepped foot on the Island. I mean, I am not employed so that does not bother me in the slightest, but when it comes to our membership that was problematic. Because clearly I need my members ... we are ineffective if our members are not raising points and we are not dealing with issues constructively and collaboratively with the employer. Yes, we have had to raise it out of the ... and by the way, when Chris mentioned and I previously said about middle management, that is not the individuals. That is because they do not have training. That is because they are not supported by the employer.

President, Jersey Civil Service Association Prospect:

Yes, absolutely.

Regional Officer, Unite the Union Jersey:

That is because they have been promoted beyond their capability. That is what I mean by that. I am not focused on any particular individuals per se. It causes this knock-on effect and, yes, as we mentioned before, the working relationship between this employer and the trade unions is far better than what it was when I first came to the Island with the predecessors on the S.E.B. or predecessors on the negotiation team that we deal with. We are, for example, included in a job evaluation process, included in job descriptions. Our members were closed out of that previously. It is something I have ... so this working relationship with trade unions has empowered people a little more and that is maybe why there are more grievances. That is maybe why there are disciplinaries. It has given people that voice and when people raise that voice from their own volition or as a collective group sometimes the people who are in charge of them do not like it and then disciplinary increases. But then people feel empowered and they can raise their grievance. I am a big supporter and believer in ... a grievance is a ... a disciplinary is slightly different, but a grievance is a neutral act. You are entitled by law to raise a grievance if you are in any way facing adversity in your employment. You are entitled by law for representation, statutory rights of representation. So the employer and the managers who manage individuals who raise a grievance should not really fear the process, whereas disciplinary is, as I say, a corrective measure for the employee. A grievance is a corrective

measure potentially for the employer to identify where these problems lie and can improve. So why it happens more in Jersey I do not particularly know but it definitely is disproportionate.

President, Jersey Civil Service Association Prospect:

If I can just come back on that because again James has kind of pointed you in that direction, is that with a grievance my personal opinion is that the majority of managers that are issued with a grievance or made aware of a grievance, rather than stepping back and reviewing why is that being said about me, am I actually doing something wrong, they go on the defensive. I think again James is absolutely right. We are not picking on a particular manager in any department. It is that training to get any manager to that position. Some of the people we have witnessed are senior managers or supervisors but it seems to be that defensive rather than learning that seems to be one of the biggest issues that I come across.

Deputy L.V. Feltham:

Moving on to disciplinary action now, you have mentioned in your report that you sent to us about a reputation for harsh dismissals that contribute to a culture of fear as well as cultural issues within Health and Community Services, where management were being protected and general workers punished heavily. Is there anything further that you want to add to elaborate on that, I suppose the disciplinary process, how that works, the effect on your members?

Regional Officer, Unite the Union Jersey:

The only thing I would say is I alluded to it before, which is the improved ... well, I see it as improved; I know Prospect had a different view at the original introduction of it, which is the 5-day fact-finding process, which takes the ability of the local-level managers to take an action of, say, suspension, which can be and we have seen suspensions for over 12 months before the case is dealt with, so that takes it kind of out of their hands and it is put into a review panel to see if there is, one, a justification for any progression of disciplinary. We have seen a drop I think in Health from the disciplinary processes. We have seen an increase in grievance because people I think are, as I mentioned in my previous answer, empowered to do so. But I think the cultural behaviour of the employer, the message is getting from the top to the lower level managers now, I think. The 5-day fact-find, although I do not think it is perfect, has helped.

President, Jersey Civil Service Association Prospect:

In relation to the 5 days, as James has rightly said, when it was introduced at the very beginning Prospect were not engaged on that at all. It was arranged purely by James working with senior members of the Health staff I believe it was. But we are not against it. We were never against it. What the problem is, and I still see it, is that because of the staff that are trained to do those 5-day fact-finders is the majority of them are 5 weeks or 10 days or ... 5 days' fact-find is truly a great idea.

Let us turn this around in 5 days. Nobody has to suffer. It is not weeks of waiting to find out whether you have done something or not done something or whether there is training required. It is turned around in less than a week. However, unfortunately, the majority of those 5-day fact-finders are well into weeks.

Regional Officer, Unite the Union Jersey:

That is not how it was designed.

President, Jersey Civil Service Association Prospect:

Absolutely not, no.

Regional Officer, Unite the Union Jersey:

Lyndsay would know this anyway, but that is not its intention. It was there to give a quick overview of a case, whether the case should move to formal process or not. It is that simple. Chris is right, I think again it is people taking control of the situation, abusing the position of the 5-day fact-find and looking for something. Taking time to look for something is totally different than taking the 5 days to establish whether or not the case has merit or not.

President, Jersey Civil Service Association Prospect:

I have had 5-day fact-finders where they have interviewed people.

Regional Officer, Unite the Union Jersey:

Yes, that is not what should ...

President, Jersey Civil Service Association Prospect:

It is absolutely not the point, but obviously the people that were running that particular fact-finder did not know what they were doing.

Deputy L.V. Feltham:

So there is an inconsistency of approach, is that what you are saying, around ...?

Regional Officer, Unite the Union Jersey:

At the 5-day fact-find, yes. It has not been ...

President, Jersey Civil Service Association Prospect:

Absolutely. The idea is a great idea and when James got that into place, although we did not know about it to start with, when we found out about it, it was a good idea.

[12:45]

However, the implementation, the timescales, the training behind who does those 5 days, it is not right. That is why, as James again has said, we are moving into a situation where interviews are being conducted. That is not the point. You are meant to look at the basic facts and turn it around ...

Deputy L.V. Feltham:

I am just going to move us on because I am conscious of time.

President, Jersey Civil Service Association Prospect:

Oh, sorry, go on.

Deputy S.Y. Mézec:

Yes, and I think we are going to get at this in further questions as well.

President, Jersey Civil Service Association Prospect:

Okay, that is fine.

Deputy S.Y. Mézec:

There is lots to talk about on this, definitely.

Deputy L.V. Feltham:

I just have one final question on this in relation to the Unite submission. I just wanted some more clarity, James. You mentioned only approaching this in a zero tolerance approach and I think you were referencing ...

Regional Officer, Unite the Union Jersey:

Which point are we looking at?

Deputy L.V. Feltham:

I do not have a page number here, so we can follow this up in writing if that is convenient.

Regional Officer, Unite the Union Jersey:

No, that is fine.

Deputy L.V. Feltham:

It was around a zero tolerance approach and I think it was in relation to disciplinary procedures. Where the general workers were being punished heavily, will the employer succeed? So I think it might have been zero tolerance ... yes, I ...

Regional Officer, Unite the Union Jersey:

Zero tolerance from me?

Deputy L.V. Feltham:

Yes.

Regional Officer, Unite the Union Jersey:

Yes. That is not surprising that I would write that, by all means, because I do not like any individual member being bullied. Unite the Union has a zero tolerance approach to bullying and harassment and we will take whatever measures we have to to protect our individual member or our collective members. That is not in any way a threat. That is our mantra. We will not tolerate ... disciplinary when it is justified, it is conducted in an appropriate and dignified way, we have no issue with. When people are abusing the process and bullying and harassing our members in abuse of their position or abuse of the disciplinary procedure, we have a zero tolerance policy to that.

President, Jersey Civil Service Association Prospect:

Again, I fully support that. People do things, make mistakes. There must be a disciplinary policy, nobody has ever argued that, but it has to be fair and transparent. Fair across all levels, not just downwards as we have spoken about, upwards as well.

Deputy S.Y. Mézec:

Okay. On our side, we are just going to change the order of our questions because I think we have questions that follow more naturally on this than what we had planned, so we are going to go to question 10 and then come back to 9 in a moment. The next round of questions are about H.R. processes so it makes sense to do that now. When the National Education Union made a submission to us, they spoke about the delays in the way that bullying and harassment complaints procedures occur as well as a lack of checks and balances on initial information that they observed when representing employees in the workplace. What have been your members' experiences with the quality and accuracy of H.R. investigations and how has this affected their trust of the system and their willingness to engage with it at all?

Regional Officer, Unite the Union Jersey:

That is a great question.

President, Jersey Civil Service Association Prospect:

Do you want me to go first?

Regional Officer, Unite the Union Jersey:

Yes, you go first. **[Laughter]** It is quite complex, yes.

President, Jersey Civil Service Association Prospect:

Give you some thinking time. Again, that relates to this 5 days. That 5 days should be done succinct, quick, move on. If that is done properly, then there is not long delays. Members do see that they make a grievance ... and I am absolutely supporting someone at the moment in a particular department. They have made grievances against their line manager. It has gone backwards and forwards, upwards, downwards, and it has not got anywhere. Then a middle manager has closed it. So now they have made it again but this time to a senior manager to have another look at that. We have not mentioned it at all today but there is the Speak Up Guardian now across the hospital in Health, so they have even gone to her to try and get these matters resolved. They lose faith. It is as simple as that. As we have said quite a few times today, it always looks like the further you are up the less punishment, the less anyone wants to look at it.

Regional Officer, Unite the Union Jersey:

Listen, if the employer has a consistent approach to both sides of a grievance or disciplinary there is nothing wrong with that at all. I think our members and the employees have confidence that even if they are in disciplinary it will be handled fairly and with dignity and respect. However, I do not think this employer has that level of trust from its employees because of the handling of disciplinary and grievance processes, quite frankly. I think they do not fear grievances being raised anymore. I think you will see a larger level of grievances coming through. I still think the employees do not trust the disciplinary process. I think they find it is heavily weighted towards the employer to find something on them rather than ... and this is certain individuals who handle the disciplinary processes. Yes, that causes no end of trouble because what happens is in a disciplinary process although there may be after months and months and months not enough evidence, no case to answer, they have been through the mill. They have been through the actual mill of the working processes of discipline and grievance and the stress and the strain and threat of potential gross misconduct, this could lead to your demise, and then there has been no case to answer. Whereas the 5-day fact-find should have been no case to answer and they should not have progressed with the disciplinary. So there are still failings. It is not a perfect system but it does leave people with a sour taste in their mouth if they are in the process or are being threatened with the process.

President, Jersey Civil Service Association Prospect:

If I can just add 2 small points, one is again James is absolutely right, so many of these go on for months and months and months and then go nowhere, which is a real shame. The other point that I have come across a couple of times but is getting better, and I think James would support this, is that the investigators when they finally get given this job I have had a number where they have interviewed, they have done the investigation until they feel they have proved it and then stopped. They have not tried to get to the truth. They have tried to prove the case, which again is negative and is something that I wish would change. It has improved but certain investigators, that is exactly where we are at.

Deputy S.Y. Mézec:

When we met with the States Employment Board at a public hearing previously, they tried to assure us that they actively encourage whistle-blowing. Is that something that you think your members would feel is right and is their approach and would they feed back that the whistle-blowing policy helps foster a safe environment to report misconduct?

Regional Officer, Unite the Union Jersey:

No.

President, Jersey Civil Service Association Prospect:

No.

Regional Officer, Unite the Union Jersey:

No, I do not think that ... they do not encourage whistle-blowing at all. They may have a policy but that does not mean they encourage it. I think our members are still fearful sometimes of the whistle-blowing process. Chris has mentioned the Speak Up Guardian. I think that is a good initiative. I believe the Speak Up Guardian has been utilised by employees ... I would not say union members because I do not know if they are but ...

President, Jersey Civil Service Association Prospect:

They definitely have.

Regional Officer, Unite the Union Jersey:

Yes, but employees who feel as if they have that mechanism. Is it a formal process? Do they get the resolution that they want from that process? I do not think they do, but at least they have a shoulder or an ear to speak to over their issues. I think personally as a trade union officer any of our members should come to us with the issues, although I know Ashling and I know the Speak Up Guardian role is crucial for some people.

Deputy S.Y. Mézec:

Just forgetting about the Speak Up Guardian for a moment because I will come back to that in a subsequent question, but in other areas where that does not apply do you think employees are becoming more or less willing to speak up and call out concerns? Do you see things progressively getting better or worse or the same?

Regional Officer, Unite the Union Jersey:

As I have said before, the grievances may increase because they feel a confidence individually to raise some points as a formal grievance process. The whistle-blowing policy is not really worth the paper it is written on, to be perfectly frank. There is no whistle-blowing legislation in Jersey in terms of protections anyway so personally I would always recommend that my members use the grievance process rather than any whistle-blowing process.

President, Jersey Civil Service Association Prospect:

Absolutely. James is right, the whistle-blowing ... I have dealt with a couple of people who have put them in and it has basically gone nowhere. It was a waste of time. I think the majority of members look at that if they speak up they are either going to be ignored or they are going to be victimised. So they might as well put in a grievance because speaking up is ... and again, I am not saying this is the case but speaking up appears to be a waste of time or putting their head above the parapet. It does not seem to be protected.

Deputy S.Y. Mézec:

Okay. Does anyone else have anything on this in particular? Okay. So you did mention the Freedom to Speak Up Guardian a few times so it is worth asking just a couple of bits on that. Just firstly what do you think the impact of the introduction of that role has been?

President, Jersey Civil Service Association Prospect:

Well, again, I can probably help a little bit on this one because I am currently dealing with a ... or supporting a group of people from one department that had come to me. I had raised it. The matter was hopefully going to be resolved informally, which was accepted by the members, but it involved a very senior member of the team who had taken it on to resolve it. Everything stopped, which I did not understand why, so I contacted him to ask: "What has stalled? This was going so well. Why has it stalled?" It turned out that those members, unknown to me, had also gone to the Speak Up Guardian. She had raised it for them literally at the head of, well, Chris Bown, at the very, very top, and then he had put it back down saying: "I want to know what is going on." So the manager at the directorate level that I had been dealing with stopped. Well, hang on, I now have to answer to the Speak Up Guardian. Now, hopefully we have got that back on track and I am in no way saying that it was detrimental, it was just a confusion of where everybody's role sat. The union were supporting

the members. We were in talks with very senior management. We were resolving it, but unfortunately they had also gone the other way around, which I did not know about, and it stalled everything for a couple of weeks. But now it is back on track. James is absolutely right. The Speak Up Guardian is very much there to help people. I believe we have been given some figures on how many have been reported to her and how she had reported them to Tom Walker, I believe it is, and how that process was working for some people. But unfortunately on that one instance it did cause a bit of a stall but only because of a breakdown of whose role was where.

Deputy S.Y. Mézec:

Is that inevitable and does the role itself risk undermining what is meant to be the job of the unions and union reps in those situations or ...?

President, Jersey Civil Service Association Prospect:

No, I do not think it does and not only that but the Speak Up Guardian is there for everybody. You do not have to be in a union to go to her. James and I have both sat at meetings with the Speak Up Guardian and she and we have said: "We have our role, you have your role, we can work together but we must not work against each other." It has to be a separate avenue for not only non-members but members if they choose to go that way. We are only there to support our members. We are not there to make them or guide them in a particular area.

Regional Officer, Unite the Union Jersey:

As far as Unite the Union are concerned, I raised multiple elements of concern where it could conflict our ability to represent our members to the best of our ability as representatives and myself as the officer. Multiple reasons why I say that and I have indeed used ... I say used, utilised the ... I have directed some of my members and representatives to the Speak Up Guardian more on cultural issues where there is a departmental culture of toxic behaviour. I think that needs to go to the Speak Up Guardian because that is what she was initially originally brought in to identify. However, I have made this clear in multiple meetings. It is minuted and it is on record. Where the Speak Up Guardian and the employer has to be very careful and very mindful, in Jersey you have ... or generally we have 56 days' limitation for any legal cases. In the U.K., for example, that tends to be 3 months less one day or 90 days. So when the clock starts ticking, as we call it, when there is an act of detriment, okay, and an individual has the right to challenge that, if they speak to their colleagues, if they speak to their family members and then they think, okay, I will utilise the Speak Up Guardian, the clock is ticking. It is very, very easy to miss the limitation date. Then if you have not raised the internal formal process before exhausting or if the Speak Up Guardian does not really have the ability to seek your resolution for you, it has been a waste of time and your limitation date is eroded. So I have a real issue with only that element of it. I think it is there for a reason. It is good for cultural

issues. In terms of representational matters, serious matters of bullying and harassment or individual cases, trade unions are there for a reason.

Deputy S.Y. Mézec:

Okay. Would other departments do you think benefit from having a similar role?

Regional Officer, Unite the Union Jersey:

Yes.

President, Jersey Civil Service Association Prospect:

Yes, I think again basically what you are saying to us is would every department benefit from a whistle-blowing avenue, because that is something that can be useful.

[13:00]

I think every department should have a situation where if there is an issue any member felt that they could take it to their chief officer or their directorate without any comeback on them. I think that is where the Speak Up Guardian comes in.

Regional Officer, Unite the Union Jersey:

Yes, and as I mentioned in my previous answer, from Unite's perspective, predominantly with cultural issues where there is a toxic environment/bullying culture, because that is systemic through the department, that will not be for individuals generally. That will be everyone has the same view but nobody can speak it. Nobody wants to raise a grievance. But if one or 2 individuals want to get together and meet the Speak Up Guardian and say: "Listen, everyone is going through a process here of a toxic day-to-day environment", the Speak Up Guardian then instigates interviews in the department and speaks to people on a one-to-one basis. They get anonymity, that their names are not recorded for the employer's benefit. Then that identifies toxic and cultural issues. But as I said, individual issues use your trade union.

Deputy S.Y. Mézec:

Okay. Any supplementaries on the Speak Up Guardian? Okay, can we go to Deputy Andrews for questions?

Deputy M.B. Andrews:

Thank you very much, Chair. The panel notes that Prospect has noted a lack of noticeable change in the workplace following discussions about the restructuring of the chief executive role. I was wondering if you could just elaborate a bit further in terms of what is meant by that, please.

President, Jersey Civil Service Association Prospect:

Obviously it goes back over 2, in effect, chief executives at the moment. Suzanne Wylie in post was quite happy to meet us regularly. There were union meetings; not just Prospect. It was across the board. We were developing a very good relationship. As James has mentioned earlier, the union bridge to senior civil servants has changed, and that is far better than it has ever been in the past. So everything was getting significantly better for communicating. The interim C.E.O. (chief executive officer), we have not yet had an opportunity to meet with him. I am not sure whether he is going to stay or go. I do not think anybody knows that yet. You would have a far better idea than we would. We have reached out again to talk with him but, yes, that did change. There were, in our opinion, far better communication lines during Suzanne. At the moment, it is a short-term fix, is it not? We would not be here criticising that because it is a short term. If it ends up as a long term, then we are hopeful that those communication lines will be reinstated.

Deputy M.B. Andrews:

Can I just ask, what was the response from the chief executive's office when you tried to meet him?

President, Jersey Civil Service Association Prospect:

When he first took post, again there was a bit of a confusion in that we had, as I had already said, a series of meetings booked with Suzanne. That is all unions, not just Prospect. We have made the point that it was all unions. I think the understanding at the time, but you would have to check with them, was that the interim C.E.O. would attend those meetings. But on the change of the C.E.O.s, they were all cancelled, so they did not actually happen. I do not think anyone deliberately did that. I think it happened because of the change of the C.E.O. Those have not yet been put back in the planner. Obviously, I am very hopeful they will. James and I have both spoken about this in the past, that we valued that communication line, and we are hoping that it is going to be reinstated. But I do not think it was a deliberate act. I think it was a breakdown in communication on the change.

Deputy M.B. Andrews:

Can I ask, in terms of the communications you had as unions with the former chief executive officer, did you find that there was any situation or potentially numerous situations that were resolved due to your direct contact with the former chief executive?

Regional Officer, Unite the Union Jersey:

Not particularly.

President, Jersey Civil Service Association Prospect:

I cannot think of an example off the top of my head ... off the top of your head. But there was communication and there were things that we raised with her, and she started to do background and started to build the feedback for us. But I could not give you an example just sitting here now.

Regional Officer, Unite the Union Jersey:

Just my view on this, I have not seen ... you mentioned Prospect put into their submission. Unite, I did not see many changes either pre-Suzanne Wylie, during Suzanne Wylie, or after Suzanne Wylie, to be perfectly honest. The C.E.O. position, as Chris said, we have been asking for a meeting for some time, which I think we should have had by now if there is an interim or whether the person coming into post wants to meet us as trade unions. I have got to give credence to the change in the other positions around the C.E.O.; the head of employee relations, for example, I think the head of corporate services and all that type of thing. I see a bigger change there than what I do with the C.E.O., quite frankly.

President, Jersey Civil Service Association Prospect:

James is absolutely right. I think, as we stand at the moment, the future is looking brighter in the temporary replacement. Obviously, I will be honest, I am quite hopeful if he gets the role permanently, but that is not for me to decide that.

Deputy M.B. Andrews:

Okay. No, thank you very much. I will pass back to you, Chair.

Deputy S.Y. Mézec:

Okay. On to Deputy Farnham.

Deputy L.J. Farnham:

Can you provide any examples of how recent organisational changes, especially at management level and especially in positions where there are significant management responsibilities, have had mixed effects upon your members, particularly any changes that have caused any impact or distress and how this has impacted on productivity or the morale of the staff?

Regional Officer, Unite the Union Jersey:

That is a great question. The one that jumps out to me is the combined control.

President, Jersey Civil Service Association Prospect:

That is exactly what I was thinking.

Regional Officer, Unite the Union Jersey:

The combined control was a process. I think I came to the Island in January 2021. I think it was in progress then. It was being mentioned ... it was one of the first meetings I think I attended with this employer. Although the employees, through this consultation process, the trade union leads and officers, including myself, raised this as concern from our members during that process. We have now been told ... well, we were told at the time it was all going to be combined then and now we are being told it is being separated again. So the whole hours of meetings, stress and strain that the individuals in those particular roles felt just seems like it has been reset as to how it was before. Them type of things are frustrating for us. Yes, of course, the employer has the right to manage and the employer has the right to make certain decisions, but that is just one example that we have seen recently where that will cause a discord, an I-told-you-so-type of predicament.

President, Jersey Civil Service Association Prospect:

Again, because of my previous history, having served as a control room sergeant for a number of years for the police, when we were originally involved ... when they explained to us what they were going to do, there were an awful lot of areas that they had not considered. It was just, without being rude, bums on seats as opposed to skillset. Without any doubt at all, they have lost a massive amount of experience in those roles. We regularly met and pointed this out that really this is not working. I have even written, strangely enough, today requesting another meeting because one half of the ... it has now been split back into 2 teams. We are not sure of the exact timescale for that, but one of the team's members are saying: "Well, the other team are already being treated better than us." There is a confusion about the training, there is a confusion about line management. This is ongoing now and, as James said, it was the exact example that came to my head at the same time.

Deputy L.J. Farnham:

How is the stress caused by such circumstances? How does that manifest among members and what support do they feel? What mechanisms do they feel are in place or lacking that could better facilitate this transitional issue?

Regional Officer, Unite the Union Jersey:

Yes, transitional issues and change. I mean, naturally, I think the human animal is resistant to change. It is not taken well by some; some welcome change. Predominantly, what we see in our membership, if they have worked in employment and their employer for an X length of time, they are used to the terms and conditions. They are used to their pay. They are used to their shift rotas. They are used to their hours of work. They have built their lives around their work and environment. Let us face it, we spend most of our times in work than we do at home with our families. So any change, be it small and even a half-an-hour change in start time, can cause massive detriments to our members' well-being and the way they feel in their working environment. That particular change

was a little bit more significant; change of venue, people had to travel further. I do not know whether there was parking to the previous place. So there is a huge knock-on effect. There was one more example I wanted to give before we moved on from the question was, for example, the re-evaluation of Treasury, which went on, which, Chris, you would laugh at that point, because this was another process where these individuals were put through a whole new evaluation process, regraded, put on 3-year pay protection, I think it was. So in 3 years' time ... if I was to tell you as Deputies, in 3-years' time we are taking £4,000 off you, but you are okay. You are frozen for the time being but at that time you are going to plummet in wages. There is a ticking time bomb where people are under stress levels, paying their bills, paying their rent. But towards the end of the process they realised that most people were going to leave their positions and they change their mind. In fact, they found more money.

President, Jersey Civil Service Association Prospect:

And regraded it.

Regional Officer, Unite the Union Jersey:

They regraded them to a higher rate.

President, Jersey Civil Service Association Prospect:

Back to where they were.

Regional Officer, Unite the Union Jersey:

The whole process was a shambles really. You cannot treat these people as a commodity. They are not a commodity. They are living human beings. Yes, they are in the employment of this employer, but they have got to be treated ... that dignity and respect is something that Unite is really keen to promote with this employer to say: "Look, do you realise the impact that these things have?" because they have huge impact, even the smallest change sometimes. There are ways and means of going about it.

President, Jersey Civil Service Association Prospect:

The consultation on the control room, some of the biggest issues were that people knew their job, they knew their timescales over a year, 2 years. They knew where they were going to be, when they were going to be there. There were a number of factors that James has alluded to where they knew that certain days of every month or every month they would be able to care for their elderly parents. Now it is: "Well, do I have to pay somebody to care for my elderly parents? What shift am I working? Am I working half a shift, full shift?" That is obviously the same for child care. It was a massive change in their lives, which was terrible. I do not think we have been given a reason as to why we are changing back, but it has not worked.

Regional Officer, Unite the Union Jersey:

Well, it did not work.

President, Jersey Civil Service Association Prospect:

Basically it has not worked.

Regional Officer, Unite the Union Jersey:

It did not work.

President, Jersey Civil Service Association Prospect:

They are going back to a similar but back to normal.

Deputy L.J. Farnham:

Based on those negative experiences of your members, what specific types of knowledge or training or, I suppose, experience with the benefit of hindsight could better equip those in management to ... I suppose ...

President, Jersey Civil Service Association Prospect:

I will come in straightaway.

Deputy L.J. Farnham:

... people are reluctant to change anyway.

President, Jersey Civil Service Association Prospect:

James is absolutely right, people do not like change.

Deputy L.J. Farnham:

How can they alleviate that when it is necessary for change?

President, Jersey Civil Service Association Prospect:

It is very much that the closer to where you are to start with, your staff are going to be happier. If your staff are going to benefit, they are going to be much happier. Now, the circumstance of the combined control room is that basically all of that kind of went back into a pocket. Certain grades were upgraded in line with their colleagues doing the same job, which was obviously great. They have reassured us that none of them are now going to be downgraded. Because they are going back to where they were they are not going to be downgraded, which is great. But I feel, and purely as an example, that the consultation ... I think that the employer could have listened more. I do not

know what they have labelled as the reason that it has failed or not working or why we are going back. We have not been given a specific reason for why, but it would be interesting to know what that was. Is that something that we raised 2 years ago or their staff were telling them 2 years ago, or is it something that has changed now since the recent disasters and COVID? Is it something that has happened there that has caused the change, or is it that they have just pushed and pushed and pushed and realised they just cannot do it, they need to go back. Because we do not know the exact reasoning we cannot give you how you would have prevented it.

Regional Officer, Unite the Union Jersey:

My answer would simply be training. You are to provide these individuals ... as I said, I think some individuals have been promoted either beyond their capability or they have not been supported by the employer in those new roles.

Deputy L.J. Farnham:

And during the transitional process.

Regional Officer, Unite the Union Jersey:

And during the transition. So that transition, there are individuals who come up with these great ideas that work on paper. They try to apply them to the workforce with little, I suppose, strategic knowledge or training into change management, people skills, having the ability to approach and have resilient conversations with individuals and groups, engaging with the trade unions.

[13:15]

Yes, I think we were engaged back then, but I think the engagement is better now. There has been some change management in this employer since then that have been handled better within mental health environments. I believe it was led by the employees to make the decision on the changes that suit them. The team built their changes for themselves, and it worked perfectly.

President, Jersey Civil Service Association Prospect:

That was the point I was going to make. It is all well and good, you have got to concentrate. Here is a period of time, your consultation. But why do you not talk before you have got something to consult about? Why do you not say: "This is where we need to end up? How are we going to get there?"

Regional Officer, Unite the Union Jersey:

Do not impose it.

President, Jersey Civil Service Association Prospect:

Do not say: “This is where we are going. What do you think about it?” Why do you not say: “This is where we need to be; get us there.”

Deputy S.Y. Mézec:

Any supplementaries on this? Okay, over to Deputy Feltham.

Deputy L.V. Feltham:

We are going to talk about staff well-being for a bit. You mentioned earlier ... we discussed overwork and stress of staff. Can you share if any of these conditions are being addressed by current well-being initiatives, what those initiatives might be and where the gaps exist?

Regional Officer, Unite the Union Jersey:

From the employer’s perspective?

Deputy L.V. Feltham:

From the employer’s perspective.

Regional Officer, Unite the Union Jersey:

I know that they use AXA support for mental health issues and things like that, but genuinely I do not think the staff are signposted in the right manner. Or it is not promoted well enough, in my opinion. Mental health is on the rise across the board anyway and staff well-being, et cetera, is crucial. I think the use of occupational health is almost ... not frowned upon, but people are apprehensive to make the approach still. Especially in the demographic ... I think male colleagues tend to use mental health support less statistically than what female colleagues do, for example. Statistically, suicide is a big issue in male demographics of a certain age. I think there needs to be more done to that in that respect. Although, again, it is like having a policy in place. You can have the written policy in place and the fact you have to go and dust it off from a filing cabinet and blow the dust off it, and: “There you go, you can read that.” It is not ideal. I think My States system is good, but signposting people, promoting the well-being of staff needs to improve.

President, Jersey Civil Service Association Prospect:

If I can just come in, James is absolutely right in relation to point people in the right direction. Unfortunately, at the moment, if you speak to your colleagues or your staff there are, in effect, 2 camps. There are the ones that want to engage in everything and there are the ones that: “Oh, well-being, what are they doing now? What are we going for, a cleaner beach?” They do not want to really know what it is about and they will be the first to criticise that it is not there. But unfortunately, well-being has a bit of a title at the moment. “Oh, we are going to go off and do something pointless”,

which is a real shame because there are some brilliant people that can really help, but it needs better signposting. As James has said, it needs people ... and I am aware and, again, I know that a lot of managers are not aware that they have a facility to refer their staff to 6 meetings with a counsellor, which is all paid for. It is nothing to do with your management, it is nothing to do with the department, and it is available. But I do not believe all the managers know that.

Deputy L.V. Feltham:

In a submission received to inform the review, Dr. Chris Edmond noted the Government of Jersey did not directly employ any occupational health expertise and did not have a unifying occupational health and well-being strategy. Would you agree with that statement?

Regional Officer, Unite the Union Jersey:

Yes, we have heard that directly. I know there are issues over the length of time, for example, the AXA process takes. I think it has been reported to us for people who need such support, who are within this environment of a stressful or anxious environment, even just their physical environments, it depends. We are hearing that the timescale for AXA to deal and support employees has got too much. I believe that alternatives may be being looked into by the employer through the procurement process because I believe the contract was due to be up soon.

President, Jersey Civil Service Association Prospect:

I have raised a few times in relation to the current person, and senior members of the civil service have agreed that they are not fit for purpose and we should change. But we never seem to.

Deputy L.V. Feltham:

You mentioned a procurement process there. Is what you are saying that despite the lack of a strategy there is a procurement process to effectively procure similar services?

Regional Officer, Unite the Union Jersey:

I do not think it started. I think it has been mentioned that there are flaws in the current provider for that type of well-being support, not just focused on well-being; generally across any ailment with an employee. Therefore, by proxy, I can presume it is for well-being issues as well. It was just a passing comment that was made that there may be an alternative to look at.

Deputy L.V. Feltham:

I saw both your faces when I mentioned well-being initiatives. Can you name any well-being initiatives that your members may have found effective and what has contributed to that success?

President, Jersey Civil Service Association Prospect:

I can help in one, in fact, in a personal way. As I referred to you about the 6 welfare meetings, I have used them. Nobody knew until I tell you but I have nothing to hide. I found that it was extremely beneficial. The person that is being contracted at the moment is very, very good. I would highly recommend that to anybody else. I know now of other members that have gone to the same situation and have had brilliant success. But the point I am making is not everybody knows that they can refer this to their staff. I truly believe, and again just getting personal if you like, in my situation, after one session I was able to return to work. Then just worked with them, worked with work who were supportive and, as I said at the beginning, I am now singing and dancing again.

Deputy L.V. Feltham:

You mentioned as well, Chris, I think around reluctance of employees to engage with some of the well-being initiatives, we are noting here about reluctance to engage with self-reporting tools for well-being. What kind of alternative methods do you think the Government of Jersey could implement to ensure a more accurate assessment of staff well-being?

President, Jersey Civil Service Association Prospect:

I think it is a little bit difficult because the ideal way would be to have fully trained people in every office that were able to monitor their colleagues, their friends, and look for the signs that they have been trained to identify, and therefore a real benefit to everybody. But realistically, I cannot see that happening. I think that there needs to be a better knowledge of what is available and possibly better training for middle or lower management to be able to identify the signs of people struggling. The other thing that I think would help to identify this is that if the sickness levels were monitored closely ... I am not suggesting that people's personal medical problems should be open to everyone to look at, because obviously that is nonsense. I would never suggest such a thing. But if there is a particular area or a particular person that is having long-term sick then, without knowing why, talk to them. It may well be that you can help.

Regional Officer, Unite the Union Jersey:

Just to come in on that, Deputy Feltham, is ... I am not an employee, so I genuinely do not know what the initiatives of well-being ... as I said before, I do not think it has been signposted. It has not really been promoted to the trade unions either. I know as Unite we offer such well-being support to our representatives during a stressful role, supporting the employees and the members in their processes. One thing I would say, and for an organisation of this magnitude, you have the ability to bring such support for well-being in-house. Directly employ. It would probably be cheaper for you to do so than what it would to use the likes of a huge organisation such as AXA, or whoever they move to. So bringing even just the support for well-being, stress and anxiety, some support in-house, funding that, and having that direct support at local locations, in the offices or in their places of work, that may be an option. I see that in other large employers of this magnitude.

Deputy L.V. Feltham:

We touched earlier on overwork. In its submission, the Royal College of Midwives shared that its members had reported being refused time owed and having concerns about that dismissed by management. How widespread do you believe that such experiences are across departments, and what impact does that have on the wider organisation?

Regional Officer, Unite the Union Jersey:

Time owed being T.O.I.L. (time off in lieu) generally?

Deputy L.V. Feltham:

That is the way I read it.

Regional Officer, Unite the Union Jersey:

I am seeing ... there is a new system obviously in place within Health specifically that is a more robust digital system. I think since its introduction there were some errors which have been identified. Individuals are accruing a lot of T.O.I.L. They are trying to introduce a T.O.I.L. policy, which could be detrimental to you as the employer because they are looking at a cap of, I think, 15 hours was the maximum you could accrue, which that could have a knock-on effect if somebody is needed as an emergency to provide the service on a ward or whatever it may be. So the issues of T.O.I.L. have been prevalent in the last 18 months, but they are improving.

President, Jersey Civil Service Association Prospect:

We all recall, I am sure, the old crown clock that was got rid of. That was a good way of working out T.O.I.L., in effect, and managing it was available. There were, without doubt, employees that abused it and would clock on when they were not even doing any work, so they could get their 2 days off a month. It was not working, but it was not working because it was not managed. If it had been better managed and what ... if it was better managed that staff that deserved to be getting the time off were getting it off as opposed to open to abuse and then we will take it away from everybody. That I felt was a loss and currently T.O.I.L. across or time off across the States, as I see it, has very much been put back on to the middle junior managers: "You are now supervising this. You are now managing that." It is just another thing that they have to do. In most departments that I am aware of, those managers have taken the role of respecting their staff. "I need Tuesday off." "Fine." We work late those 3 days. They know who is doing the work and they are respecting that and working with them. I think that works very well. But everything is always open to if it is not managed, it can be abused.

Deputy L.V. Feltham:

Thank you. Those are all the questions that I had.

Deputy S.Y. Mézec:

Okay. Any supplementaries?

Deputy L.J. Farnham:

No, thank you.

Deputy S.Y. Mézec:

Okay. To Deputy Andrews now.

Deputy M.B. Andrews:

Thank you. Moving on to selective policy application. I just wanted to know whether there are any departments that maybe perform better than others in both of your experiences of dealing with government officials.

Regional Officer, Unite the Union Jersey:

Yes, there are. Sartorially there are and departmentally there are. If you want me to elaborate on what I see, because obviously we represent across predominantly all the sectors, I think the relationship between the manual workers and their senior leaders in their department or their sector is very good; it is very honest, it is very direct, as you would expect. I think the working relationship sometimes can be fraught but it is resolved in the right way. The senior team respect the staff and the staff respect the senior team and, yes, they will not always see eye to eye but they will always get a resolution. Very rarely do we come close to a dispute. I think Health was in a really bad position. I think it is improving. I think the relationship between the staff, there is a lot of frustration. The vacancy rate, as I mentioned in the very first part of the meeting, that is not going to go away. The working relationship between our members and the management seems to be okay in the Health departments. We still do have certain ... I mentioned pharmacy, for example. I think we are still seeing disproportionate amounts of issues from there. I do not know why that is. It is the bane of my life, to be perfectly frank, when it comes to this particular employer. Then we have Civil Service. The Civil Service, we have a really good set of representatives across all sectors but the Civil Service reps have just reorganised themselves recently. They are doing a great job of working with the employer as well. But I have a naughty list and I have a good list, and I do not want to go into too much detail.

[13:30]

Deputy M.B. Andrews:

Thank you very much for providing that clarity. It has been reported that there was obviously a discrepancy between lower-grade workers and higher-grade workers in terms of how they were treated. Have there been any particular scenarios either one of you have come across? If you could maybe just explain what those differences were in those situations?

Regional Officer, Unite the Union Jersey:

Just to be clear, it is not so much the grade, it is the position of seniority in the departments. Because you could have 11s, 12s, 13s; it depends. Whoever the manager is or the senior within that sector or senior lead, they could be the problem. But I get the point, the reference. There is absolutely disparity between the treatment of senior officials or departmental leads than what there is to the general worker. As Chris eloquently said before, they seem to be protected in their bubbles and they seem to be able to do what they want. We are here to stop that. We will beat down the door of anybody above them to identify that this person is the issue or is the cause of the problems. They are protected ... they think they are protected but as long as Unite the Union are here or Prospect, I am sure that we will make sure that ... it is not about individual personalities. It is about the position of abuse or the disparity of treatment. It needs to be an even playing field, and we will make sure it is even for everyone.

Deputy M.B. Andrews:

In terms of your engagements with the Government, when you are looking at management or H.R., what have you seen to be more problematic in terms of where things have maybe not been resolved properly with your members?

Regional Officer, Unite the Union Jersey:

Probably from both; from management and H.R. There have been changes. I have seen some changes. I have instigated some changes from the H.R. departmental representatives because they were ... unfortunately they were problematic. They were not handling our members' lower-level complaints going to them, whereas they were taking a heavy approach from the senior manager coming through them in the same position. That is the disparity we see and that differential treatment. But we are identifying those individuals and we are raising it with the senior teams that we can do so with employee relations, et cetera. We encourage our members to raise grievances. If a collective grievance goes in over the behaviour of a departmental managerial team, that could lead to a potential dispute in that department.

President, Jersey Civil Service Association Prospect:

We are quite fortunate in that the new ... I keep referring to him as the link or the bridge between us and the employer, is significantly different. It is much better. They always find time to talk to us, go through things. I have a couple of recent incidents where by going informally through that route, all

of a sudden the formal route seems to move faster or gets resolved. In fact, one of them I am expecting feedback today or Monday because of an area that was just not dealt with. I think going forward it is going to improve even more. But because of that link that has been worked on for years, but now we are there I think we definitely have a way of moving things forward quicker and fairer, which is the most important thing.

Deputy M.B. Andrews:

Would you say there is a culture where people close ranks and maybe attention is being brought to issues within Government?

President, Jersey Civil Service Association Prospect:

Without a doubt. Again, the significance of our link is that they are above those closing rank situations. An example, if a member has made a grievance about a line manager and it has been resolved at middle manager level, we can get that reopened. We do have those brilliant communications. We are breaking down those barriers. We are breaking these closing rank teams down but it all takes time. We do not expect everything to be perfect tomorrow, although it would be lovely.

Deputy M.B. Andrews:

I know there was also talk about identifying individuals within the organisation. Have you seen cases be resolved with those individuals being reprimanded and deservedly so? Or often is it the case where those individuals get away with it?

Regional Officer, Unite the Union Jersey:

No, they are reprimanded. We do not necessarily, because we are not part of that process, so we do not see it. But what happens in our world ... so the way it works is we will raise a complaint; either I will, as the representative of our members, or the members themselves will raise a continuing complaint, either individually or collectively. That effectively is the formal process to put on the radar that there are issues with either an individual or a cultural, departmental, managerial, behavioural, or whatever they wish to raise. What happens is, if it is serious or it is significant, that those people will disappear into the ether, or they will be moved sideways and they will be removed from that department. If it is concerning, but it is not serious, 6 months later they vanish into a new role. They are sometimes promoted. It baffles me how they are promoted, but sometimes they are. But at least they are moved. The employers will move the problem. That is systemic. In my role and Chris's role, probably, we see this all the time. Does that gain resolution from our members? It does for the ones who have been left alone by those individuals but it causes a problem. We have seen that as well, by the way, where this employer today has reported to me that they have moved an individual, because they were the problem, and they moved them to a department which was the

quietest of all departments in the history of government. Then all of a sudden the problems start. So when the problems follow the individuals, that is when the employer should be dealing with those individuals.

Deputy M.B. Andrews:

Thank you very much for answering my questions.

President, Jersey Civil Service Association Prospect:

Not just transferring them.

Deputy S.Y. Mézec:

Do you have any supplementaries on this?

Deputy L.J. Farnham:

No, thanks. Can you specify the main issues that deter many employees from participating in exit interviews?

President, Jersey Civil Service Association Prospect:

Well, I would say that the main reason people do not want to take part in exit interviews is they might come back. They might want another job, some other department, and they do not want to be going to those exit interviews and being questioned as they see it, and maybe saying something that would then be used against them to re-enter the States.

Deputy L.J. Farnham:

So it is mainly about future employment opportunities?

President, Jersey Civil Service Association Prospect:

The members that I have spoken to are concerned that they are out, they have gone to do whatever they are going to go and do, but they do not want to close the door because they might have to come back one day.

Regional Officer, Unite the Union Jersey:

So they do not want to burn the bridges effectively between them. I see it totally differently. I see it totally differently because if they do not want to take part in the exit interviews, quite frankly, I see it as they want to close the door on this employer and forget about you and move on to pastures greener, because a lot of disgruntled people go through ... and the headcount and turnover is quite high as this employer. Higher than any expected employer of this size in other jurisdictions as well. They are not offered a union rep at the exit interviews. We are insistent that we get induction

interviews, but we also now should be insistent, and it should be agreed by this employer, that we have exit interviews so we can start collecting the data of why our members are leaving employment. But also we have designated retired members branches, so they do not have to leave the trade union. They go into the retired members branch, for example. That is this working relationship that we need to agree with this employee relations level. But I genuinely think that I do not think they want to come back to this employer. I think they are in a position ... if they are not participating in an exit interview, it is because they are so disgruntled or so disappointed with their employment with this employer they do not want that exit interview and they do not want to take part, and they will just leave. Otherwise, why would they not take part?

President, Jersey Civil Service Association Prospect:

To be fair, I still feel as I do, but they are ... you have got the head of 2 main reasons as why they would not engage. They either want out and gone for ever or they want to get out and: "I might have to come back." Jersey is not that big.

Deputy L.J. Farnham:

Do you believe introducing a mechanism where feedback from exit interviews could be reported to an independent body, perhaps, to help improve trust?

Regional Officer, Unite the Union Jersey:

Independent body not so much because unless you fully expand the reasons for leaving and it is not a selection tick-box exercise, you allow them to, let us say, take part in it openly with maybe anonymity so their name is not put to it. Then you are going to get the real honest position. Because I think a lot of it will be cultural and bullying, harassment, and people will just tick "Leaving the Island", or they will tick "Going to another employer." They will not open up and tell the absolute truth because, as Chris said, they might not want to burn their bridges. If they are given full anonymity ... if independent people ran the exit interviews and provided you with the data, fully protective of any ... they give them full anonymity, that might help.

Deputy L.J. Farnham:

Might get some more ...

Regional Officer, Unite the Union Jersey:

Yes.

Deputy L.J. Farnham:

... some more direct helpful feedback.

Regional Officer, Unite the Union Jersey:

Obviously, everyone is not a trade union member. We would love that to be the case. But the fact is unions can, therefore, collect that data if they are invited to the exit interviews as well, to give that member support, because they may be intimidated by giving this frank, open and honest: "I am leaving for this particular reason."

Deputy L.J. Farnham:

The N.E.U. (National Education Union) shared States Members had been briefed with data that had not been checked and triangulated, resulting in incorrect data entering the public domain. Are you aware of such issues in other departments?

Regional Officer, Unite the Union Jersey:

What would that be referring to?

President, Jersey Civil Service Association Prospect:

I am not sure what you mean.

Deputy S.Y. Mézec:

This has happened quite a lot recently where there have been accusations, particularly with the pay disputes.

Regional Officer, Unite the Union Jersey:

The misinformation?

Deputy S.Y. Mézec:

That relate to teachers.

Regional Officer, Unite the Union Jersey:

Let us call it what is; misinformation. Absolutely, fundamentally, and I follow other disputes with other trade unions, and we stand in solidarity with our brothers and sisters from those unions. But when it comes to misinformation, if ever I am involved in a dispute and that occurs I will not be as quiet as some of the individuals from the other trade unions. I will make that clear. It has not happened with Unite so I ... however the other trade unions handle it, I wish them all the best.

Deputy L.J. Farnham:

How does that impact on the overall trust? I mean, it is probably an easy question to answer between members and departments. We are trying to build trust, I suppose.

President, Jersey Civil Service Association Prospect:

Very recently, there was a situation where it was in the press that a certain group of people got a certain pay rise. I was inundated with emails: "Is this true? Are they getting this? Are they getting that? Can we have this? Can we have that?" It was all literally total misinformation. There were no facts to it at all. Every single one of them I was replying: "It is under negotiation. We will get back to you as soon as we can." Because some of the negotiations we have, and I am sure you will appreciate this, has to be confidential until it is actually in paper and it is there, it is an offer on the table. But so many think that everyone else is getting a better deal, when they are not.

Deputy L.J. Farnham:

The Chief Minister in a recent public review hearing told the panel that sometimes a side effect of being open and transparent is that people feel they get too much information. How is the current approach perceived among your members?

Regional Officer, Unite the Union Jersey:

The way we see it as a trade union, as a trade union official, my members thrive off information. They want that information to make an informed decision when the time comes. That is how we work. Openness, transparency is what we are built upon. Why would we ever want to either guide our members down the wrong avenue, wrongly advise, wrongly promote facts? We deal with the absolute truth at all times for our membership in terms of how things have led to where we are, where we want to be. It is their democratic process. They have a vote on that. Slightly different in your world in terms of the information that is sometimes either sensitive or it needs to be amended slightly. But that is public trust. Trust and confidence from any perspective in any organisation or any employer is fundamentally key to your success.

Deputy L.J. Farnham:

Generally speaking, the more useful information that is shared, the more positive the outcome.

President, Jersey Civil Service Association Prospect:

And accurate. Accurate information, that is the important thing. James is absolutely right. We have some very, very intelligent members who want all the information and they want it to the dot. Now, we appreciate there are times where you cannot release that amount. But if it is accurate, that is the most important. Where it, in my opinion, goes a bit wrong is when people start releasing things on social media because then anyone can change it, amend it, comment on it. The next thing is members think: "Oh, look, look what I am getting because it says so on Facebook."

Deputy L.J. Farnham:

That is caused by when information is withheld, it creates a bit of a vacuum.

President, Jersey Civil Service Association Prospect:

Somebody will fill that vacuum.

Regional Officer, Unite the Union Jersey:

They will find the answers.

President, Jersey Civil Service Association Prospect:

There are no vacuums. Somebody will fill it for you.

Deputy S.Y. Mézec:

Any supplementaries on this?

Deputy M.B. Andrews:

No.

Deputy S.Y. Mézec:

Over to Deputy Feltham. I am just looking at the time. I think we might want to just pick up the pace a little bit, just to make sure we get everything that we want to ask.

Deputy L.V. Feltham:

We are going to talk about trade union collaboration. We have already touched on a lot of this. The trade union consultation framework, I can myself remember early 2022 sitting in discussions and seeing a table of the meetings that would happen.

[13:45]

The N.E.U. informed that the final draft had been developed and completed in December 2022. So that would have been the new S.E.B. taking on the work of the old S.E.B., but no progress had been made in finalising and implementing that since. Can you give me an update on the development of that framework?

Regional Officer, Unite the Union Jersey:

Yes. Unite, being the largest stakeholder I believe in Jersey in terms of union membership, was always keen to work with the employer on the framework, i.e. effectively a recognition agreement, for what departments are listed. It is a comprehensive document. Myself and our legal officer reviewed the documents and we made several amendments, which were accepted by the employer and the Employee Relations team after explanation of why we wanted the changes. The documents

have now been signed by multiple leads of trade unions, including myself. In terms of progression, it is complete and signed off. The unions that may be in dispute with the employer probably have not signed this.

Deputy L.V. Feltham:

Okay, thank you. You mentioned earlier about your meetings with the States Employment Board. What members of the States Employment Board attend those meetings?

President, Jersey Civil Service Association Prospect:

Well, obviously they are now changed since the last time we met.

Deputy L.V. Feltham:

But the Chief Minister is the chair of the States Employment Board; does she attend?

President, Jersey Civil Service Association Prospect:

She has attended.

Deputy L.V. Feltham:

So it is the vice-chair? Because you said there was ...

Regional Officer, Unite the Union Jersey:

Andy Jehan had resigned from the position, the Chief Minister and the Health ...

President, Jersey Civil Service Association Prospect:

The last 2 I can remember were chaired by Andy. Before that I think Kristina chaired one but had to leave early.

Deputy L.V. Feltham:

How often are they happening, those meetings?

President, Jersey Civil Service Association Prospect:

Quarterly.

Regional Officer, Unite the Union Jersey:

Well, I see them more because ... I see probably once a month.

Deputy L.V. Feltham:

Okay, so with politicians?

President, Jersey Civil Service Association Prospect:

For us, it is quarterly.

Regional Officer, Unite the Union Jersey:

With the 3 politicians and the senior Employee Relations team.

Deputy L.V. Feltham:

So that is an improvement?

Regional Officer, Unite the Union Jersey:

Absolutely.

Deputy L.V. Feltham:

Do you believe that there is now sufficient engagement from those who bear the primary responsibility?

Regional Officer, Unite the Union Jersey:

Yes.

President, Jersey Civil Service Association Prospect:

Well, again, James ... I have not met this lot. We are due in February.

Deputy L.V. Feltham:

Okay. Have there been any tangible outcomes or benefits observed since the commencement of those quarterly discussions?

Regional Officer, Unite the Union Jersey:

Information?

President, Jersey Civil Service Association Prospect:

Yes, absolutely.

Regional Officer, Unite the Union Jersey:

Information. We are always asked for a pre-agenda 7 days before as normal practice. We ask for feedback on retention/recruitment as a standing agenda item across all sectors. If there are any hot topics to discuss we may have an agenda item, but they do tend to be good for receiving whatever

level of information we request. Even if it then needs to be elaborated on they will get that information for us if we need it.

Deputy L.V. Feltham:

Okay, that is good. Talking about the promotion of trade union membership within the employer's domain ...

Regional Officer, Unite the Union Jersey:

My favourite topic.

Deputy L.V. Feltham:

In your submission, James, you noted that there had been a positive shift. Can you elaborate about how that shift happened and for any further steps that you think need to happen?

Regional Officer, Unite the Union Jersey:

Yes, that shift happened because we asked for it to happen several times. The previous team we were dealing with seemed to imply they wanted to work with trade unions - Lyndsay, in your time as well - provide us with a page on the My States - each union would have a separate page - to promote trade union in certain sectors. The ones where we have recognition and not, I suppose. For us to be given the opportunity to promote union membership; that did not happen. Since the new team have been in place for Employee Relations, I have recently reviewed the page that is to go live on My States - it may even be live now because this was before Christmas and maybe a month before Christmas - and I had added some additional information, either new benefits or tweaks to benefits that had changed since I gave my submission to the employer. As far as I am aware, and I know that the leads for manual workers and Health have been approached, and Civil Service, in fact, to look at their specific sectoral benefits, in a sense, for union membership or their points of contact, I should say, within certain sectors. The one I did was the generic, wider for everyone-type thing.

Deputy L.V. Feltham:

So that would be on there and then we will have a look at the pages. That is great. I will move on.

Deputy S.Y. Mézec:

Okay. I was going to ask a couple of questions about the impact of changing C.E.O.s in the way that has happened recently but, to be honest, I think we probably covered that before. Unless there is anything else you wanted to add on that.

Regional Officer, Unite the Union Jersey:

All I will say is, in my experience as being a trade union official, I am very wary of a C.E.O. change because that tends to have a huge, huge impact change on every single sector, every single part of the organisation. I hope that is not the case in this sense, because I would not want it to be detrimental because I think we have made some good progress. We are still working to improve and develop our working relationship with the employer, and we are helping the employer to develop good strategies and policies for the benefit of your employees and our members. But sometimes new people come in and sometimes tear up that rulebook. So I hope that does not happen.

Deputy S.Y. Mézec:

Okay, thank you.

Deputy M.B. Andrews:

Thank you very much, Chair. The panel notes that Unite saw there was a discrepancy with the Be Heard survey results in terms of unionised members who were mentioning some of the problems they have and also what was within the contents of the report. I would just maybe like you to expand on what those discrepancies were.

Regional Officer, Unite the Union Jersey:

Sure. It was more to do with, if it was not clear in my submission ... I think what we are referring to here, I mentioned some departmental issues; pharmacy, for example. There is also another department which has just sprung to mind because it came from this department, this particular issue, C.S.S.D., the Clinical Surgical Sterilisation Department. I was getting reports that the members were not being either allowed or invited to take part in the survey, and that is one of the departments that we have major issues; such as pharmacy, such as other departments. I have seen it in other organisations. I see it in manufacturing and engineering in the U.K., where there is an issue of a survey which is open and honest, and it is a judgment of the managerial skills and departmental management of those areas. Why would the managers want their staff to, let us say, throw them under the bus in terms of filling in a questionnaire or survey openly and frankly and basically identifying where there are issues? I think whether it be a purposeful act or whether it be a mistake or an error, but because it was from departments ... some of the manual workers, for example, they struggle with using computerised systems so they would ask for physical hard copies of the survey. I do not think it was as forthcoming as what it was for other departments or the ease of access. Some people have dyslexia and things. I do not know how well that was supported, for example. But specific departments reported to me from our members that they were being discouraged by lack of access to take part in the survey.

Deputy M.B. Andrews:

So this is coming direct from management within their department?

Regional Officer, Unite the Union Jersey:

Yes, to our members on the shop floor.

Deputy M.B. Andrews:

Okay. It almost seems as though it is more of a deliberate attempt to prohibit the results coming out truthfully.

Regional Officer, Unite the Union Jersey:

Your summation is probably the same as mine.

Deputy L.J. Farnham:

It would only make me want to fill it in more.

Regional Officer, Unite the Union Jersey:

Of course. You would be saying: "Give me my copy. I want to fill it in." We had that and we did raise it. I think in C.S.S.D., for example, it was rectified. I do think they have limited access to a computer in that department as well. They are obviously under a high strain and stress level of saturation in their workload as well. But my summation was similar to yours. It is a department that has issues and the managers are not really allowing access to take part in the survey, one and one plus equals 2.

Deputy M.B. Andrews:

Has there been any direct contact with the human resources officials within the Government to maybe just reinforce that there is a need that every single unionised worker, and all workers in fact, should be given the opportunity to undertake it?

Regional Officer, Unite the Union Jersey:

Absolutely. I think it should be mandatory. I think everyone should take part. They should be given the time, whether they arrive at work/at the end of their work given some time to complete it in their work time. Not outside in their own time. They should be actively encouraged to take part because it is like us, if we do a ballot for anything, if we get a low turnout we are not getting the wider view of the workforce. Obviously, it is proportionate, it is pro rata, et cetera., but it is still not the best view. You want everyone to take part.

President, Jersey Civil Service Association Prospect:

The quick point on that is that I believe the turnout was about 60 per cent responded.

Regional Officer, Unite the Union Jersey:

I do not know if it was that high.

President, Jersey Civil Service Association Prospect:

It may have been slightly higher, might have been lower, but I have been at many meetings where the fact that 30 per cent, 40 per cent did not respond, even that was under definition. Does that mean that they are all very happy or does it mean they are so apathetic they do not want to work here anymore? As soon as you enter into that discussion, over 40 per cent, then you start worrying about the results.

Deputy S.Y. Mézec:

I think you can say the same for elections.

Deputy M.B. Andrews:

Have discussions taken place with government officials about potentially setting a mandatory requirement for all public sector workers?

Regional Officer, Unite the Union Jersey:

No, that is the ideal position in logic terms. Can you force them to take part in a survey? No, I do not think you should and neither would we want to. The point should be it should be promoted that it is within their absolute benefit to take part. If they are getting any resistance from their departmental leads or management, whatever it may be, in taking part in the survey, you will raise that with your stewards, raise that with your Employee Relations or H.R. departments, or access another computer and log in a different computer outside of the department.

President, Jersey Civil Service Association Prospect:

Again, I am not sure about Unite, but I know that because of that, immediately prior to the finalisation of it, we did put out to all Prospect members: "Please fill it in, because whatever the figures are, we can use afterwards to either support you or help you work out where the issues are and it gives us evidence." By not filling it in it is immediately back to, as I said before, is that 40 per cent happy or are they apathetic? If 80 per cent have said: "I am not happy", that is a very different picture.

Deputy M.B. Andrews:

What has been the response from senior government officials when the percentage of how many workers have been participating in the Be Heard survey? Of course, there is a low turnout, really, in consideration of the number of workers that there are in the public sector; what do they say to justify that when you have sat down and discussed the Be Heard survey with them?

Regional Officer, Unite the Union Jersey:

They do not. They just report any figure being good. So if it is 22 per cent: "We have had really good return out of 22 per cent", whereas other departments have had 67, 78, whatever it may be. They are not going to be self-critical. They naturally believe ... engagement in these types of things is quite low. I think if you do get a turnout of around 60 per cent, 70 per cent in an internal survey you are doing quite well, to be perfectly honest. But everyone would like to see more.

Deputy M.B. Andrews:

Thank you very much.

Deputy S.Y. Mézec:

Just very briefly on that, when we had spoken to the States Employment Board previously, there was a suggestion of Pulse surveys taking place and they might discuss that with you. Is that something that has come up?

Regional Officer, Unite the Union Jersey:

No.

President, Jersey Civil Service Association Prospect:

Yes. Only because obviously I work for the States and the I. and E. (Infrastructure and Environment) Department are holding a Pulse survey because they want ... I think it is in June or July. I was told; but it is June or July. Where they want a more specific, up to date, and the reasoning that was given to me by my line manager was they want to see if they are actually now putting it right or making it worse, which is a fair comment.

Deputy S.Y. Mézec:

Okay. In terms of the data that the Government collects and trying to measure whether they are being successful in managing the workforce and getting the best outcomes for everyone, are there any things you think they are not measuring or not trying to collect data on that would be pretty useful for them if they would try to do that?

President, Jersey Civil Service Association Prospect:

I am not sure there is more data that can be recorded. It is very difficult to explain it, but it is the interpretation of that data. If you go into a mindset that you are very positive and you want the data to be painting a lovely picture, you can probably make it do so. If you go into it with a negative ... in fact, I can give you an example. It was a meeting many, many years ago now about a court department. It was said that 20 per cent was massive because it was the best in the entire U.K. I naively sat there and said: "What about the 80 per cent?" "Oh, yeah, but we are better than the

U.K.” Well, 20 per cent is not very good and that is ... it is the interpretation of the data. You can either make it look amazing or you can make it look depressing.

Regional Officer, Unite the Union Jersey:

Just clarify your question again for me, please?

Deputy S.Y. Mézec:

There are these surveys that go on. There are all sorts of data that they are capturing about retention rates and all the rest of it. Is there anything that you are just aware that they are not examining or not collecting that you think would be useful for them in forming strategies to help the workforce?

Regional Officer, Unite the Union Jersey:

To be honest, in the last 18 months, with all the focus on the bullying and harassment culture, Hugo Mascie-Taylor report, I think the departmental leads are doing their utmost to feed back into the likes of unions, et cetera, on levels because we asked the questions. Systemically, they had a core base of questions, a data. We have elaborated to say: “Well, we want to see disciplinary and grievance levels. We want to see outcomes. We want to see absence. We want to see how you break down” all these types of things.

[14:00]

They are quite forthcoming with data but only because we have asked for it previously. We can have a data overload if we asked for more. But there is predominantly ... everything we need we have the ability to ask for when needed. We use that to our advantage and we use it to our members' advantage as well.

Deputy S.Y. Mézec:

Okay. Before the very final question, does anyone else have anything?

Deputy L.J. Farnham:

No, thank, you.

Deputy S.Y. Mézec:

Okay. So the very final question. A hypothetical situation where either of you were running the Island's Government, and I do not say that in reference to any potential vacancy coming up ...

President, Jersey Civil Service Association Prospect:

Well, I did try.

Deputy S.Y. Mézec:

In a situation with all of the experience that you have had with your members representing them and as trade union officials, if you were in charge of the Island's Government and there were specific changes that now you were empowered to implement that you could, what would they be?

Regional Officer, Unite the Union Jersey:

Cost of living, housing, employment law, discrimination law.

President, Jersey Civil Service Association Prospect:

James will be here for a while.

Regional Officer, Unite the Union Jersey:

Hold on, I have not finished. Tribunal awards. All these things. Minimum wage, living wage, et cetera. I will leave it there. That is enough, I think, to deal with.

Deputy S.Y. Mézec:

Great. Chris, anything?

President, Jersey Civil Service Association Prospect:

Exactly that. Basically, if you can make your ... well, in our case members. But if you want to make a population happy, you have got to take those stresses and strains away from them. Now, if it is the living wage or whatever, increasing money, there is no point in doing that unless you can also possibly bring down the taxes and you can make a job more attractive to the people. People need to be happy, as I am sure you are fully aware. The struggles at the moment are money, food, heating, sleeping, a roof over your head. There are so many things, but where do you start? I would suggest if you can work a situation where people are slightly financially better off, then you are going to start helping with those other issues.

Deputy S.Y. Mézec:

Okay. Thank you both very much. Just before I call the meeting to a close, have you got any questions about what comes next or anything like that?

Regional Officer, Unite the Union Jersey:

No.

Deputy S.Y. Mézec:

Okay. Brilliant. Can I thank you both very much for your time and for all the feedback you have given us and everything you do, frankly, as representing your members; an extremely important job. Thank you very much and thank you to my fellow panel members and their support as well, and all of the people watching online as well for tuning in. On that note, I call the hearing to a close.

[14:02]