

# **STATES OF JERSEY**



## **JERSEY EMPLOYMENT TRIBUNAL: APPOINTMENT OF MEMBERS**

---

**Lodged au Greffe on 24th May 2005  
by the Employment and Social Security Committee**

---

**STATES GREFFE**

## PROPOSITION

**THE STATES are asked to decide whether they are of opinion –**

to appoint, in accordance with Regulation 3 of the Employment Tribunal (Jersey) Regulations 2005 and or the recommendation of the Jersey Appointments Commission, the following persons as members of the Jersey Employment Tribunal with effect from 1st July 2005 and for the periods shown –

Advocate David Fisher Le Quesne (Chair) –	5 years
Mrs. Nicola Santos-Costa (Deputy Chair) –	5 years
Mrs. Susan Armes –	4 years
Mrs. Mary Curtis –	3 years
Mrs. Kelly Flageul –	3 years
Mrs. Carol Harvey –	5 years
Mr. Patrick Kirwan –	5 years
Mr. Samuel Le Breton –	5 years
Mr. James McCartan –	4 years
Mr. William McPhee –	1 year
Mr. Stewart Mourant –	5 years
Mr. Peter Woodward –	4 years

EMPLOYMENT AND SOCIAL SECURITY COMMITTEE

## **REPORT**

Following their approval of the Employment Tribunal (Jersey) Regulations 2005 on 5th April 2005, which provided for the composition of the Jersey Employment Tribunal, the terms of appointment of its members, their remuneration and the Tribunal's sittings, the States are asked to approve the appointment of the first Employment Tribunal panel members.

Regulation 3 provides that the Chairman, Deputy Chairman and other members of the Tribunal shall be appointed by the States on the recommendation of the Jersey Appointments Commission. Before making its recommendations, the Commission must consult the Employment and Social Security Committee.

The Appointments Commission has worked with the Committee in carrying out an appropriate open recruitment process earlier this year, in line with the Commission's code of practice. The Commission would therefore recommend the proposed members to be appointed by the States.

The recommended Chair and Deputy are legally qualified. The other recommended panel members are persons with relevant experience, who meet the requirements of Regulation 2. Further details of their current employment and relevant background are attached at the Appendix to this report.

The Commission and the Committee are satisfied that those members proposed have either knowledge or experience of or interest in *'trade unions or matters relating to employees generally'*, or in *'employers' associations or matters relating to employers generally.'* and will form an appropriate pool of members from which two may be selected to form a three-person panel, with the Chair or Deputy, when required.

### **Terms of appointment**

The terms of appointment are to be in line with those prescribed in the Regulations. Members of the Tribunal will be allowed to hold office for 2 terms, each not exceeding 5 years and an initial term is proposed for each member in the table below.

Initially, those appointments were offered on a staggered basis, varying between one and 5 years, to ensure that the terms of all those appointed do not expire on the same day, which will provide continuity in the composition of the Tribunal. The terms will also allow a member to resign at any time and provide for the other circumstances in which he or she will cease to hold office, such as bankruptcy or misconduct.

### **Financial/manpower statement**

A budget of £113,500 has already been allocated to the Tribunal for 2005. As the Tribunal will be independent, its administration will not require any additional manpower in the Department.

**APPENDIX**

Chair	<p><b>David Le Quesne</b> Partner, Viberts Jersey Lawyers, Head of litigation with a particular interest in employment Law and a locally trained mediator</p>
Deputy Chair	<p><b>Nicola Santos-Costa</b> Current JACS Board Member and Youth Court Panel, previously of Crill Canavan</p>
Side Members	<p><b>Susan Armes</b> HR Director of Seymour Hotels Group and Chair of the local CIPD branch</p> <p><b>Mary Curtis</b> Director of Calmera Business Consultancy and Chair of sub-Committees for IoD and Chamber of Commerce</p> <p><b>Kelly Flageul</b> HR Officer at Jersey Electricity Company with particular experience in employment law and employment relations; previously 10 years working for the States of Jersey including as a shop steward at Health</p> <p><b>Carol Harvey</b> HR Consultant and current employment legislation adjudicator in Guernsey</p> <p><b>Patrick Kirwan</b> Union Convener at Public Services Dept and Stand Down Officer for TGWU</p> <p><b>Samuel Le Breton</b> Part time Royal Court Greffier Substitute, retired Senior Police Officer and former President of the States of Jersey Police Association</p> <p><b>James McCartan</b> TGWU Convener for Connex and TGWU delegate for the Jersey District Committee, Island Council and Regional Committee</p> <p><b>William McPhee</b> Works Convenor for Jersey Harbours and Chair of the employee side of the Manual Workers' Joint Council</p> <p><b>Stewart Mourant</b> Lifelong Farmer, Parish Honorary &amp; Welfare Board work and Chair of Jersey Mencap</p> <p><b>Peter Woodward</b> HR Consultant and current employment legislation adjudicator in Guernsey</p>