
STATES OF JERSEY



EMPLOYMENT FORUM: APPOINTMENT OF CHAIR AND MEMBERS

Presented to the States on 6th May 2020
by the Minister for Social Security

STATES GREFFE

REPORT

Background

The Employment (Jersey) Law 2003 (the “Employment Law”)¹ provides for the establishment of the Employment Forum (the “Forum”), and that it shall consist of a Chairman and 8 other members appointed by the Minister for Social Security (the “Minister”). Members must be appointed having regard to the desirability of securing an appropriate balance between members with experience as employers, members with experience as employees, and members with other relevant experience.

It is vital to provide a balance between introducing new perspectives and skills to the Forum, as well as providing continuity amongst the membership with the retention of knowledge and experience. Forum members are usually appointed for an initial 3-year term and may request to be re-appointed. The Forum operates in accordance with the Commission’s guidance² which states, in paragraph 20.1 –

“States appointees and members of independent bodies should not normally be appointed for terms in excess of nine years.”.

Role of the Employment Forum

The Employment Law states that the Minister shall refer matters relating to the Minimum Wage, plus any such matters relating to the Employment Law as the Minister thinks fit, to the Employment Forum for their consideration.

The Employment Forum shall, after considering those matters, make a report to the Minister which shall contain the Forum’s recommendations about each of those matters. Before arriving at the recommendations to be included in their report, the Employment Forum shall consult –

- (a) such organisations representative of employers as they think fit;
- (b) such organisations representative of employees as they think fit; and
- (c) if they think fit, any other body or person.

Vacancies

The terms of office of 5 members end in 2020. The terms of office for Advocate Helen Ruelle, Mr. Thomas Quinlan and Ms. Barbara Ward ended on 30th April 2020, after 10 years’ service. The terms of office for Mr. Malcolm Ferey and Ms. Julie Fairclough end on 17th October 2020, after 9 years’ service.

The Minister is very grateful to all Forum members for their service.

A further employee representative position is currently vacant.

¹ www.jerseylaw.je/laws/revised/Pages/05.255.aspx (see Articles 18–21 of the Law, and Schedule 2)

² <https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/P%20JAC%20recruiting%20guidelines%20%2020160517%20MN.pdf>

Recruitment

An advertisement was placed in the Jersey Evening Post, on the [gov.je website](http://gov.je) and was sent to all of those on the Forum's consultation database (approximately 150, including employers and employees, trade unions and employers' associations). It was also sent by Citizen's Advice Jersey and the Chamber of Commerce to their databases. Eight applications were received for the member positions, of which 4 candidates also expressed interest in the Chair appointment. Following shortlisting, 6 candidates were selected for interview for the member position, and 2 for the Chair position.

The interviews were conducted in April. The Chair interviews were conducted by the Deputy Chair of the Forum, Mr. Malcolm Ferey (an independent representative), and Ms. Rachel Williams, Head of Governance for the Department for Strategic Policy, Planning and Performance. The Panel was chaired by Mr. Simon Nash from the Jersey Appointments Commission, who had overseen the process throughout.

The member interviews were conducted by the Deputy Chair of the Forum, Mr. Malcolm Ferey (an independent representative), and employer representative Ms. Julie Fairclough. Ms. Rachel Williams, Head of Governance for the Department for Strategic Policy, Planning and Performance provided assurance regarding the recruitment process.

The Forum's main priority in its selection of members is to maintain diversity within the group; the Forum must ensure that its 9 members cover the widest range of skills, expertise and industry types possible. The Forum also seeks to ensure that members have recent knowledge and relevant experience of employment relations issues, as well as an interest in employment policy and legislation. The interview panel was satisfied that the 3 candidates have a broad range of appropriate skills and experience to bring to the Forum, and recommended the following 3 candidates for appointment by the Minister.

Advocate Carla Benest (Chair)

Carla Benest is a Jersey Advocate and a Partner of Mourant Ozannes. She leads the firm's Jersey employment law practice, advising on a range of employment law matters (both contentious and non-contentious), as well as supporting local businesses in other matters of operational regulation such as data protection, business licensing, immigration and competition law. Advocate Benest is a regular speaker on employment law and contributes to written publications. She is a member of the Employment Lawyer's Association, the Jersey Law Society, the Institute of Directors, and is a Council member of the Jersey Good Business Charter.

Advocate Benest has been invited to become the Chair of the Forum, subject to Ministerial approval, for a 3-year term of appointment, beginning on 1st May 2020.

Ms. Donna Abel (Employer Representative)

Ms. Donna Abel has worked as Group Human Resources Director for the Garenne Construction Group since 2019, responsible for creating and establishing the strategic Group Human Resources function across multiple jurisdictions. Prior to this, she spent 20 years with the Channel Islands Co-operative Society Ltd., latterly as Chief Human Resources Officer. Ms. Abel has been a Board Member of the Jersey Advisory and

Conciliation Service for 6 years, and more recently has been appointed to the Steering Committee of The Prince's Trust. She is a Chartered Fellow of the Chartered Institute of Personnel Development, a Fellow of the Chartered Management Institute, and a Member of the Institute of Directors. Ms. Abel will be appointed as Employer Representative, bringing strategic leadership, stakeholder management, collaboration through listening and enabling others, and a track record of translating organisational vision into Human Rights strategies.

Ms. Abel has been invited to join the Forum, subject to Ministerial approval, for a 3-year term of appointment, beginning on 1st May 2020.

Mr. Mark Richardson (Employee Representative)

Born and educated in Jersey, Mr. Mark Richardson is currently the Private Secretary to the Minister for Health and Social Services. He is a member of the Jersey Civil Service Association branch of Prospect. He was Chair of the Joint Negotiating Group that negotiated the introduction of the new pension scheme for public sector workers. Mr. Richardson is an Employee Representative on the Committee of Management of the public sector pension schemes. Before his return to Jersey in 2007, he was a writer and Publications Editor for the well-respected Incomes Data Services in the UK for 18 years, focusing on Human Resources policy and practice.

Mr. Richardson has been invited to join the Forum, subject to Ministerial approval, for a 3-year term of appointment, beginning on 1st May 2020.

Ms. Claire Kingham (Independent Representative, from October 2020)

Ms. Claire Kingham has over 29 years' experience practising law in Jersey across a wide range of private client and business issues. Ms. Kingham practices employment law and leads a team advising on estates, wills and mental capacity issues, at local law firm, Benest & Syvret. She completed her Legal Practice Course at the College of Law and holds a Post-Graduate Certificate in Employment Law from the University of Surrey. Ms. Kingham is a member of the Employment Lawyers Association and the Industrial Law Society. Having significant experience in representing both employers and employees in the Jersey Employment and Discrimination Tribunal, she advises on a range of employment-related issues, including discrimination, unfair dismissal, redundancy, compromise agreements, policies and procedures, and business restructures and reorganisation.

Ms. Kingham has been invited to join the Forum, subject to Ministerial approval, for a 3-year term of appointment, to begin on 18th October 2020.

Recommendations

- To appoint Advocate Carla Benest as Chair of the Employment Forum, for an initial 3-year term effective from 1st May 2020.
- To appoint Mr. Mark Richardson and Ms. Donna Abel as members of the Employment Forum, each for a 3-year term effective from 1st May 2020.
- To appoint Ms. Claire Kingham as a member of the Employment Forum, for a 3-year term effective from 18th October 2020.

The current members and their terms of appointment are –

Independent	Appointment end/renewal date
<i>Advocate Helen Ruelle (Chair)</i>	<i>30th April 2020</i>
<i>Mr. Malcolm Ferey</i>	<i>17th October 2020</i>
Mr. John Everett	1st May 2021 (can extend)
Employer Representative	
<i>Mr. Thomas Quinlan</i>	<i>30th April 2020</i>
<i>Ms. Julie Fairclough</i>	<i>17th October 2020</i>
Mr. Graeme Stokes	1st May 2021 (can extend)
Employee Representative	
<i>Ms. Barbara Ward</i>	<i>30th April 2020</i>
Mr. Dougie Gray	27th April 2022 (can extend)
<i>Vacant</i>	