



## Gender Pay Gap Review Panel

### Follow-up review

## Witness: Assistant Chief Minister

Thursday, 10th March 2022

**Panel:**

Deputy L.M.C. Doublet of St. Saviour (Chair)

Senator S.Y. Mézec

**Witnesses:**

Connétable R.A. Buchanan of St. Ouen, Assistant Chief Minister

Mr. M. Grimley, Group Director, People and Corporate Services

Ms. A. Mosquera Valencia, Diversity, Equity and Inclusion Consultant

[14:04]

**Deputy L.M.C. Doublet of St. Saviour (Chair):**

There is a statement in front of you, would you mind just checking that you have read that and understood it?

**Assistant Chief Minister:**

Yes, that is fine.

**Deputy L.M.C. Doublet:**

Thank you for attending this public hearing, Assistant Chief Minister. This is a follow-up review from the original gender pay gap review and, of course, thank you for stepping in for the Chief Minister today. The questions today are going to focus on the wider cultural factors because obviously that is what the Chief Minister would have oversight of; the broader cultural factors. But we might also have some questions which focus specifically on the public sector, given that is your other role as vice-chair of S.E.B. (States Employment Board), so I hope that is okay.

**Assistant Chief Minister:**

That is fine, yes.

**Deputy L.M.C. Doublet:**

I am going to start by asking whether you think the gender pay gap has improved, i.e. has it narrowed since we published our report in 2019? If so, in what ways do you think it has improved?

**Assistant Chief Minister:**

I think in the public sector, we are just about to complete the report for this April. We said we would publish it every year and we have pretty much stuck to that despite the fact we have had COVID. While I cannot release the figures because they are being checked by Statistics Jersey, nevertheless we know that they show a very good improvement on our own pay gap.

**Group Director, People and Corporate Services:**

If you look at the Channel Islands as a whole, PwC have their Women in Work annual index, the Channel Islands has improved but we are seeing faster improvement in other jurisdictions. So while the gap is closing in Jersey, we still have a larger gap than Guernsey and we are, in terms of the O.E.C.D. (Organisation for Economic Co-operation and Development), falling slightly further behind so we are not progressing as fast.

**Deputy L.M.C. Doublet:**

You mentioned a report that is being carried out by a private company, and it is an excellent report, but I note that I think it is estimates, the data in there, because obviously we do not have that mandatory reporting so we do not have the reliable data for companies in Jersey. From submissions that we have received, and from States Members, there seems to be an appetite for statutory measures to be introduced. Would you be supportive of this?

**Assistant Chief Minister:**

If you look, we gave industry plenty of time to apply voluntarily and I think now is the time to start to squeeze them gently and say: "Look, you need to do this and you need to do this to a set standard." It is not for me because I will not be in office when action is required, but certainly in our review process we will be suggesting that statutory legislation needs to be thought about, and we need to progress towards introducing it.

**Deputy L.M.C. Doublet:**

So you are supportive of that though?

**Assistant Chief Minister:**

Broadly. I think we need to be careful about rushing it because companies in Jersey are having to cope with combined income tax and social security returns. If you are a H.R. (human resources) director you are probably tearing your hair out already and having to do this in this year probably might be a step too far for them. Next year or the year after I think it is perfectly fair to ask them to do this.

**Deputy L.M.C. Doublet:**

Okay, so by 2023, 2024, you think it is fair and reasonable to introduce that.

**Assistant Chief Minister:**

I think also it is important that we consult with them to make sure that they understand what we are trying to achieve and they understand the metric support we want to see in those reports.

**Senator S.Y. Mézec:**

Very briefly, did you have any idea of how complicated the legislation might be to enforce that? Have you done any looking into that or would it be a relatively simple thing or something that would take quite a while to draft?

**Assistant Chief Minister:**

I think it depends on what we want to achieve. If we just want to achieve gender pay gap reporting it could be relatively simple, but if we want to start to find the metrics we want to see in that gender pay gap reporting it could be a bit more complicated.

**Deputy L.M.C. Doublet:**

Obviously in the U.K. (United Kingdom) I think it is 50 employees or more, that is what is covered by the legislation, but do you feel it should be that number in Jersey or should it maybe be lower or higher? What do you think the threshold should be?

**Assistant Chief Minister:**

I think it is a question we should ask. We should consult with every employer in the Island and see what their views are. There will be a level of resistance but I think we need to push them a bit and say: "Look, we are going to produce this. Where do you think we should stop?" Clearly, if you have a 2-man shop it is a bit mean; we are encouraging them to be diverse in their employment practices. But for bigger organisations. Certainly there are enough financial services organisations in Jersey that it should not be a problem for them.

**Deputy L.M.C. Doublet:**

Do you really think there will be resistance? Because I note even from this week, Kate Wright, who did a Chamber talk, I think from some of the conversations that are being had by the private sector it seems to me that many are willing to do this but they are waiting for the statutory measures so that everyone does it at the same time. Do you think there will be resistance or do you think the private sector are on board with this?

**Assistant Chief Minister:**

I think we are very lucky to have Kate Wright on the Island.

**Deputy L.M.C. Doublet:**

I agree.

**Assistant Chief Minister:**

She is a beacon of light when it comes to diversity. I have a lot of time for her. I think with support they will do it.

**Group Director, People and Corporate Services:**

If it helps the panel, when you are looking at the thresholds and the numbers, U.K. have a lot of employers who are over the size of 50; there are very few over the size of 100 here so you get very limited reporting. In the panel's considerations you might want to think about how would you aggregate perhaps sectors rather than just small employers because that would give you a better view of what is going on in sectors rather than just big employers. You might get greater statistical accuracy with larger numbers.

**Deputy L.M.C. Doublet:**

Do you have any other views on how you think the legislation could be drafted, so it would work well for Jersey in helping to close the pay gap?

**Group Director, People and Corporate Services:**

Clearly the options open to administration of the policy objectives and that drives it ... if it is solely about gender pay reporting, one of the observations from when I was in the U.K. is that gender pay reporting was brought in. That is great, everyone is talking about it. A few people have been named and shamed but there again you had equality legislation in 1970 and that did not change it. You have to be very clear about the policy objectives of what you are trying to do. But also some of the thresholds or some of the exemptions you may have because there will always be the exceptions that need to be censored and managed.

**Deputy L.M.C. Doublet:**

Can you give some more detail on that?

**Group Director, People and Corporate Services:**

It might be where you got a particular industry or profession where it will take 7 to 10 years to train up somebody. If the legislation mandates that you have gender pay parity at that point, yet you know that you already have a deficit within that market, then you are not going to hit that, so therefore you are setting an objective that you know you are not going to hit. If you say, actually, you need to tackle representation within the profession before you start tackling the seniority in pay, that might be something that needs to be looked at.

**Deputy L.M.C. Doublet:**

Do you think that those types of issues could be addressed with, I think, an action plan that is in the U.K.? I think it is optional that companies have this action plan, like an explainer that is attached to their reporting. Do you think that that side of it perhaps should be compulsory as well as just a reporting so that companies are required to explain their pay gap and explain what they are going to do to address it?

**Assistant Chief Minister:**

I think it is part of the metrics of design in this report is top level pushes the number, but how do companies get to it and, once they are reporting, what are the requirements on them to perhaps improve their gender pay gap. I mean the whole thing needs to be thought about. It is pointless just reporting it. What we want to achieve is gender parity and so we need to push companies to move towards that by introducing appropriate policies.

**Deputy L.M.C. Doublet:**

You think that kind of explainer section, I do not know if I am using the right word. It is action plan, is it not? An explanation of why the ... so you do think that that is important?

**Assistant Chief Minister:**

It is important that companies explain why they have a gender pay gap and what they are doing to address it. Because some of the reasons that they need to address will be cultural. For example, you take the fire service. It is a male-dominated organisation but frankly there is no reason why females should not be firemen. There are physical requirements but other than that. It is about trying to change people's mindsets. Anyone, whatever sex, can do whatever profession they want to do. There should be an acceptance of that.

**Deputy L.M.C. Doublet:**

So you think we should consider making that part of the legislation mandatory perhaps?

**Assistant Chief Minister:**

I think you should consider making it part of the consultation process and then be guided by what feedback you get.

**Deputy L.M.C. Doublet:**

What is your personal view at this time?

**Assistant Chief Minister:**

In the same way that the Government comes under a microscope when we publish our gender pay gap review, I think companies should also come under a similar microscope and have to explain why they are where they are, and also they should be able to explain what they are doing about changing it.

**Deputy L.M.C. Doublet:**

This public sector gender pay gap report will be published in April. I am really pleased to hear that. Are you able to tell us anything about what might be in it? I think you said the figures looked slightly improved.

[14:15]

**Assistant Chief Minister:**

I think they show good improvement. But certainly my hands are tied by Statistics Jersey who would probably chop them off at the elbows if I release the figures. But we have to come back in April with the report.

**Deputy L.M.C. Doublet:**

So you mentioned Statistics Jersey. Has there been anything different in the way that you have worked with the report this time that you can share about or the format of the report?

**Group Director, People and Corporate Services:**

The reason we are using Statistics Jersey is twofold. One is to ensure that the data is audited and it is trustworthy. We know that within government we have had issues with data before, so they are providing a professional view of what we are doing. The other thing that we have looked at, and this is what has helped close the gap in the public services, is the total pay. We have adopted more calculations linked to the U.K. approach. When we look at variable pay, overtime pay, and other benefits that people receive, that has gone in some way as well to reduce the gap.

**Deputy L.M.C. Doublet:**

That was not included in the previous reports?

**Group Director, People and Corporate Services:**

No, the previous reports were basic pay only. In the U.K. they look at ... because the workforce is not very flexible they are now looking at the total remuneration, pension benefits, et cetera.

**Deputy L.M.C. Doublet:**

Could I make a request that when this latest report is published, that will be the third report, I think, will it not? It is fair to say that the panel found it quite difficult to make direct comparisons because of the way the data was presented and it would be very helpful, first of all, that the data is presented in the third report in a way that can be compared with the first 2, but also that the key datapoints from the first 2 reports are put in the third one, so that you do not have to dig ... people looking at it then do not have to dig around for the previous 2 reports. Is that something that you could do?

**Assistant Chief Minister:**

Yes.

**Deputy L.M.C. Doublet:**

Great, thank you. I think that is everything on that section. Did you want to add anything? Over to you on the next bit.

**Senator S.Y. Mézec:**

Obviously the last report came out in 2019 and something I have noticed is that we had a pandemic in the meantime, which has had a great impact on how people work. From your side, do you think the pandemic has encouraged employers to think more about flexible working policies and allowing their staff to work from home, sometimes work in the office, et cetera?

**Assistant Chief Minister:**

I think we have changed the world on this. My world has certainly changed and I think everyone who works, who has a job that is desk-based, has changed. We have all got used to Teams meetings, working on P.C.s (personal computers), working from home, dealing with cats, dogs and children invading our screens. It has been a complete revolution frankly and, yes, there have been some challenging issues.

**Group Director, People and Corporate Services:**

When we first went into lockdown a couple of things came to mind when we think about our policies. The first is how we treated workers at home and flexible working is more than just working from

home. So people were not just working from home. Children were at home. Other adults were at home competing for bandwidth, no doubt. The flexible working we saw during COVID is not necessarily flexible working that you had designed it for but it has shown that people can do that. I know instances where people had to arrange childcare. They would drop their children off, they would go and pick them up, but they could work around that. That provided more flexibility than being in work all the time. I think people felt less guilty about having to go out and sort out childcare and things like that. One thing that I found - I have not got a lot of evidence, this is anecdotal - is when we were looking at our policies for employees at home or indeed employees who had to come into work, very often we would get a female member of staff saying they cannot come in because their husband or their male partner has been told that they have to work, and that they are responsible for this. I think there was an ingrained cultural issue around employers saying that the male has to be the primary earner whereas the majority of our nursing workforce is female.

**Deputy L.M.C. Doublet:**

You think that was coming from employers rather than from the individuals in the home?

**Group Director, People and Corporate Services:**

I think so. As I said, this is anecdotal because we do not know whether people were the primary earner, whether there was combined earning, whatever, but we did notice ... because we have got the majority of female workforce, it was quite prevalent of people saying: "I am struggling to do this shift or that shift because I have to look after the kids."

**Assistant Chief Minister:**

There definitely seemed to be an imbalance there. Not from our side but the private sector. It could have made life very difficult at times.

**Senator S.Y. Mézec:**

This has all happened out of necessity and a lot of people would have probably been very surprised how a lot of it ended up okay, shifting to online meetings for certain things, and quite often the convenience that it brings with it and now people will be evaluating that in a post-COVID situation. Do you think the culture is caught up on that because it did not happen because of cultural reasons or our changing understanding of the benefits of flexible working? It happened because we had no choice. Do you think that has kickstarted that culture change?

**Assistant Chief Minister:**

If I speak from the public employers' side, we have always been moving towards a flexible working approach and I think this has accelerated that process and made us realise that it can be done and



we can allow people to work from home more flexibly, and I think it continues. We continue to see people working from home.

**Group Director, People and Corporate Services:**

I think it very much depends on the sector. There are certainly some roles where you need to be present at certain times, so different sectors will think about it differently. But I think there is always a bias towards your 9 to 5 office-type people, those who work set hours and set times. One of the things about flexible working, if you were to take it to its true meaning, would be around compressed hours, around flexibility of work, variability of work hours, and that is something employers will really find difficult because there should be a win-win for the employer and employee. That flexibility of: "In a week's time I cannot come in because I have a commitment." You do not have to justify what the commitment is. If you have got a commitment is the work still going to be done? Is the productivity still there? That is where some employers will struggle because they will have quite a fixed view on what flexible working is. It is either working from home or not working from home. Actually it is much more about are you a productive workforce, can you deliver what you are supposed to be delivering in different ways that assists your employees but still keeps you profitable.

**Senator S.Y. Mézec:**

Are you getting greater feedback from government employees about what their demands and expectations are for their rights for flexible working that would have been different to before the pandemic?

**Group Director, People and Corporate Services:**

Yes, we have been running a couple of pilots called FlexPositive, supported by a company that do this. It has been running in a couple of parts of the organisation and it was in response to the removal of flexitime, so where people are banking their time and then taking that time back. What we wanted to do is flip it round and say: "How do we build in flexible working from scratch?" A couple of things have come up from that in the evaluation. One is about the quality of leadership and management, so their understanding of the employees and benefits of flexible working. The other is the type of work. Can you really have people who are on shifts, like the police, or teachers doing flexible working? We want to explore that because I think we can but it is just not normal. It is not usual for people to do that so you have to work through the problems.

**Assistant Chief Minister:**

I think the teachers point is ... I know because my daughter is a teacher. It has been incredibly difficult for them because they have had to run classes online, which has been a real challenge, and they are still struggling with it frankly because COVID is still in the schools. Some classes are

running online and some are running face to face. I do not think anyone believed that before we started the pandemic that you would run a school and run it from a P.C. but it happens and it worked.

**Senator S.Y. Mézec:**

How are you measuring how things are changing now, as you look at how you can arrange for that flexible working, how you are measuring it and what ways will you provide feedback? Not just to us on that but I guess to employees' representatives themselves.

**Group Director, People and Corporate Services:**

The FlexPositive project is evaluated externally. We ask managers' views, employees' views, about their perception of it. Then we take surveys all the way through that. We are looking at what it means for productivity, so are we improving our performance or is it impacting our performance. In fact, this afternoon the trade unions are being briefed on progress so far. It also gives them an opportunity to raise with us any concerns they have got. We just have to be conscious at the moment that flexible projects are in certain areas. We want to rule out different types of workforce to see where it changes, depending on the type of work they do.

**Deputy L.M.C. Doublet:**

In terms of feedback from the workforce, is that coming entirely from the unions or any other ways?

**Group Director, People and Corporate Services:**

From the employees.

**Deputy L.M.C. Doublet:**

How are you doing that?

**Group Director, People and Corporate Services:**

So FlexPositive will do focus groups, they will do surveys. There is an evaluation going on at the moment about where we have got to, what we are learning. I do not have that at the moment because it has just been written. That is part of the feedback we are giving to the trade unions today.

**Deputy L.M.C. Doublet:**

I think you probably know what I am going to ask you next about focus groups because we have spoken about this in previous hearings and meetings. Have you carried out focus groups with specific groups of employees, such as all-female focus groups?

**Group Director, People and Corporate Services:**

Not at the moment.

**Deputy L.M.C. Doublet:**

Can you commit to doing that within this work that you are doing on the FlexPositive so that employees, as they reported to us that they need that safe space to report among people who share the same traits as them?

**Group Director, People and Corporate Services:**

I will see what we can do about that. I cannot commit because if I make a commitment to you and do not come through, then you will be coming back.

**Deputy L.M.C. Doublet:**

I think you have committed to it previously.

**Group Director, People and Corporate Services:**

What I am saying is not specifically on this subject, that we would do female-only focus groups, and that is why as part of our D.E.I. (diversity, equity and inclusion) strategy that the Senator is signing off hopefully tomorrow, we have got much more about different representation. Not just female representation but very specific groups of people in our focus groups.

**Deputy L.M.C. Doublet:**

Adoni, I would really like to hear your views on culture change. I am not sure exactly what your role is; perhaps you could explain that first and then just give us your views on what you have seen about culture change, what is happening now and where it is going.

**Diversity, Equity and Inclusion Consultant:**

Okay, so my role at the moment is to implement the strategy, the D.E.I. strategy. We had someone who was commissioned to building the strategy and then this external consultant has given me the strategy and I had to make it a reality. Now the cultural change, it is ...

**Deputy L.M.C. Doublet:**

Can I just clarify, sorry? Is this just within the public sector workforce?

**Diversity, Equity and Inclusion Consultant:**

Yes, just the workforce. Within the government itself, I am surprised because what we normally here is that the government is not willing to change but as soon as it has come out you can see people excited about it and really happy that there is someone that is actually listening and someone is taking ownership of what it needs to change. The road is very stony but we have to start

somewhere and I think there are cultural changes to do, and things to do, and I think if we start in the right place, and then not having to do things quickly just for the sake of doing anything, but with the division to make a memorable change then we will get there. Culturally, there are things to change. There are things to review. But people are listening.

**Deputy L.M.C. Doublet:**

What are the main things that you see need to change?

**Diversity, Equity and Inclusion Consultant:**

Behaviours. Specifically about behaviours, specifically about how people perceive orders and how little sometimes we know about how different we are. Within the same Government you can find out that ... I learnt a lot about neurodiversity. When I started the actual network it was very much like what is it, what is actually this, let us find out what people are saying. Then within my own way I was finding out information that I did not know. I do not want to emphasise that the actual D.E.I. is exclusively about racism. I wanted it to focus there are so many other things out there that we do not know, but that diversity means so many other things. It means about, for example, the menopause café. There are many women out there that I would like to talk about the menopause and they are being affected by the menopause and they want to talk. There is also the L.G.T.B.Q.+ (lesbian, gay, bisexual, transgender and queer/questioning) community want to talk about it. The B.A.M.E. (Black, Asian and minority ethnic) community want to talk about it. These things are important. Each one is as valued as the other.

**Deputy L.M.C. Doublet:**

These communities that you mention, do you think that there are enough avenues for women and minorities to share their experiences?

[14:30]

Do they have enough of a voice in the public sector at the moment?

**Diversity, Equity and Inclusion Consultant:**

I think they have a voice. What we need to do is to promote it. I think the voice is there. I think the avenues are there. What I am concentrating now is to find a better way to communicate through the Government so people see or women see that they are being listened to.

**Deputy L.M.C. Doublet:**

What would that look like if they are listening better to those communities? What would that look like?

**Diversity, Equity and Inclusion Consultant:**

A better approach is how we ... I suppose we need to embed it within our policies so it has not become something that you tick box but actually people are aware of it. This is that leaders and everybody, men and women, know what is happening and then when a woman speaks they are listened to.

**Deputy L.M.C. Doublet:**

Your role within the Government at the moment, do you think that all employees are aware of you and aware of this work that is going on? Because I did not know that you were doing this work.

**Diversity, Equity and Inclusion Consultant:**

It is only very new. I started in November but I just went on holidays, so it started in January, in reality, so it is very new. At the moment, we are going to go into the States Employment Board tomorrow to talk about the strategy and to talk about the menopause pledge that we want to sign on to support women. Then we are starting there. Once I get that then I will be able to ...

**Deputy L.M.C. Doublet:**

Who do you report to? What department are you in? Is it, Mark, okay?

**Group Director, People and Corporate Services:**

Can I just pick up on the voice of the employees? That is really important. We set out a people strategy in October last year of which one of the strands was increasing employee voice. To do that what we want to do is make sure that people are telling stories, it is not just about here is a policy, here is a stereotype. We want to hear people's voices, their stories and their experiences. What we are trying to do is set up a series of networks. It is self-run because we do not want to dictate that. We are putting in place a governance where the chief executive and I meet with those networks every quarter, we are hearing those stories, we are getting the feedback, and we can lead and influence how the system changes as well.

**Deputy L.M.C. Doublet:**

I just want to stop you there. It is about this idea of having a safe place because sometimes if someone has made a disclosure to me as a States Member and it is, for example, about sexual harassment by a male staff member to a female staff member, that female staff member is not going to feel comfortable disclosing issues like that if, say, the person who has done it is in the room or if somebody who is a friend ... they want to be with other women or people who are in the same community.

**Group Director, People and Corporate Services:**

Which is why those networks are specific communities. We have a B.A.M.E. community, neurodiversity community. That neurodiversity community is even more diverse than people would assume. We have a women's network. We have carers' networks. There are safe places for people to raise that. Then they can aggregate up into the steering group. Each group has a representative.

**Deputy L.M.C. Doublet:**

I am just a bit confused because you said you did not want to do focus groups and now you are telling me that there are avenues. I just want to understand that those groups are being given, and I think it should be focus groups so when you are collecting your evidence can you commit to, whenever you are having focus groups ... and we have done that with the review panel, and you would have different makeups in each group, that you do have at least one in the focus groups that you have that is single sex or different single race or ...

**Group Director, People and Corporate Services:**

That is what the networks facilitate for us. If you need that those networks will facilitate those focus groups. It is not necessarily us, we are asking the networks who are leading their work and advocacy.

**Diversity, Equity and Inclusion Consultant:**

I have got something about that because what I want is not to segregate the men of the decisions that women are there. When we are talking about diversity we want men also to be part of that conversation.

**Deputy L.M.C. Doublet:**

I am not saying that should not happen. I think both is necessary. I just want to see that that understanding is shared and that ethos is there to give the mixture but also that safe place that people ... and this is not me that is asking for this. This is coming from ...

**Assistant Chief Minister:**

I completely understand the point. I know exactly where you are going. It is an issue that comes up with other areas and complaints that we receive from members of staff trying to find a safe environment to make their complaint, which is part of the bullying and harassment policy as well.

**Senator S.Y. Mézec:**

This next question I am phrasing it deliberately in a way, so it is not a trick question. With the benefit of hindsight, do you think the Government could have adopted a more gender sensitive

approach in its response to the pandemic? From everything we have learnt in these last couple of years what would you have done differently?

**Assistant Chief Minister:**

It goes without saying you can always do something better on reflection but in terms of implementing the COVID strategy and putting in place, the teams that we had, our gender policy still existed and there were still adhered to. So where we were able to select and make an equal selection process then there was no gender bias. But clearly when you are staffing the telephone centre and other emergency fractions, frankly people standing up and breathing and you had a brain between your ears we would have taken you because, like every organisation, we were desperate and we needed good people to come forward and help us out. But I think part of the review process we are always looking at what we could have done better and what we could have done to make it more gender neutral.

**Group Director, People and Corporate Services:**

When decisions are being made, typically with the advance of S.T.A.C. (Scientific and Technical Advisory Cell) and with Public Health comments, they always looked at different perspective, so different communities that may be impacted in different ways. So gender would have been there, as was the age profile. They talked a lot about balance of harm and balance of risks. They looked at different angles and different potentials. There is a COVID review that the States Assembly have agreed to look at and that would be in there in terms of what is considered.

**Assistant Chief Minister:**

We had the first session of the COVID review process with the Comité des Connétables, and I can sure you it will be thorough. With the chairman and vice-chairman, nobody is going to escape questions.

**Senator S.Y. Mézec:**

I am very much look forward to ...

**Assistant Chief Minister:**

It would be a very refreshing and open body.

**Senator S.Y. Mézec:**

Just one negative, there was obviously controversy over the Christmas lockdown and the days that were chosen for people to be able to go out, which was held by some communities in Jersey to not be sensitive to their culture and, in particular, Christmas Eve being an important day and Boxing Day being important to very few people; apart from me because it happens to be my birthday.

Having seen an example where it was felt that a sensitive approach was not taken in that instance, can you assure us that, as you have just mentioned with S.T.A.C.'s considerations, a gender sensitive approach was genuinely being taken at all times and it was being considered in things like the working from home orders and how that would impact with looking after children and household tasks and all the rest of it?

**Assistant Chief Minister:**

I think the answer is yes, but you have to step back and look at what the priorities were. When we were trying to manage COVID the first priority was to protect the hospital and the health service and the second priority was to stop the spread of the virus throughout the community. When you look below that, I believe the answer is probably yes. But our priorities, in terms of those 2 things, were very high. We had to make sure that we saved people's lives basically. That was always the first priority.

**Deputy L.M.C. Doublet:**

Let us hope there is not another pandemic, but if in our lifetimes there is a subsequent pandemic, do you think that Government would have learnt, and specifically from a gender-sensitive approach, because that is the topic of the review, things and that they would do things differently if there was a subsequent pandemic?

**Assistant Chief Minister:**

We would like to think that once we get the report that there will be lessons to be learnt from it and that those will be taken on board. Hopefully somebody will build a manual as to how to deal with a pandemic. The answer one would hope is yes.

**Deputy L.M.C. Doublet:**

I note that you say different things were taken into account. That was not strictly the experience that I had, as somebody who does keep an eye out for gender issues, and there were some policies that I had to lobby Ministers that were changed. But my feeling is that, in the same way that we have a Minister for Children who is attending to children's rights and children's issues, do you think that there should be, say, a Minister for Equality or Minister for Minority Communities, something like that, who could contribute if there is a future emergency, to make sure that everybody is considered?

**Assistant Chief Minister:**

I know the whole structure of government is up for review because Deputy Young has put in a proposition. I think that should be thrown into the mix. Certainly the importance of gender



diversity, racial diversity and sexual diversity is something that is vital and should be considered as part of any policy.

**Deputy L.M.C. Doublet:**

I might skip over some of these. I am just going to take a second to review my questions. We have touched a little bit on the FlexPositive scheme and the homeworking. Given that we have moved to a more homeworking arrangement and flexible working arrangement and things are so different now ... I want to say "post-COVID" but it is not post-COVID, we are still in it. There is a lot of research that is emerging about that homeworking can present as a barrier to progression at times. I think the culture that you spoke about, Mark, of employers assuming that if there is a man in the house they will be the one to be in the workplace because their job is more important, and therefore the women are more likely to be at home, working flexibly from home. I think specifically in the public sector, but also thinking wider cultural factors, how can we ensure that employers are not unfairly treated if they are working from home and they do not miss out on opportunities?

**Assistant Chief Minister:**

I think it is about the robustness of our gender diversity policies and making sure that they are fit for purpose and, within all selection processes, gender is not a factor. The fact that you have children and you are working from home should not be a barrier to you getting promoted. You get promoted on ability and nothing else. In terms of our policies that is what we are working towards, is to eliminate any form of bias from policies and to appoint the best people into the roles that they deserve and making sure that through training and opportunities that we give people the opportunities that they are supposed to have.

**Group Director, People and Corporate Services:**

If you talk about public services as a whole. The majority of our employees are front-facing and need to be in the workplace and you cannot fight fires from home. So it is a slightly different challenge for public services than I think office-based services, or even those in hospitality. A couple of observations though: flexible working is not necessarily just working from home. It is hours that you work. Therefore are there potential disadvantages to someone who is not in on a particular day if there is a team meeting. If you are running training for 5 days but you are on a compressed 4-day week, are you disadvantaged from that? That is what employers need to be live to. There are always solutions to those conundrums and those need to be open to working those through, not making assumptions. There is a course that is only run in the U.K. at the moment, well if you have caring responsibilities or if you have family commitments here then can you take that 5 days away? We have to find those solutions working with our employees. There are always exceptions and there will always be times where we just cannot do something but we have to make the effort and try. In terms of the disadvantage then, again within the system, the access to training and

development, the clear succession planning that we have in place, the ability to say: “Are we recruiting on merit? Do we reduce bias? Are we providing opportunities?” All of those are in the mix. It is quite a complex system. It is not one that is insurmountable. It is just that people have asked themselves these questions regularly and therefore problem solving is a bit more knottier.

**Deputy L.M.C. Doublet:**

You spoke about training and development. As I understand it, in some parts of the workforce there has been a move towards doing C.P.D. (continuing professional development) outside of working hours. I think that could present a barrier if you have caring responsibilities outside of working hours. I would like your view on that and do you believe that training and development should be conducted in the employee’s working hours so that they are not having to find time in their personal life?

**Assistant Chief Minister:**

I think it depends on the profession. As a broad principle, yes. But I think if you start to talk about doctors and professions, they always accept that some of their training has to be done in their own time by necessity because there are simply not enough hours in the day otherwise. Wherever we can we would want people to take the professional training they need within working hours.

[14:45]

Having said that, there are always going to be exceptions, I am afraid.

**Deputy L.M.C. Doublet:**

Should we not challenge some of those assumptions though if we want to move to a more equal society?

**Assistant Chief Minister:**

I think it depends on the profession. If you are a medical practitioner, which is an example I used earlier, then I think as part of being a medical practitioner you accept that you are going to have to do some of your own training, and the organisation you work for will do its best to provide you with the training it can but it is just part of the job, I am afraid.

**Group Director, People and Corporate Services:**

There are certain professions where you need professional bodies to come on board as well. If we look at engineering or S.T.E.M. (science, technology, engineering and mathematics) subjects, professions in those areas are starting to consider seriously diversity, representation. It has taken a long time to get to that point and now employers are able to go out and say: “You can come and

work in these types of jobs” and it is more believable. I think where we would struggle is where those professional bodies are not showing the same leadership because you are almost pushing water uphill.

**Deputy L.M.C. Doublet:**

That is interesting, okay. In terms of gender and caring responsibilities, so as well as encouraging, say, women to do more in the workplace and giving them access to development opportunities in the workplace, is there anything that is being done in terms of those who are not usually expected to have the main load of caring responsibilities? Are you encouraging male employees to use the flexible working for caring responsibilities? Is there anything the public sector is doing to, maybe if they were trailblazers, male caregivers that are using that flexible working, can you set them as an example? How is that aspect of culture change being pushed?

**Assistant Chief Minister:**

We have a policy where we have shared parental responsibilities so you can have equal time off. Some of the other questions you are asking I think are cultural. Yes, as far as the organisation as part of our ongoing commitment to that, we are going to be encouraging staff members to share home responsibilities and not view it as some of the responsibility of one sex. Both parents should be looking after their children. It is their children and they have a responsibility towards that. But it is about trying to change the culture as well as trying to ... we can only provide the tools and encourage people to read the instruction manuals. At the end of the day it is up to them to make that decision.

**Deputy L.M.C. Doublet:**

We were talking about unconscious bias just before you came in, and I do wonder whether that is something that needs to be overcome with a system rather than just expecting people to change their minds. Adoni, do you have any insight into how that culture change could be effectively made and any systems or processes that could be put in place?

**Diversity, Equity and Inclusion Consultant:**

I think it is taking people into the opportunity to say that we have got some unconscious bias and they can be challenged. So at the moment sometimes when people talk those behaviours or whatever they display are never challenged, so people think: “Oh maybe I cannot challenge that situation. Maybe I should not say that.” When you give people the voice to be able to challenge behaviours and things then your unconscious bias could do. When you can show differences as to how people work; I am going to give you an example. So someone has been moved within work and none of the employees knew why this person specifically has been moved from one office to another. There was movement and then the manager did not disclaim that. That is a thing to do

so every single employee ... there was a conversation why this person was moved, has she got specific things that are special to her, is she special to the group? No one actually went and challenged that conversation and say: "We would like to know why this person has been moved." That person was moved because the lighting was bad for her. She is dyslexic and she has a problem. But the communication from the manager never came across and no one challenged the behaviour. If we empower people to talk about and to be honest about it, we are going to get a good response.

**Deputy L.M.C. Doublet:**

Do you think that culture is there in the public sector, being able to talk openly and honestly or does that lead to ...?

**Diversity, Equity and Inclusion Consultant:**

It is dormant. We need someone to awaken that. So when I sit down and talk to someone and they talk about my ... when they talk about race and when they talk about nationality. Someone asked me: "So where are you from" and I said: "Well ..." and: "But where are you really from?" You say: "Is that really important or did you want to know about me?" It is just trying to understand what is the intention people have of you? It is just to be honest and be open about how you feel when someone makes a comment.

**Deputy L.M.C. Doublet:**

And giving people the language to have those discussions.

**Diversity, Equity and Inclusion Consultant:**

I think there is no right or wrong. I think people sometimes are too scared to talk and maybe giving people the right language to talk about it and to challenge then that might put people at ease to be able to talk about it.

**Deputy L.M.C. Doublet:**

Is that part of the work that you are doing? I think we would be really interested to hear more about that, if you have any more details about that specific work.

**Group Director, People and Corporate Services:**

You asked about a system. Leadership in the public sector is really important. We are some way off being a mature organisation when it comes to diversity and inclusion. People are somewhat reticent to talk in case they misspeak. We have to remove that fear. But also we have to challenge some of the ... even the way that we talk about it. We talked about caring responsibilities and 2 parents. There is sometimes a single parent, there is sometimes other carers. I think how

we present ourselves and how we talk about certain scenarios, accepting that we cannot say: "Let us talk about a scenario" and we have to cover off every aspect of it. We are keeping live those conversations and challenging particularly our hard-wired assumptions is going to be part of the leadership.

**Deputy L.M.C. Doublet:**

Forgiving each other as well and understanding that nobody is perfect and we are all trying to unlearn certain things. I agree.

**Senator S.Y. Mézec:**

You helpfully pre-empted us talking about FlexPositive initiatives earlier. We are going to ask some specific questions on that so I guess just to start: what do you think is the outlook for it right now and how is it moving forward?

**Group Director, People and Corporate Services:**

I think the outlook is quite positive. Where it has worked really well is where ... because we are looking from a team perspective rather than an individual. If you look at it from an individual perspective then it all becomes about one person, their entitlement, and are they getting more than others. Where you create it as a team you then look at what is that team trying to achieve and how can we all flex within that. That has been one of the better outcomes from it, that we are getting a much greater sense of team. The other learning that we are taking from that is leadership and this is about leadership in the public service around D.E.I., which is are people being brave, are they being empowered to make decisions, what is the consequence of the decision or inaction and flexible working, I think, we are now looking at expanding that because it is working well. There are some areas we might have to redo it, but we are just learning as we go.

**Senator S.Y. Mézec:**

How is it being received by parts of the workforce that are in roles where flexible working really is difficult because of the nature of it? Whether you are somebody who has to be accessible to members of the public when they come in between set hours; the Assistant Minister mentioned firefighters before. Obviously you cannot fight a fire behind a Teams screen; not yet anyway. From that part of the workforce where they are not in roles that are 9 to 5 - you could do one day at home and one day back in the office - how has it been received by them?

**Group Director, People and Corporate Services:**

We have not got into that part of it yet. We have been running pilots. We are starting to look at manual workers in I.H.E. (Infrastructure, Housing and Environment) and we are also looking at one of the uniformed services to see how we do that and looking at possibly piloting a school. Those

are to come. We do not have any evidence at the moment. We are still scratching our heads on how we approach that because what we do not want to do is to say: "Let us try it" and it will fall over and everyone go: "Well that has not worked." We want a design and the potential for it to succeed.

**Senator S.Y. Mézec:**

Are you looking at things that are a bit more out of the box to support people in those sorts of roles? One of the things that we have discussed is childcare. For example, if you have access to good quality and affordable childcare but it is only between office hours and you do a job that is not quite ordinary office hours, you are not enabled then to thrive in your job as you otherwise might do with that part of your affairs taken care of, whereas it is taken care of for lots of people who are in those 9 to 5 jobs.

**Deputy L.M.C. Doublet:**

I would say that is for Richard to answer because that is a general affordable childcare in society; is that important?

**Assistant Chief Minister:**

It is and in Jersey it is incredibly difficult to obtain, from personal experience. Not me but for my daughter. We are the childcare for her.

**Deputy L.M.C. Doublet:**

Thank goodness for grandparents.

**Assistant Chief Minister:**

Exactly. It is an issue, firstly because of the cost - childcare is expensive - and secondly, because there are more demands on the Island's childcare system than there are carers available. It is an issue and I am not entirely sure how we tackle it other than try to make it easier for people to start up childcare businesses.

**Deputy L.M.C. Doublet:**

I think there are things that other jurisdictions do, for example subsidising childcare and subsidising wages of employees within childcare, making training, bursaries to encourage people into childcare. Do you think that Government should be looking at some of those things, given that there are these problems in the private sector? Should Government assist in that?

**Assistant Chief Minister:**

I think it is an area that we should look at and see if we can make any improvements.

**Deputy L.M.C. Doublet:**

Anything specific from what I have listed or any other ideas?

**Assistant Chief Minister:**

All of it sound like good ideas to me.

**Deputy L.M.C. Doublet:**

Pleased you agree.

**Assistant Chief Minister:**

I do not think it is an easy problem to solve, frankly.

**Deputy L.M.C. Doublet:**

No, it is not and I said: "Thank goodness for grandparents" but obviously not everybody has that privilege of having family members to help there.

**Assistant Chief Minister:**

Because of the way the Island works and people come over here to work for us there is that problem. Those of us who have got families in the Island of course are much luckier, but they do struggle.

**Deputy L.M.C. Doublet:**

So you agree that addressing the childcare issues in Jersey would probably have a big impact on resolving the gender pay gap?

**Assistant Chief Minister:**

I think that is a long stretch. I think it might help, yes.

**Deputy L.M.C. Doublet:**

Our report, especially the first report, did find that those cultural factors were big contributors to the gender pay gap.

**Assistant Chief Minister:**

I tend to agree but I think it is also about the way parents culturally look at caring for their children. It should not just be down to the woman to be responsible for it. It should be shared out.

**Deputy L.M.C. Doublet:**

Thank you. In terms of flexible working and different ways of working and other initiatives, this has been raised in the Assembly, what are your views on the 4-day working week. So this would be

culturally in Jersey do you think a 4-day working week would help to address some of the gender pay gap issues?

**Assistant Chief Minister:**

I am trying desperately to recall the answer we gave to that question.

**Deputy L.M.C. Doublet:**

It was quite positive, I think.

**Assistant Chief Minister:**

Yes, it was but I think there are some issues. Clearly for some professions, like the uniformed services, it is incredibly difficult. I think this Government has been looking at it but I do not think we have a final answer yet. There are a lot of initiatives out there in relation to flexible working, and a 4-day week is just one of them.

**Deputy L.M.C. Doublet:**

We have previously explored the prospect of asking Statistics Jersey to undertake a time use survey. Do you think that this is something that would be useful to get - since we are talking about data - information on how people are spending their time in terms of caregiving or working?

**Assistant Chief Minister:**

In terms of asking doing a general survey among the general public to find out how they ...?

**Deputy L.M.C. Doublet:**

It is like a diary-keeping survey. It would be quite a big project but it would give us that data on exactly what is happening in our society in terms of who is doing caregiving and who is doing what in the workplace.

**Assistant Chief Minister:**

It is one of those questions, as a broad principle, I would say yes but I am not a statistician so I have no idea how you would collect that data or how you validate it. I think it is certainly a conversation that should be had with the statistics team to see what we can produce. There is no point producing a load of figures that there is no real basis to them or they are randomly collected.

[15:00]

**Deputy L.M.C. Doublet:**



No, I think there is a way of doing it reliably and if you did have that type of data do you think that would help to inform government policy in the future?

**Assistant Chief Minister:**

I think generally it would do, yes. But I think among our workforce it might be helpful to try and collect that data from our workforce to see what feedback we get from our ... we have a captive audience of 7,000 people, some of them would be willing to give complete a survey.

**Deputy L.M.C. Doublet:**

It is a good idea. Thank you, everybody, for attending today. I will just give everybody a chance very briefly to add anything further that they want to add before we finish?

**Assistant Chief Minister:**

Firstly, I would like to apologise for not being able to attend last week or earlier on in the week. A small incident in Ukraine did not help.

**Deputy L.M.C. Doublet:**

We understand, thank you for explaining the reasons why. We were happy to accommodate.

**Assistant Chief Minister:**

I had to be there as it was a meeting that related to sanctions.

**Deputy L.M.C. Doublet:**

I think generally Scrutiny frowns on Ministers saying that there are things that are more important than attending a hearing, but I think it was helpful that you explained to us the reasons why.

**Assistant Chief Minister:**

I would not think particularly more important than attending this hearing but it was more immediate.

**Deputy L.M.C. Doublet:**

I understand.

**Assistant Chief Minister:**

This will almost certainly be my last appearance before this panel and I would like to thank you for doing the job you have done in highlighting these issues among the workforce. The gender pay gap is an important subject and I know how hard you worked to push it. I would like to congratulate you on what you have done and wish you all the best in pushing it forward in the future.

**Deputy L.M.C. Doublet:**

Thank you. Of course Scrutiny is objective and we have a great team on this review panel, which I am so grateful to have.

**Assistant Chief Minister:**

I do not wish to discount that but I think I know who has been driving it forward.

**Deputy L.M.C. Doublet:**

Yes, I am very grateful for the panel and the team as well. Anything else you would like to add? I will bring the hearing to a close then. Thank you so much to everyone who attended.

[15:02]