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# STATES OF JERSEY



## **JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL: RE-APPOINTMENT OF EMPLOYER REPRESENTATIVE SIDE MEMBER**

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**Presented to the States on 30th January 2017  
by the Minister for Social Security**

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**STATES GREFFE**

## REPORT

### Background

The Employment (Jersey) Law 2003 (the “Employment Law”) provides for the establishment of the Jersey Employment and Discrimination Tribunal (the “Tribunal”) and provides that it will exercise the jurisdiction conferred on it by the Employment Law and any other Law (*see Article 81*). The Tribunal became operational in 2005 and is responsible for enforcing the Island’s employment and discrimination legislation, namely: the Employment Law, the Employment Relations (Jersey) Law 2007 and the Discrimination (Jersey) Law 2013. It hears and determines complaints relating to –

- written terms of employment
- minimum rest periods and annual leave
- minimum wage
- payment of wages and pay-slips
- notice pay on termination of employment
- unfair dismissal
- redundancy pay and related rights
- family-friendly rights
- breach of contract of employment
- trade union recognition
- collective disputes
- discrimination on grounds of race, age, sex, sexual orientation, gender re-assignment, pregnancy and maternity.

### Constitution of the Tribunal

The Employment and Discrimination Tribunal (Jersey) Regulations 2014 (the “Tribunal Regulations”) set out the requirements for the constitution and membership of the Tribunal, including for the appointment and terms of office of the members. The Tribunal consists of the following members –

1. a Chairman;
2. up to 5 Deputy Chairmen;
3. up to 8 ‘employee representative’ Side Members who have knowledge or experience of, or an interest in, trade unions or matters relating to employees generally;
4. up to 8 ‘employer representative’ Side Members who have knowledge or experience of, or an interest in, employers’ associations, or matters relating to employers generally;
5. up to 8 ‘discrimination panel’ Side Members who have knowledge or experience of, or an interest in, equality and discrimination matters generally, or discrimination and specific protected characteristics.

The Tribunal Regulations provide that Tribunal members are appointed by the States Assembly for an initial term of up to 5 years. If a member requests that their term is extended, the Minister for Social Security may, after consultation with the Jersey Appointments Commission (the “Commission”), extend a member’s term of office.

The Commission has prepared new recruitment guidelines that are expected to be approved in 2017 and will apply to bodies such as the Tribunal. The current draft of the guidance<sup>1</sup> states that “*members of independent bodies should not normally be appointed for terms in excess of nine years*”. The guidelines have been followed as best practice in relation to this re-appointment.

The Commission’s ‘Code of Practice for Appointments to Autonomous and Quasi-Autonomous Public Bodies and Tribunals’ states that “*the overall performance of members of public bodies should be periodically assessed and recorded. Such information should be considered when addressing re-appointments in order that no one can be re-appointed unless they have performed satisfactorily during their current term.*”.

That Code of Practice is expected to be superseded by the Commission’s new guidelines later in 2017. However, the requirement for an assessment of satisfactory performance has been preserved as a matter of best practice. Mr. Carr’s performance has been appraised by the Tribunal Chairman as satisfactory, and his knowledge and experience continue to make him a useful and effective member of the Tribunal.

### **Recommendation**

**Mr. Ian Carr has served on the Tribunal for 5 years and, with the approval of the Jersey Appointments Commission, it is recommended that the Minister re-appoints him as an employer representative Side Member for a further (and final) 4-year term ending on 31st January 2021.**

Mr. Carr, now retired, was formerly the Chief Executive Officer of Jersey Post, where he worked from 1975 to 2011. From 1999 to 2009, he held the post of Operations Director, prior to becoming Chief Executive Officer in 2009. During his career at Jersey Post, Mr. Carr gained extensive experience of operational and strategic management, developing partnership working with the trade unions and staff in an organisation with over 400 employees. Mr. Carr is currently a Director on the Board of Administration at the Jersey Mutual Insurance Society, which he joined in 2014; and he has been a Trustee on the Board of the Jersey Employment Trust since 2012, where he is Deputy Chairman and Chairman of the Risk Committee.

This report is presented to the States Assembly as a matter of good order.

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<sup>1</sup>[www.gov.je/SiteCollectionDocuments/Government%20and%20administration/P%20JAC%20recruiting%20guidelines%2020160706%20JP.pdf](http://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/P%20JAC%20recruiting%20guidelines%2020160706%20JP.pdf)

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