

The Jersey Advisory and Conciliation Service

ANNUAL REPORT 2018



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Annual Report 2018

The Board

Chair	Sarah Beirne
Board members	Alison Mellor Zoe Blomfield Lynda Vautier Jimmy McCormack Donna Abel Sara Garwood

The JACS Team

Director	Patricia Rowan
Team members	Colette Wilson Senior Advisory and Conciliation Officer Patricia Weston Advisory and Conciliation Officer Sharon Timoney Business Liaison/Outreach Officer Bruno Sousa Administration Officer

Chairman's Foreword

During this twelve months JACS received the highest ever number of contacts, totalling 10133, which were handled by the small team of five staff. The total number of contacts were made up of direct approaches with team members and via the website and newsletter. The online presence gives access to pro-forma templates and guidance notes which given an insight into the legislation in an understandable format, along with advice on best practice for both employees and employers. Feedback from our clients has recognised the value of these resources.

For the past 5 years JACS have offered an Outreach Service that proactively engages with smaller organisations to ensure such companies are aware of JACS services as a whole. Through the service we are able to explain to the smaller organisation the documentation that is required under the legislation eg terms of employment and staff handbooks. It is essential that we facilitate the development of capabilities in these smaller organisations where they are less likely to have a dedicated HR function in place to provide advice and support. We are grateful to the Social Security Minister and her team for providing, as part of JACS grant, the financial support to enable JACS to continue to provide the valuable resource to businesses.

A supplementary source of income for JACS are the training sessions that are delivered to the general public and bespoke in-company training. The sessions are charged on a cost recovery basis which allows access to affordable training to smaller companies and charities as well as larger organisations. These sessions are popular and feedback on them is very positive. The events also forge stronger relationships with companies. This accessible face of JACS give opportunities for attendees who on a daily basis do not interact with the team the opportunity to understand more about the service and gives the attendees the reassurance that as a statutory body JACS is available to all.

Regardless of how prepared employees and employers are unfortunately issues can and do arise in the workplace. If they are unable to be resolved between the parties in a swift and amicable way then claims to the Employment and Discrimination Tribunal can be the result. Once claims have been passed to JACS by the Tribunal, conciliation will be offered to the parties. Many claims can be resolved via this route, particularly if this is entered into at an early stage. Handling claims can be both time-consuming and stressful for the parties involved and in 2018 JACS conciliated on and settled 93 claims relieving the Tribunal of need to proceed these claims to a full Hearing.

During 2018 the Board met on 7 occasions to discuss reports on JACS activity. The reports included volume of number of client contacts along with operational expenditure against the budget agreed by the Board in late 2017. The Board overview ensures that the grant received from Social Security is being properly and effectively managed and that JACS is achieving the agreed objectives and is delivering value for money. In 2015 the Medium Term Financial Plan

agreed by the States set down a reduction of 8% over 4 years to the grant received. In 2018 we maintained the plan of a further reduction of 2% (from 2017) on the annual grant JACS received.

The JACS Board has 7 members and their role is to keep in sight both the statutory obligations as well as the operational spending against the budget the Board has prepared and agreed. I am extremely grateful to my fellow Board members for their continued support and for freely giving up their time and experience to serve on the JACS Board.

I would also like to express the Board's thanks and appreciation to the Social Security Ministers, Deputy Susie Pinel and Deputy Judy Martin, along with their team in the Department for all their assistance in continuing a constructive and positive relationship with JACS.

Finally I would like to extend the Board's thanks to Patricia Rowan and her team, for their enthusiasm and continued commitment during 2018 thus helping JACS continue to achieve its prime objective of improving industrial relations on the Island.

Sarah Beirne
Chairman

Director's Report

Overview

I am pleased to present the JACS Annual Report for 2018, which gives me the opportunity to give an overview of JACS performance and workload for the year. Our overall enquiries figure reached 10133, an increase of 206 when compared to 2017. This year has given JACS the highest ever number of client contacts in any year. The training events JACS offers have continued to be well subscribed across the six main topics we offer and delivery of in-house sessions have also increased during this same period.

Over the years clients expect the service provided by JACS to cover **all** employment and discrimination legislation. The numbers alone do not effectively reflect both the complexity and diversity of the queries JACS receives from across such a wide spectrum of employment and discrimination issues.

During 2018 we saw amendments and changes to both the Jersey Employment, and Discrimination legislation. The introduction of Disability Discrimination and the removal of a Retirement age, along with enhanced maternity and parental rights (effective 1 September 2018) all contributed to the rise in the contact numbers this year.

Pre-claim conciliation (PCC)

In 2018 JACS was invited to assist in a significant number of pre-claim conciliations (PCCs) to reach a resolution between the parties before a Tribunal claim is lodged. PCCs are an important part of JACS role where impartial advice and conciliation between the parties can bring about solutions without the added stress, time and cost for both parties that can be a result of pursuing matters through the Tribunal. Without this part of our service there would undeniably be a significant increase to the number of Tribunal claims being lodged.

JACS offers the option of PCC which is seen as an alternative dispute resolution process. This process allows for outcomes that cannot be achieved at Tribunal and, if a resolution can be reached, then it can allow for the employment relationship to continue rather than end. In 2018 we successfully assisted employers and employees in achieving a resolution to their disputes using PCC on 170 occasions.

Conciliation in lodged Tribunal Cases

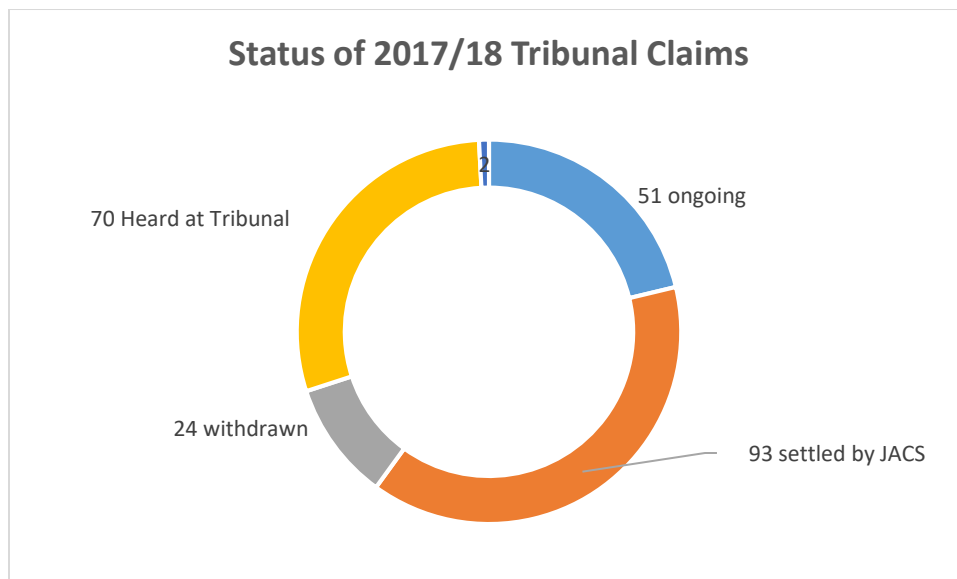
Between 1 January 2018 and 31 December 2018, JACS received 144 claims from the Employment and Discrimination Tribunal. JACS receives claims in respect of discrimination in employment and in 2018 we received 23 (35 fewer than in 2017) and these claims are included in the figure of 144. Discrimination claims raised as a result of goods and services are referred to Citizens Advice Jersey.

The Employment and Discrimination Tribunal (Procedure) Order 2016 clearly sets out the transition and process for the lodging and handling of claims. Once a claim is submitted, the Tribunal will set a date for a Case Management Meeting (CMM) with all parties involved in attendance. A CMM will often help to determine what the claim concerns, and the Directions issued by the CMM Chair enable the parties to prepare and provide the information and evidence that a full Tribunal Hearing will require in order to determine an outcome to the claim. The inclusion of CMMs in the Tribunal process continues to be highly successful and effective in encouraging the parties in a dispute to enter into conciliation with a JACS officer, which can then result in a conciliated settlement being reached or the claim withdrawn from the Tribunal.

The conciliation process can be lengthy and can still be ongoing until the actual Tribunal Hearing date. JACs believe that if conciliation is considered early in the Tribunal process, fair outcomes can still be achieved with less stress and expense being incurred.

Along with the 144 new cases JACS received from the Tribunal Registrar in 2018, we carried forward a further 93 claims from previous years. Throughout 2018, of the 237 live claims, a total of 187 of these have been resolved as can be seen in the chart below, leaving 51 claims still ongoing as at 31 December 2018

Tribunal Claims for Discrimination in employment for Race, Sex, Age and Disability have reduced from 58 in 2017, to 23 in 2018. Of the 24 claims that referred to JACS for conciliation, 10 were for sex discrimination (including pregnancy), 8 were for age (one of these covering both sex and age), 4 for race and 1 for disability discrimination.



Resolving collective disputes and improving relationships

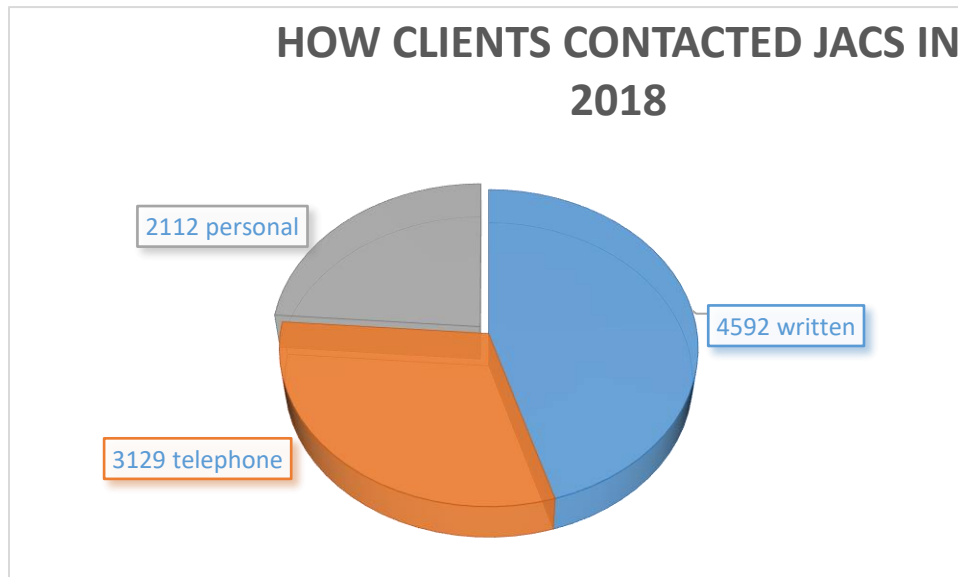
During the past 12 months, JACS saw an upturn in the number of occasions we were required to assist in collective (employer v union) disputes. We conducted four ballots and have also conducted three mediations in respect of the States Employment Board and different pay groups. Formal mediations and/or ballots are all part of collective dispute resolution process. Disputes between the States Employment Board and groups of employees have been widely reported in the media and these issues will be carried forward to 2019, with other groups undertaking ballots moving forward.

This part of JACS work is important and well regarded by those using this service. It is however, labour intensive and can take considerable time at the planning and determining stages. Acting as the Scrutineer on ballots means JACS having involvement at an early stage of the process and agreeing the whole procedure. This starts with the creation of the ballot paper as well as agreeing the process of receiving returned papers and the count itself. This service is still free under the legislation regardless of how many paper ballots we are asked to count.

When it comes to mediations, the process can be protracted to enable all relevant people to attend, as well as ensuring we have a clear understanding from both parties ahead of the meeting of the reason for the dispute.

Contacting JACS

The total number of contacts made to JACS in 2018 was 10,133. The number of clients calling into JACS in person during 2018 was 2,112. The central position of the JACS' offices enables callers, whether they have an appointment or otherwise, to drop in and easily access our services. We have seen an increase in the number of clients contacting us via email in 2018 with an increase of 878 clients making contact this way when compared to 2017.



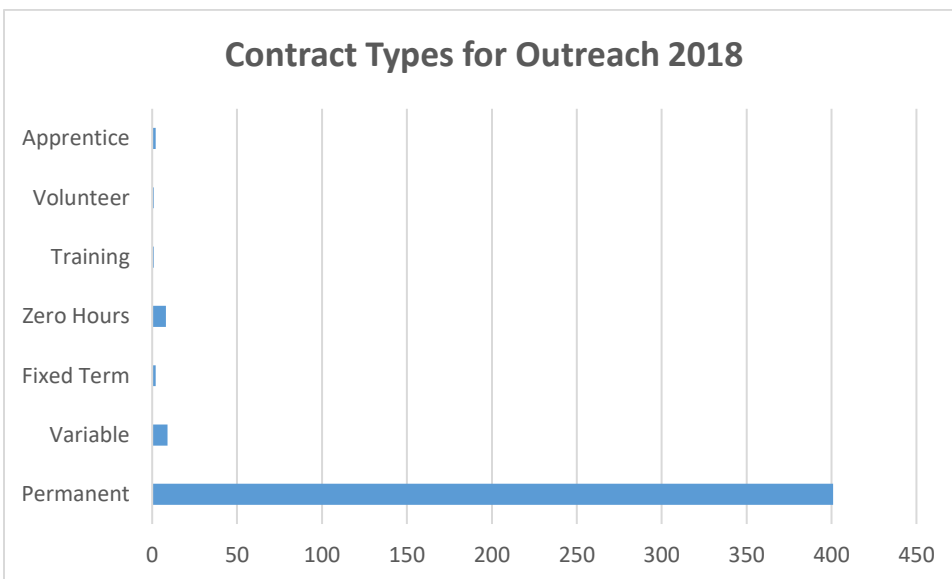
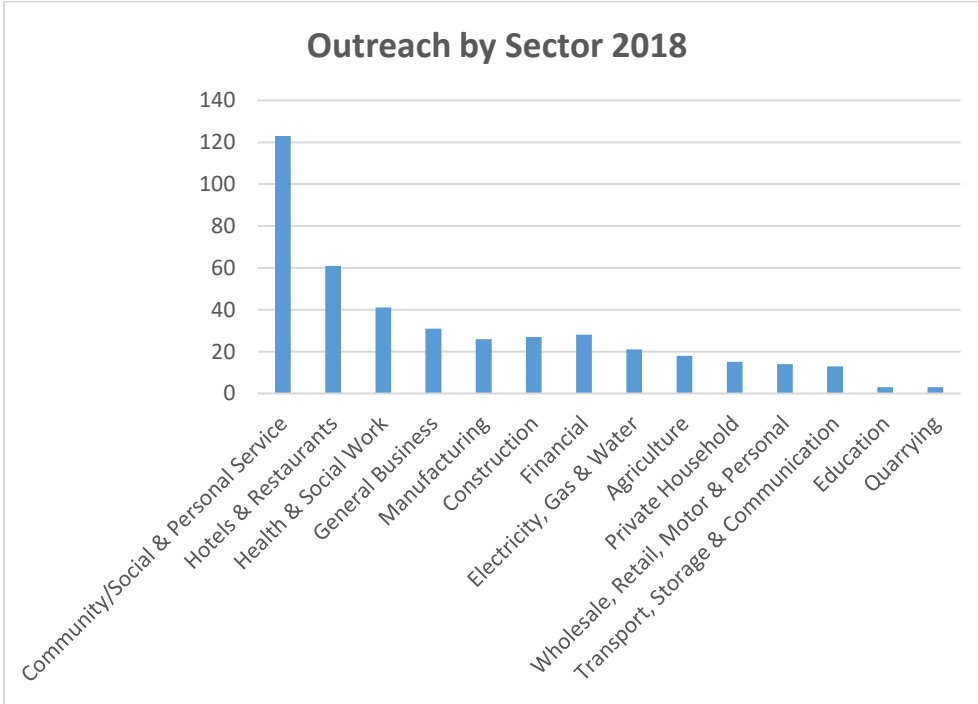
The JACS website is regularly updated to reflect any changes to the legislation and also details the public training sessions run by JACS. In addition, the website provides examples of policies, procedures, general information and guides to assist clients further. Those clients who have signed up to receive the JACS newsletter are directed to the website to see the recent additions along with information about Employment Forum consultations and updates on both the Employment and Discrimination legislation.

The top 10 most viewed topics in 2018 were:

- Model Policies 3962
- Maternity 3686
- Employment Legislation 3187
- Minimum Rest Periods & Annual Leave 2835
- GDPR Link 2643
- Unfair Dismissal 2585
- Termination of Employment 2252
- Working Hours & Breaks 2156

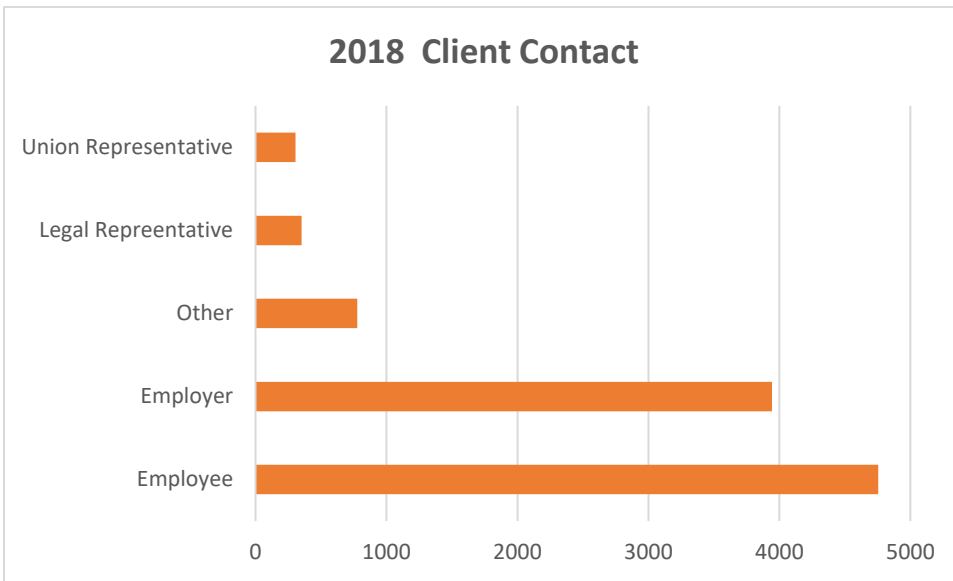
Outreach Service

JACS offers a proactive Outreach Service to employers by our Business Liaison Officer. This service is available at times and places to suit the employer, such as in their own workplace or outside of normal office hours. This service gives practical assistance and advice to employers to help them set up and develop the range of employment documents that are required under the legislation. This would include terms of employment, pay slips, policies and procedures. This service has been well utilised this year and in 2018 saw 424 clients (a significant increase from 146 clients in 2017) helped by our Outreach Service, with an average of 16 employees, per client.

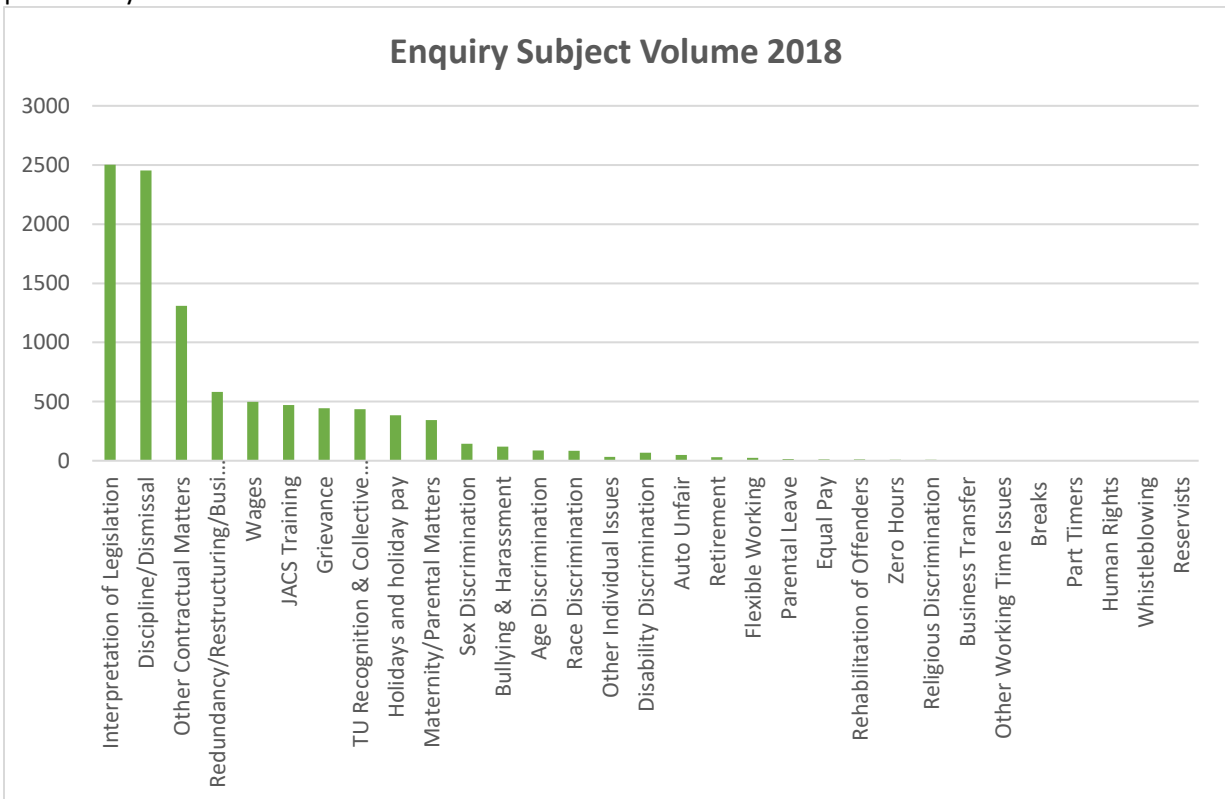


Information, advice and conciliation

An average of 195 clients contacted JACS each week throughout 2018 and, as can be seen below, the majority of these contacts were from employees. The category of 'other' (shown below) captures those who call on behalf of someone else, e.g. a parent, or lay persons representing clients for a Tribunal claim.



The chart below shows the subject volume in generic categories that JACS uses to record the type of queries that have been received throughout 2018. As can be seen, the highest number of queries were in relation to interpretation of the legislation, moving disciplinary procedures and dismissal, into second place this year.



Training and Other Support Services

JACS believes that an employer which has well informed and trained managers, staff representatives and supervisors goes a considerable way to ensuring that businesses consistently apply good employment practices. Again in 2018, JACS has continued to offer training sessions on selected topics for public attendance. These public sessions are well attended, both as introductory sessions for those new to business or management roles or as refresher/update sessions for others wanting to keep their knowledge current in respect of the legislation.

During 2018, 31 public training sessions were undertaken with 405 attendees. JACS received special funding from Social Security which enabled sessions on Disability Discrimination in Employment to be delivered free of charge to attendees.

Throughout 2018 JACs ran an additional 52 training sessions (an increase of 20 sessions from 2017) in the workplace for various businesses and organisations with 1041 attendees.

Working with employers

The following chart gives the breakdown of the different employment sectors contacting JACS last year. The categories are generic and one should note that Real Estate, Renting & Businesses includes 'general businesses' which do not fit into more clearly defined sectors.



Legislation

Minimum Wage:

1 April 2018 saw the increase to the Minimum Wage.

Following the Employment Forum's consultation for 2019 minimum wage, the States Assembly agreed to two increases for this year. The first is on 1 April 2019 and the second on 1 October 2019.

Discrimination:

From 1 September 2018, saw the introduction of the protected characteristic of Disability under the Discrimination (Jersey) Law 2013 and the removal of a retirement age from the Age Discrimination Regulations was introduced.

Family Friendly:

1 September 2018 also saw a revision to maternity/parental rights as part of this phased introduction, and the former Social Security Minister gave a commitment that more significant changes to the family friendly rights would follow in 2019.

Staffing and Standards of Service

Through 2018, the JACS team consisted of five people, and throughout the year we continued to monitor our service standards. The client satisfaction questionnaire sent to both employers and employees whose Tribunal cases had been referred to us for conciliation show that of the total returned, 100% reported they were 'very satisfied' or "satisfied" with the service they received.

Published standards of service were maintained or exceeded and we fully met the requirements of the Service Level Agreement between JACs and the Social Security Department, to ensure that JACS continues to deliver value for money.

Managing our Finances

The total cost of running JACS for the calendar year to 31 December 2018, based on its unaudited management accounts, was below the budget set for the year. This underspend was primarily down to reduced staffing costs as a budget was set for a full time employee and we filled the role with a part-time resource. Key operating costs comprise staff costs, rent, rates and insurance, utilities, IT support and audit fees.

Our basic annual grant from the Social Security Department was £363,118 which is a 2% reduction from 2017 as per the agreement with Social Security as part of the Medium Term Financial Plan savings that need to be made year on year until the end of 2019.

Nominal fees (based on a cost recovery basis) are charged to attend our public training courses and to provide in-house training courses to businesses and contributed over £27,000 towards our income.

The accounts will be audited by our auditors, BDO Limited, and presented to the Social Security Minister, as required by the Jersey Advisory and Conciliation (Jersey) Law 2003.

Future Plans

JACS remains committed to offering assistance in avoiding and resolving disputes, with continued raising of awareness to new legislation along with best practice through our training sessions and up to date information available on our website.

In January 2019, JACS is moving from our original 'home' of Trinity House to 1 Seale Street, again on the 3rd Floor. These new offices will give us the opportunity to deliver some training in the JACS office to smaller groups and to be able to quickly respond to suggestions of other topics on which our clients would like us to deliver. In order to deliver this additional training and meet our other statutory obligations and commitments, we will look to recruit a part-time trainer.

Our continued commitment is one of support to all our clients in respect of advice and dispute resolution. The Outreach Service will continue to provide a service accessible to all businesses to ensure there is an understanding of the statutory obligations that employers need to meet.

Summary

JACS continues to offer practical advice in an impartial, professional and friendly manner. The training sessions offer assistance and provide an understanding of the legislation already in place and allow for early preparation of incoming legislation.

JACS has a Board of seven members who once again have willingly given up their time, expertise and support again in 2018. We are very fortunate to have committed individuals across the employment sphere upon whom we can call on and once again, I would like to extend my sincere thanks and gratitude for all the professional assistance, guidance and support that JACS receives from all of our Board Members under the Chairmanship of Sarah Beirne.

I must also offer my thanks for the support and loyalty shown by the team at JACS through what has been a difficult and challenging year. Once again, this small dedicated team have worked tirelessly to meet the expectations of our clients in delivering advice and guidance on the legislation in Jersey and supporting clients in their understanding of best practice and practical application of the laws in place.

In 2018, Jersey saw an election therefore I extend my thanks to the previous Social Security Minister, Deputy Susie Pinel and the Assistant Minister, Deputy Graham Truscott, for their support during their tenure. I also wish to thank the present Social Security Minister, Deputy Judy Martin and her two Assistant Ministers, Deputy Geoff Southern and Deputy Jeremy Macon for their support in the work JACS undertakes and I look forward to working with them in 2019. Finally I also have to thank the Social Security Officers for their support and I look forward to continuing to work with this team throughout 2019.

Patricia Rowan
Director

14 January 2019