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# STATES OF JERSEY



## JERSEY EMPLOYMENT TRIBUNAL: RE-APPOINTMENT OF SIDE MEMBER

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Presented to the States on 28th May 2014  
by the Minister for Social Security

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STATES GREFFE

## REPORT

### Background

Article 81 of the Employment (Jersey) Law 2003 (the 'Employment Law') provides for the establishment of the Jersey Employment Tribunal (the 'Tribunal') and provides that it will exercise the jurisdiction conferred on it by the Employment Law and any other Law.

The Tribunal became operational in 2005 and is responsible for enforcing the Island's employment legislation: the Employment Law and the Employment Relations (Jersey) Law 2007. It hears and determines complaints relating to –

- Written statements of employment
- Minimum rest periods and annual leave
- Minimum wage
- Payment of wages (including itemised pay statements)
- Notice pay on termination of employment
- Unfair dismissal
- Redundancy pay and related rights
- Breach of contract of employment
- Trade union recognition
- Collective disputes.

On 1st September 2014, the Tribunal will become the 'Jersey Employment and Discrimination Tribunal'. It will then also hear complaints of race discrimination made under the Discrimination (Jersey) Law 2013.

### Constitution of the Tribunal

Article 82 of the Employment Law provides that Regulations may provide for the constitution, membership and administration of the Tribunal, including for the appointment and terms of membership of the members. These provisions are set out in the Employment Tribunal (Jersey) Regulations 2005 (the 'Tribunal Regulations'), as amended by the Employment Tribunal (Amendment No. 3) (Jersey) Regulations 2012.

The Regulations provide that in hearing a complaint, a 3 person Tribunal Panel consists of a legally qualified Chair with 2 Side Members; one from a pool of 8 employee representative Side Members who have knowledge or experience of, or an interest in, trade unions or matters relating to employees generally; and one from a pool of 8 employer representative Side Members who have knowledge or experience of, or an interest in, employers' associations, or matters relating to employers generally. In addition to up to 16 Side Members, the Tribunal consists of a Chairman and up to 5 Deputy Chairmen.

The Tribunal Regulations provide that Tribunal members are appointed by the States for a 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, extend a member's term of office by re-appointing the member to the same office for a second term not exceeding 5 years.

In 2005, the States approved the appointments of the first 14 members of the Employment Tribunal. Those terms were offered on a staggered basis, varying between one and 5 years, to ensure that the terms of those who were appointed did not expire on the same day, to provide continuity in the composition of the Tribunal.

The Jersey Appointments Commission's 'Code of Practice for Appointments to Autonomous and Quasi-Autonomous Public Bodies and Tribunals' states that: "*it is recommended that the term of office of a member should not exceed 10 years.*".

### **Re-appointment of member**

Mr. Peter Woodward has served as an employer representative Side Member on the Tribunal for 9 years. He was appointed for a 4 year term in 2005 and was re-appointed for a 5 year term in 2009.

Mr. Woodward is a Human Resources Consultant and Executive Coach. He has been a member of the Guernsey Employment and Discrimination Tribunal for 14 years, and has acted as Convener of the Panel for 8 of those years.

Mr. Woodward's term of office is due to expire on 30th June 2014. He has requested re-appointment for a one-year term in order to serve a total of 10 years on the Tribunal.

Having consulted the Jersey Appointments Commission, the Minister has decided to re-appoint Mr. Woodward for one year, and his term of office will then end on 30th June 2015.