



Health and Social Security Sub-Panel

Family Friendly Legislation Review

Witness: Jersey Advisory and Conciliation Service

Wednesday, 16th July 2025

Panel:

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

Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter

Witness:

Ms. P. Rowan, Director, Jersey Advisory and Conciliation Service

[9:03]

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

Good morning, everybody. We are the Family Friendly Legislation Review Sub-Panel and this is a public hearing this morning with the Jersey Advisory and Conciliation Service. My name is Deputy Louise Doublet. I will let my panel introduce themselves.

Deputy L.K.F. Stephenson of St. Mary, St. Ouen and St. Peter:

Deputy Lucy Stephenson.

Deputy K.L. Moore of St. Mary, St. Ouen and St. Peter:

Deputy Kristina Moore.

Deputy L.M.C. Doublet:

We are expecting Deputy Karen Wilson. She apologises, as she has been slightly delayed by traffic but she will be joining us. If you could introduce yourself and what your role is.

Director, Jersey Advisory and Conciliation Service:

My name is Patricia Rowan and I am the Director of J.A.C.S. (Jersey Advisory and Conciliation Service).

Deputy L.M.C. Doublet:

Thank you so much for coming today, Patricia, and for making time for this hearing. This an information evidence-gathering hearing for our review. We have an hour for the hearing. There might be some questions that we do not quite get through, which we will forward on to you in writing at the end of the hearing, if that is okay?

Director, Jersey Advisory and Conciliation Service:

Okay, yes.

Deputy L.M.C. Doublet:

We have put a slide up there that lays out what the organisation does.

Director, Jersey Advisory and Conciliation Service:

Yes, yes.

Deputy L.M.C. Doublet:

Is there anything that you would like to add to that to explain to us what you do?

Director, Jersey Advisory and Conciliation Service:

No, not really. We have obviously done it for a very long time and we advise on the Employment Law, Discrimination Law and on Employment Relations Law. What we do not advise on is Social Security Law or anything around data protection or health and safety or things like work permits; they are Government bodies, we are not.

Deputy L.M.C. Doublet:

Yes, okay. In terms of strategic objectives and obviously there is a law ... this is what we have been trying to learn and understand about your organisation, it is a bit different from other arm's length bodies, is it not, because there is a law? Can you tell us about the law and about your strategic objectives?

Director, Jersey Advisory and Conciliation Service:

Our strategic objectives are set out under a service level agreement with S.P.P.P. (Strategic Policy, Planning and Performance). It was originally set out with the Minister for Social Security. The

Minister for Social Security has no oversight really of J.A.C.S. anymore. It is under S.P.P.P., other than the fact that she ... obviously she is the one instrumental in bringing the legislation and so we work with the policy officers there. She gets to see our annual report and accounts every year as well, which of course are then placed with the States. All our K.P.I.s (key performance indicators) and strategic reports are in that annual report, which you will all have had copies of those when it was presented on 7th April this year. This is done every year, yes.

Deputy L.M.C. Doublet:

Yes, yes, okay.

Deputy K.L. Moore:

In terms of accountability, who would you say you were accountable to?

Director, Jersey Advisory and Conciliation Service:

To Paul Wylie of S.P.P.P., he is heading up ...

Deputy K.L. Moore:

He is head of ...

Director, Jersey Advisory and Conciliation Service:

Yes, absolutely, yes.

Deputy L.M.C. Doublet:

Okay. I wonder which Minister Paul Wylie is accountable to, would that be the Chief Minister? Yes, okay. Because obviously as a body Scrutiny holds Ministers to account. What we try to understand is, ultimately, which Minister has the political responsibility. That is helpful to us to understand that it might be the Chief Minister, rather than the Minister for Social Security.

Deputy L.K.F. Stephenson:

Did you say that relationship has changed, it used to be the Minister for Social Security?

Director, Jersey Advisory and Conciliation Service:

Yes, when the Comptroller and Auditor General wanted separation between governance and policy, which was in around about 2019, things changed there. Governance and funding is separated from law-making.

Deputy L.K.F. Stephenson:

Okay, thank you, that is helpful.

Director, Jersey Advisory and Conciliation Service:

We are a sandwich, we are in the middle of that. We have got law coming in or being generated by the Minister for Social Security and we have got funding and governance by somebody else and we are that conduit that makes that happen, if you see what I mean, and gets the information out there.

Deputy L.M.C. Doublet:

Okay, so how does that work? How do you plan your actual work programme for the year?

Director, Jersey Advisory and Conciliation Service:

If we have got knowledge of incoming legislation, then we will factor that in. But legislation is a moveable feast; we do not always know that. We have got pieces coming in this year that we were not sure if they were going to come through. Then obviously 22nd April legislation was passed. We did not know if it was going to go through the States. It is quite malleable but our workload is quite consistent generally. We are proactive in lots of ways but we are also very responsive. Last year, as I said in the annual report, we had a 16 per cent increase on 2023 with over 11,191 contacts from people.

Deputy L.M.C. Doublet:

When any new piece of legislation comes through, what do you then do as an organisation?

Director, Jersey Advisory and Conciliation Service:

Okay. What we do is we start the training on it immediately.

Deputy L.M.C. Doublet:

That is for businesses, is it?

Director, Jersey Advisory and Conciliation Service:

For anybody, it is a public course, anybody can attend it. Those are the public ones; they go out to everybody or we will do in-house ones where businesses might invite us in or we will go into specific situations like presenting to groups of people or interested parties. We have recently done something with the construction industry. We are doing something with the Jersey Charities Association. I did the breast-feeding initiative earlier this year. We deliver training, as soon as it gets in we start advising on the potential for new law coming in anyway; that was even spoken about before it went to the States. This is a potential, you need to be prepared for that. Once we know that it has gone through the States we start preparing all the documentation and little videos. We have already got a video out there on this new law, even though we do not have an implementation date yet. We are advising upfront so that people have a level of preparedness.

Deputy L.M.C. Doublet:

Okay, so quite a lot of face-to-face things then.

Director, Jersey Advisory and Conciliation Service:

Yes, yes, it is, yes.

Deputy L.M.C. Doublet:

Okay, that is interesting, thank you. You mentioned about one of the Government officers that is your liaison or contact. How regular are those meetings?

Director, Jersey Advisory and Conciliation Service:

We have quarterly meetings with them and there is a group of people that meet for that quarterly meeting. But I have regular contact with policy principals anyway and if there was any concerns or if I needed something I would go directly to them at any time. They are very accessible; it is a very open relationship.

Deputy L.M.C. Doublet:

Okay, that sounds positive. There is a board as well, is there not? How does that work?

Director, Jersey Advisory and Conciliation Service:

Yes, yes. They are an independent board we recruited last year. We have got up to 7 people and it is set down in law and they look at the oversight. While I deal with the day-to-day running of the organisation, they have a more global view of the organisation and looking at strategy, planning, implementation, looking at workforces, workforce planning for us and looking at budgeting and funding and things like that.

Deputy L.M.C. Doublet:

Okay, thank you.

Deputy K.L. Moore:

May I just ask, you mentioned in that first section of questioning that you have seen a 16 per cent increase in people coming to your service, could you tell me what area that increase of people has come from? Is there something in particular that is causing them to come to you?

Director, Jersey Advisory and Conciliation Service:

No, it is just generic, it is right across all the employment legislation, all the discrimination legislation. Last year we had a few matters to deal with; the employer relations which is about unions. They

were resolved very swiftly. But, no, there is nothing you can go: "Oh, there is an issue there." The training that we deliver every month, because it goes out in our newsletter, we will look at what our hot spots have been for the previous month in our stats. If I see a spike in, I do not know, a lack of terms in employment, we will run a training session on terms of employment. As well as the new law, we are picking up on where people are still getting their minds around the 20 year-old law as well.

Deputy K.L. Moore:

Yes. In relation to family-friendly legislation, of course that has come from the Social Security Department, do you provide advice in relation to this law?

Director, Jersey Advisory and Conciliation Service:

Yes, we do. We started advising on family friendly in around about 2012 on what this could look like. In 2015 it came in because we needed the Sex Discrimination Law to come in; it could not stand alone. We needed that 2-prong approach to that. As soon as we knew that sex discrimination was coming in, we started rolling out training for that and we have continued to do it. The changes to the employment legislation came through in 2020 in June, a revised thing, during the middle of COVID. We ran numerous training sessions and information sessions and we put stuff out, literally scatter-bombed as far as we could with information to get people up to speed with that. Because it came in reasonably swiftly and people were still displaced, I think is the way that I would think about it because of lockdown and not as a cohesive group in workplaces and things like that. You could not rely on the photocopy chatter and things like that.

Deputy K.L. Moore:

Yes. From where you sit, do you think that now employers understand and implement their obligations under the current law?

Director, Jersey Advisory and Conciliation Service:

I think a lot of them do. It is still a very popular topic. If I am really honest with you we can tell when babies are going to be born, we have that prediction because we see the number of increases in the queries that come from both employers and employees. Up until May this year, from January to May, we have had 716 views of our video, which is via our website. We ran a training session last week which had 18 people on it but they are often refresher trainings, not brand new ones. But also we have had 207 direct queries about parental rights, 106 of those being employees and 90 being employers. Yes, there was one legal representative.

Deputy L.M.C. Doublet:

Could you say those figures again? Did you say 19 were ...

Director, Jersey Advisory and Conciliation Service:

Yes, 207 direct, 106 were employees, 90 employers, one legal representative and 10 others. Others can be a family member, they could be somebody that is self-employed, it could be anybody that is asking a question around it but does not fit into the other categories really; that is just this year. They cover all employment sectors, all sizes of businesses, there is not one specific business, type or size of business or anything; they are just generic.

Deputy K.L. Moore:

Okay, that is interesting. Is there any particular element of the legislation that people, employers and employees, seem to misunderstand or misinterpret?

Director, Jersey Advisory and Conciliation Service:

I do not think they misinterpret. They are queries around things along the common issues we have; the entitlement to public holidays during parental leave, payments of bonuses and other pensions, which includes pension. If you are in that unpaid period of parental leave, what happens with those things? They are the things that come up.

[9:15]

Social Security parental allowances, which we do not advise on because that falls under Social Security. Holiday calculations, so often holidays accrue throughout parental leave and what some people do is they negotiate a reduction to their working week upon return from parental leave and then employers are not sure when they need to start recalculating holiday entitlement from, if you see what I mean, so we do those sort of things. Loss of parental leave when leaving an employer, let us just use our 6 weeks minimum paid and you have had 2 weeks and you are either looking for a new employer or you are made redundant or whatever happens, it stops, you lose the other 4 weeks because it does not carry forward to a new employer. Okay, so it stops with employer 1 and it is not picked up by employer 2, okay.

Deputy K.L. Moore:

Because then you are not with the employer for a certain period of time.

Director, Jersey Advisory and Conciliation Service:

Yes, absolutely, you have not passed any of that qualifying period. Obviously, quite frankly, that is not going to be the birth mother; that is going to be the partner really in 99.9 cases, so that is that one. The only other thing is that some employers want to be more flexible around what the law says. The law talks about ... the legislation sets down you can have up to 52 weeks, we have

already covered the 6 weeks paid and it says that it has to be taken over a 2-year period and it has got to be taken in blocks, 3 blocks of not less than 2 weeks. Some employers would like to be more flexible around that, so would employees. They might like a week in 3 weeks' time and still, effectively, have, let us make it the 5 weeks just as a number. Employers try to be creative in an assisting way, not in a negative way, to get employees into that position.

Deputy K.L. Moore:

So they are falling foul of what is stipulated in the legislation?

Director, Jersey Advisory and Conciliation Service:

Of the law, yes, absolutely. I think that that is, potentially - I think but I do not know - because when it is the paid parental leave, the 6 weeks, that is around the payments received via Social Security and they are a week behind by the time you get them, do you see what I mean? But I do not know, I do not know if that is about a mechanics situation rather than anything else.

Deputy K.L. Moore:

Interesting, thank you, that is very helpful. How have employers managed to adjust to the equal attribution of parental leave?

Director, Jersey Advisory and Conciliation Service:

Okay, they just take it on, if that is what the law says, that is what the law says. It is a day one right, if you start work today and you advise your employer you are pregnant or your partner is pregnant, then you are entitled. This equalising ... when the law was conceived it was decided that it would be ... the equal balancing would remove gender bias at interview levels because everybody is entitled to exactly the same. Initially there was "ouch" but I do not think that that has been sustainable. I think they have just taken it on the chin.

Deputy K.L. Moore:

Okay. In practice you have not seen any statement in relation to that or change of contractual behaviours?

Director, Jersey Advisory and Conciliation Service:

No, no, no, they have just done what they have done basically.

Deputy K.L. Moore:

Having had interaction with employers on a professional level, do you get the sense that they perhaps understand the importance of supporting families in the workplace and the general contribution to society that that makes?

Director, Jersey Advisory and Conciliation Service:

I think that as a rule they do. I think that there are some industries that by the very nature of the beast when there may be 24/7 industries they struggle with that. But that is not about a lack of understanding; that is about a lack of inability to do things differently because of the way things are. But I think most employers completely understand that family-friendly legislation and rules and policies are of benefit to everybody.

Deputy K.L. Moore:

Thank you. Do you think there are any parts of the legislation that do put a strain on employers?

Director, Jersey Advisory and Conciliation Service:

We have not seen any of that, only, as I have talked about, the potential for the prescriptive nature of the 2 weeks.

Deputy K.L. Moore:

But you described the creative approach that they have tried to take to it and would you say, in your professional opinion, that being able to be more creative might assist the administration?

Director, Jersey Advisory and Conciliation Service:

I think it would. I think for some employers it would be very beneficial, and for some employees of course. Some employees might only want to take a week and it might be for whatever reason. It might be a week because their partner needs that break as much as anything else. They do not want 2 weeks, they do not want to eat it all up in one go.

Deputy K.L. Moore:

Yes, okay. Are there any other areas where you consider that perhaps there could be some more flexibility or amendments made?

Director, Jersey Advisory and Conciliation Service:

Not really, no. No, I think it works reasonably well in practice, if I am really honest with you. Obviously there is always teething issues when law first comes in. I think it is also one of those pieces of legislation that only affects you when you need it. It becomes important when you need it. People might know all about other pieces of the legislation, like minimum wage and stuff like that but they are only interested in this when they need it. That is when they will get that information from them.

Deputy L.M.C. Doublet:

You have mentioned that businesses seem to have adapted to this quite well. Are you aware of any cases at all where a business has folded or failed because they could not accommodate this part of the legislation?

Director, Jersey Advisory and Conciliation Service:

None that I can specifically think of, no. No.

Deputy L.M.C. Doublet:

That is positive. We talked briefly about stigma for fathers. This came up in some of our other hearings and some of the evidence that we have heard is that there is a stigma; it is more of a cultural one, rather than always directly from employers. Is that something that maybe is not reaching you as an organisation? Is there anything you can do to find out more about that to make sure that that culture change element is incorporated in your training?

Director, Jersey Advisory and Conciliation Service:

I think that there is a stigma around ... and there always has been, it is not about fathers, it is about cultures in organisations. It is the parent that leaves at 2 o'clock every day to do the school run who has comments in the workplace about part-time work. That is society; that is not going to change. It is not about one gender over another either; that has always been there. Gone are the days, thankfully, when people are not asked at interview how they are going to manage their childcare arrangements. But these are historic things, society needs a catch up. It is not just about employers and it is not just about individuals. There is a catch up and culture is up from a completely different perspective. We saw some awful things, which is a culture thing, being put out last week on the roads and that spray-painting, that is a culture thing. We cannot change individual perception. All you can do is make sure that the employer is aware of the fact that it is inappropriate.

Deputy L.M.C. Doublet:

You feel that that stigma that has been mentioned to us by fathers is maybe the same stigma that mothers have felt and it is being felt anew by fathers because they have got these additional rights.

Director, Jersey Advisory and Conciliation Service:

Yes, absolutely. Yes, yes, I do. I think that is part of that balance that we were talking about. Sorry.

Deputy L.K.F. Stephenson:

I just wondered if we could go back to, if you are finished on that, if somebody seeks or changes employer part way through, can you just explain to me how that does or does not work? Because if they are entitled to under the law from day one, can you just take me through it? Explained it is about ...

Director, Jersey Advisory and Conciliation Service:

Because you are not employed by that employer. If I am employed by you, then my rights apply with you. It is my day one right with you, okay. There is this process that needs to be going, there is notifying at 15 weeks, all of those things, putting the dates in the calendar, et cetera, et cetera. I then leave you and I am going to work with Deputy Doublet, all my rights are parked with you, they do not carry forward.

Deputy L.K.F. Stephenson:

Okay.

Deputy L.M.C. Doublet:

Is it at the point at which the baby is born that the rights ...

Director, Jersey Advisory and Conciliation Service:

No, it is afterwards really. It is when people leave and they have got a period of parental leave still outstanding, you cannot move it on to a new employer.

Deputy L.K.F. Stephenson:

Under the law you can take it in up to 3 blocks over, is it 2 years?

Director, Jersey Advisory and Conciliation Service:

Two years, that is right.

Deputy L.K.F. Stephenson:

It is a long period of time, people may feasibly want to be moving, particularly the second parent who maybe has not had as long a period off. Is that something that you think could be improved or changed?

Director, Jersey Advisory and Conciliation Service:

I think it could be considered. But I think it would be administratively very difficult because that would involve employers having to get information from other employers.

Deputy L.K.F. Stephenson:

Because the information on what has been taken already is held by the employer, not by central government. Okay.

Director, Jersey Advisory and Conciliation Service:

Yes, particularly when it moves from paid to unpaid, yes.

Deputy L.K.F. Stephenson:

Yes, yes.

Deputy L.M.C. Doublet:

It would have to be some kind of data permission granting by the employee.

Director, Jersey Advisory and Conciliation Service:

Yes, absolutely, yes.

Deputy L.K.F. Stephenson:

Is that something people talk to you about, is it?

Director, Jersey Advisory and Conciliation Service:

You do get people coming in, yes, yes.

Deputy L.K.F. Stephenson:

Wanting to move, maybe that they feel they cannot move because of that or they cannot access their full rights because they have moved? Okay.

Director, Jersey Advisory and Conciliation Service:

Yes, absolutely or understanding the consequences of leaving before they have taken that. People will then structure potentially leaving in order to maximise their ability to have those rights.

Deputy L.K.F. Stephenson:

Thank you for explaining that, it is really interesting, yes. Yes, just a bit on communication, can you tell us a bit more how J.A.C.S. communicates information, particularly around family friendly rights, parental leave to employers, employees and unions? Obviously you have talked to us about having face-to-face workshops, what else goes on?

Director, Jersey Advisory and Conciliation Service:

We do not do anything particularly on one subject. We advise on all the Employment Law, so everything is the same. We treat every topic exactly the same because they are of equal importance to somebody else. We have newsletters, we have got around about 1,200 people signed up to our newsletter. We have got a website that is very much used. Obviously we have got videos on all sorts of different topics. We have got downloadable forms. Particularly on the website we have got a whole booklet, for instance, on redundancy and another one on parental leave. But we have also

got another one on working in Jersey because those were hot topics or are hot topics and they are quite dense topics. But to make it as easy as possible there are pictorials in there as well and flowcharts to help employers work their way through processes. But there is also pro-forma forms down there, you have to advise your employer and we have made it as easy as possible for that to take place. We have used media, we have used Channel 103 at times. That is more of a recent thing but we have also got social media as well and we are currently in the process of developing a marketing strategy, which is looking generically at the way we put information out and that is where we go, obviously in-house topics, as I have already spoken to you about as well.

Deputy L.K.F. Stephenson:

It is clear there is a lot of information out there and a lot of things to cover. Do you think that the current channels and means of getting that information out there are being effective enough? Are they getting to a wide enough audience?

Director, Jersey Advisory and Conciliation Service:

I think so. I think the fact that if we look at just using that number that I gave you earlier just specifically on family friendly, that 207 direct queries with respect to that. The review report only had 134 returns from people. We have already had more people contacting us about it than the review had responses.

Deputy L.K.F. Stephenson:

Ministers reviewing ...

Director, Jersey Advisory and Conciliation Service:

Yes, yes. I think that that is important. We talk to interest groups as well around matters as well. We also go into schools and talk, not just about family friendly but specifically about employment rights to young people.

Deputy L.K.F. Stephenson:

Okay. We have heard some evidence, both in written evidence that has been sent to us and then in our hearings, that some people feel like they do not have all the information that they need or they may be confused by the information that there is. Are you aware of those concerns? Is that something that has been raised with you?

Director, Jersey Advisory and Conciliation Service:

No. Often people will view the video and the video will say at the end: "Contact us", it has got our contact details.

[9:30]

You get that headline news and then they will contact us and then they will get more information that way. Because that is not about giving all the nitty-gritty on your employment rights, that is about the headlines. I think that when it comes down to the employment and the discrimination side of it, people do have that information and people do not seem to struggle to grasp that or to understand it. I think that there are things that we do not have any control over, we being J.A.C.S. I think that sometimes the partners of the mother are not advised when they need to get their applications in. I think that there is often a situation ... and that is nothing to do with us. I think that the focus is often on - and I am not saying it is wrong - the birth mother. But when somebody is being told this is how you apply for your rights and your benefits, I think the other partner needs to be involved and saying you need to do it separately. I think that that is not happening and you need to be telling your employer of this and that is not happening. People sometimes do not tell their employer until the day the baby is born, which is not what the law requires.

Deputy L.K.F. Stephenson:

Okay, you see that happening.

Director, Jersey Advisory and Conciliation Service:

I do, yes, yes, absolutely.

Deputy L.M.C. Doublet:

If that happens to somebody, say the second parent and they do not tell their employer until the day their partner gives birth, what happens then?

Director, Jersey Advisory and Conciliation Service:

In theory, they do not have their rights, only the birth mother would have their rights. The law talks unless it was reasonably practicable, so obviously there will be situations where that reasonably practical barrier needs to be crossed, okay. But other times ...

Deputy L.M.C. Doublet:

Say the second parent did not know that they were about to become a parent.

Director, Jersey Advisory and Conciliation Service:

Yes, absolutely.

Deputy L.M.C. Doublet:

Could they still then ...

Director, Jersey Advisory and Conciliation Service:

Then they would exercise those rights. But if you knowingly attended, I do not know, antenatal classes or courses, so it was reasonably practicable for you to know that your partner was going to have a baby and you did not notify your employer, then you have not followed the statutory process.

Deputy L.M.C. Doublet:

Yes, okay, that is helpful.

Director, Jersey Advisory and Conciliation Service:

But then we do not have access to individuals, there are other people that have the access. We have offered to deliver training to those individuals and they have not responded to us.

Deputy L.K.F. Stephenson:

Is there any difference in the way you treat large employers and small employers? Do you do anything differently to try and access small employers who may not have the same H.R. (Human Resources) experience or legal team behind them?

Director, Jersey Advisory and Conciliation Service:

We used to offer an outreach service and we offer that but the law applies to all employers and there is no size, administrative resources do not make a difference to that. What we do is if we see that there are issues, not specifically around family friendly but if there are issues, if somebody has got a tribunal claim and there is an issue around - I do not know, what could it be - holidays, let us make it holidays for a tribunal claim, then we will talk to the employer about the whole of the law once they have already got a claim in because we cannot target them in any other way. Again, it comes down to, as it does with any piece of legislation, it is only relevant when it becomes relevant, when it is needed. The law sits there and it is a static piece of paper but when it affects you that is when you want to know more. Knowing more upfront does not mean that it is going to be useful for you necessarily.

Deputy L.M.C. Doublet:

Thank you. You mentioned a marketing strategy, which sounds interesting because we have heard, as Deputy Stephenson mentioned, from stakeholders and individuals that they are quite confused by the law. I can understand that because the detail in the law can be quite difficult to understand. But the marketing strategy that you are working on, what is the timetable for that?

Director, Jersey Advisory and Conciliation Service:

It is being worked on, it is a work in progress; it is that new. We are hoping to start probably rolling it out, fingers crossed but not cast in stone, in September but it is still being developed at that moment. But it is not about family friendly, it is about everything.

Deputy L.M.C. Doublet:

It is about everything but it will include the family friendly.

Director, Jersey Advisory and Conciliation Service:

Yes. Everything we do encompasses all parts of the legislation.

Deputy L.M.C. Doublet:

Okay. Would there be scope within that to take on board any recommendations from the evidence that we find about maybe what needs to improve? Could that be incorporated into your strategy?

Director, Jersey Advisory and Conciliation Service:

Yes. But I would have hoped if people were confused they would have told us about it. But I think people are confused about what we advise on. There was a piece the other day that mentioned that the video was incorrect; it is not incorrect. We advise on the Employment Law. We do not advise on Social Security benefits. We do not advise on pensions. The law applies to all employees. The benefits might apply to non-employees. For instance, you are not employees but you might still be able to receive a parental allowance. That is not part of J.A.C.S.'s remit. We are not able to talk about or to advise on things that fall outside of the Employment and Discrimination Law. That piece that was picked up on Monday and again yesterday, those statements were incorrect. Our video is absolutely accurate on the piece that we have remit to look at, which is the Employment Law, not Social Security.

Deputy L.K.F. Stephenson:

Do you think that you should have remit to look at it in a wider sense? Because clearly it is confusing some people, completely accepting that it is because it is not in your remit but if they go to, say, your website or the video and they feel like they are only getting half the information ...

Director, Jersey Advisory and Conciliation Service:

In our booklet it clearly states on page 10: "We do not advise on Social Security." That is attached to the video. We cannot advise on benefits, we do not have access to benefits. We do not have access to contributions. I cannot say to you: "You will be entitled to this." We will be saying: "You may have an entitlement under the legislation that applies to Social Security because it is all around your contributions." But what we could do is we could put a slide in there that says: "There may be benefits available, you need to contact Social Security" and that is all it would say, nothing more

than that. Because I think that we will regularly get asked questions that are not linked to what our work is and we need to keep that separation. We do not have access to people's information that the States hold and we do not want it. Therefore, we cannot advise further on it but we could put a slide in that video that says: "There may be benefits available" but it will only be may be. Because people, day one rights for employment. If somebody comes through on a work permit they are not going to benefit from those things because they will not have enough contributions. But they will benefit under the law and that is the difference. It is about 2 different pieces of legislation. The same would be in the U.K. (United Kingdom), A.C.A.S. (Advisory, Conciliation and Arbitration Service) do not advise on benefits. We have to keep that separation, otherwise we lose our independence and our confidentiality.

Deputy L.K.F. Stephenson:

Thank you very much.

Deputy L.M.C. Doublet:

That is really, really helpful and interesting. I can see why the joint working with Government is important there. Just going back to the marketing plan, some of the feedback and some of the things we have identified is people asking questions on social media and obviously it is relatively new in terms of where information might get put out. Are there any plans in that marketing strategy to improve output on social media? Because that is where we see questions raised quite frequently.

Director, Jersey Advisory and Conciliation Service:

Yes, but we will not be answering questions on social media. That is not the correct forum to be answering confidential employment questions but ...

Deputy L.M.C. Doublet:

No, what I mean is, yes, to have the information published.

Director, Jersey Advisory and Conciliation Service:

Yes, yes, yes.

Deputy L.M.C. Doublet:

Sure, okay.

Deputy K.L. Moore:

It is reminding people that they ...

Director, Jersey Advisory and Conciliation Service:

That they can contact us.

Deputy K.L. Moore:

Yes, or that as a parent, the second parent, that they have to inform their employer, if they are expecting a baby, within a certain timeframe.

Director, Jersey Advisory and Conciliation Service:

Yes, yes, absolutely.

Deputy K.L. Moore:

Yes, to be able to access their statutory benefits.

Director, Jersey Advisory and Conciliation Service:

Yes, yes.

Deputy K.L. Moore:

Okay, good.

Deputy L.K.F. Stephenson:

We have done the small businesses. Then you have touched on the online course, did you say the most recent one was at 18 attendees?

Director, Jersey Advisory and Conciliation Service:

Yes, I think that was just a refresher course. Since 2012 we have probably run around about 50 courses. When new law comes in we always concentrate more ... our focus is on this potential new piece that is coming in, from 22nd April at the moment because we know that that is going to have a huge impact.

Deputy L.K.F. Stephenson:

Who do you see on the family friendly courses? Is it H.R. professionals or ...

Director, Jersey Advisory and Conciliation Service:

Anybody and everybody. It can be employees, it can be union reps, people from the U.K. because of course the U.K. has a different law to us. We have got a lot of U.K.-based employers. There is an awful lot of confusion around U.K. and Jersey law. We are not just a little county tucked on the end of the U.K., which is what people perceive us to be, until they start getting that information from us. Yes, we encourage people all over the place to do it. Anybody and everybody can join. I have had States Members on the courses.

Deputy L.K.F. Stephenson:

If people cannot attend courses, is there a way they can access that information? Can you do it online or can you ...

Director, Jersey Advisory and Conciliation Service:

We do not record the sessions. We would have to ask everybody that attended for permission to do that and they might ask questions that they would rather not go out. We do not provide the slides directly unless you have attended because they are just aide memoirs and they will not have the relevance. We will say to them: "We will be running another session but in the meantime this is where you can look. This is what we have got. What else do you need from us?"

Deputy L.K.F. Stephenson:

Okay, thank you.

Director, Jersey Advisory and Conciliation Service:

But it is a contact point; that is the main thing there.

Deputy L.M.C. Doublet:

Okay. In terms of the legal provisions in relation to job protection, discrimination, flexible working or leave entitlements and you have covered some of this, are there any that lack clarity in terms of the actual wording of the law or anything that is difficult to enforce?

Director, Jersey Advisory and Conciliation Service:

No, I do not think so. I think we do not have any sticking points with any ... once people are asking the questions and we can give them the answers, we do not struggle with giving the answers, if you see what I mean, in a way that people understand and I think that that is important. Obviously there was a change last year with flexible working when it went from one request in 12 months to 2 but that is not just about family friendly. Sometimes people do think it is just about families but it has nothing to do with families. It is just a flexible working request for whatever reason you want it to be. We need to break that down and that people understand that, they can completely grasp that now and that is absolutely fine but otherwise, no.

Deputy L.M.C. Doublet:

Yes. In terms of the flexible working and do you feel that there would be any further improvements that either employers or employees might like in that area?

Director, Jersey Advisory and Conciliation Service:

No, I think that the law is very clear. I think that we have got very easy to read flowcharts that we have set out there that people absolutely understand. Because it could be for any reason at all; it could be around a disability. It could be around the fact that you want a well-being day. It could be around the fact that you want to reduce your hours. It could be for any reason and you can apply for that and have that application heard and that is fine. I think there are some industry types that will struggle with pieces of legislation more than others. I could think that requesting flexible working for, I do not know, nurses or teachers could be quite difficult but that is just an observation. It could be difficult for somebody to have flexible working if they work on a building site, for instance. Any industry is going to be challenged. Some will find it easier to comply with any part of the legislation than others and that is just the way it goes.

Deputy L.M.C. Doublet:

Could you elaborate further on that? To give you some detail from one of the hearings that we had earlier this week, we heard from some stakeholders that they informed us that their perception was that people working in hospitality had a more difficult time in their employers understanding their rights and accessing their rights, whereas those working in retail, they told us that the perception was that retail was more accommodating. What is your reflection on that?

Director, Jersey Advisory and Conciliation Service:

Hospitality is not a particular hot spot for us. We do not get masses more queries from hospitality than we do for anywhere else. I would have to understand more about that. Is it because hospitality has less employees, so they are smaller employers, really small employers or is it because it is, not quite but a 24/7 type industry? I do not know.

[9:45]

Deputy L.M.C. Doublet:

You are open to finding out more about that perhaps to tailor your training.

Director, Jersey Advisory and Conciliation Service:

Yes, is it because they cannot get the workforce? Yes.

Deputy K.L. Moore:

Would it perhaps be that people who are here on work permits are not aware of J.A.C.S. or the services that you provide?

Director, Jersey Advisory and Conciliation Service:

I do not think so, because when we developed that front portal on our website, we developed that with Immigration and it is the Working in Jersey piece and we have got that video on there. When people apply for their work permits, Immigration send them those links so that they have got that understanding about it. Yesterday I saw 3 people independently, not linked to each other, on work permits on different matters. Yes, I am not sure, I do not know why it is. It could be, I do not know, it could be anything. I do not have any data that says it is one thing over another.

Deputy L.M.C. Doublet:

In terms of the family friendly portions of the legislation, what are the most common concerns or disputes that people contact you about?

Director, Jersey Advisory and Conciliation Service:

Only those things that I mentioned to you earlier around public holiday entitlement ...

Deputy L.M.C. Doublet:

Yes, sure, we just covered that.

Director, Jersey Advisory and Conciliation Service:

... bonuses and pensions, all of those things that I mentioned upfront, those are the areas of concern or create queries, those sort of things really.

Deputy L.M.C. Doublet:

Thank you.

Deputy L.K.F. Stephenson:

Are there patterns when if issues go further and do end up in tribunal claims, do tribunals typically ...

Director, Jersey Advisory and Conciliation Service:

We have not had any tribunal claims. We had one and we settled it literally within it arriving on our desks because we just pointed out where the employer had gone wrong and they saw it immediately and it was settled. But we do not have tribunal claims as a rule of thumb as regards to this.

Deputy L.K.F. Stephenson:

Do you think that is evidence that the law is clear and that everybody understands it or is it evidence that maybe people do not understand it, so they are not taking things further? What do you ...

Director, Jersey Advisory and Conciliation Service:

I do not think it is the latter because we have more complex pieces of law that people are taking further. It is an understanding of the legislation as a whole. I think that it is because, ultimately, people are getting the information and they are exercising their rights. Also, for instance, just this morning I had an email in from an employee who said: "My employer thinks I need to be working for 12 months." It shows in the video it is absolutely crystal clear this is a day one right, within half an hour I have shown them, they got it. Already we can see that as soon as that information is put in front of people it is easy, they get it immediately. I have no doubt we will hear more from that employer looking for more detail, rather than the headline news.

Deputy L.K.F. Stephenson:

Thank you.

Deputy L.M.C. Doublet:

That information and materials, you use them in a responsive way and when there is problems you can send them out.

Director, Jersey Advisory and Conciliation Service:

Yes. Yes, look, show this to your employer, show this to your employee because this might get the message over. It is often really useful, particularly if English is not their first language.

Deputy L.K.F. Stephenson:

Do you provide your information in other languages?

Director, Jersey Advisory and Conciliation Service:

No, but it is accessible, so it translates really well because we have already tested that. Because we do not have the finances, the resources to translate.

Deputy L.K.F. Stephenson:

When you say it is translatable, is there something on your website people can click that it translates or do they have to copy it out and ...

Director, Jersey Advisory and Conciliation Service:

Typically Google translate or similar. I am not promoting Google, I am just saying one of those similar services.

Deputy L.M.C. Doublet:

Sure. Is that part of your marketing plan that you would consider providing?

Director, Jersey Advisory and Conciliation Service:

We cannot afford to, we do not have the resources. It is a really expensive thing to translate documents and what would you translate? How many languages would you need to translate it into? Because we have 56 languages being spoken in Jersey. If you translate into one and you miss out others, could that be perceived as an act of discrimination because we are not providing that same service to others? It is a really difficult line to think about and it is quite cost-prohibitive.

Deputy L.K.F. Stephenson:

Have you ever looked into how much it would cost?

Director, Jersey Advisory and Conciliation Service:

Yes, we have. We had one document, we had terms of employment translated into Portuguese, for instance, years ago and we realised that we just could not go down that route with other languages. This was years ago. We have not done it recently but we know it is cost-prohibitive because we have heard other people saying exactly the same thing. We do not have access to translators, so you are going to have to pay for translation services.

Deputy L.K.F. Stephenson:

On that note, if people come to see you and English is not their first language, do you have access to translators in that scenario?

Director, Jersey Advisory and Conciliation Service:

No. We have one Portuguese speaker and we will often use voice text as well. We will use that during our meetings with people and that will help them. We are always encouraging people to bring others with them if they are going to struggle and they do. But, no, we do not have access to translators. You have to bear in mind we are a confidential service and that is the other thing, people are very nervous about other people hearing their stories, if they have not brought that person with them.

Deputy L.M.C. Doublet:

Okay, so say if somebody had arrived in the country and they did not speak English and they had a problem, how would they be able to access that information to understand the law?

Director, Jersey Advisory and Conciliation Service:

They would either be directed to it by somebody that can do it, i.e. a friend that says: "This is who you need to speak you. I will come with you or we can look at this together" or they will turn up and we will use, as I have said, voice text.

Deputy L.M.C. Doublet:

Okay. You have people coming to you and they bring somebody with them who can translate.

Director, Jersey Advisory and Conciliation Service:

Yes, yes.

Deputy L.M.C. Doublet:

Are you aware of any services that do that, that provides the translation services?

Director, Jersey Advisory and Conciliation Service:

No.

Deputy L.M.C. Doublet:

Okay. Is it fair to say there is a gap ...

Director, Jersey Advisory and Conciliation Service:

Because, again, we would not be able to afford to pay that, so, yes.

Deputy L.M.C. Doublet:

It is fair to say there is a gap there with some Islanders not being able to access the services that you provide.

Director, Jersey Advisory and Conciliation Service:

There might be a gap, I cannot say there is because we do get people for whom English is not a first language all the time coming to us. I do not know if there is or not.

Deputy L.M.C. Doublet:

You feel you might need additional resources if there were to be.

Director, Jersey Advisory and Conciliation Service:

It would be an awful lot of more resources in order to do that.

Deputy L.M.C. Doublet:

Okay, thank you. You mentioned there were different tranches of changes to the Employment Law for family friendly in 2015, 2020 and then more recently.

Director, Jersey Advisory and Conciliation Service:

Yes.

Deputy L.M.C. Doublet:

In terms of the inquiries that you received around those different stages, could you just tell us a bit more about how you had to respond to those?

Director, Jersey Advisory and Conciliation Service:

We just did what we always do with any changes to the legislation. We are proactive, we start upfront, we get it out there, we do all sorts of campaigns, I guess, as much as anything else with regards to that. People start asking questions early but if we get the information out as quickly as possible they have got a baseline in which to ask their questions from, rather than going: "This is what the law says." We will break that down and go: "This is what the law says but this is what has to happen and this is how you are going to apply it." We have made this as easy as possible. Then they have a user's guide, I guess, to understanding the legislation and that will then formulate their questions.

Deputy L.M.C. Doublet:

You mentioned the Minister's review of the legislation, which we have obviously read. There were not a huge amount of employers raising concerns in that review, which I feel that probably demonstrates the effectiveness of what you are doing. Do you have any comments about that?

Director, Jersey Advisory and Conciliation Service:

No, I think, as I said ... what did I say? Out of that 207, 106 employees and 90 employers. Even over the year, not even just on this but the employer/employee breakdown over all of our topics is quite close. It is accessible for all parties.

Deputy L.M.C. Doublet:

Yes. Going back to some of those areas that you said you were getting patterns of inquiries about, you said pensions is one of them. Could you tell us a bit more about the problems that arise around that?

Director, Jersey Advisory and Conciliation Service:

It is whether a pension should still be paid when somebody is on zero pay and that will depend on whether it is contributory pension. Because some pensions you cannot pay into if it is contributory. If you, as an employee, have to pay into it and the employer has to pay into it, then it has to stop. It has to be paused during any times when you are in the unpaid period of parental leave.

Deputy L.K.F. Stephenson:

Is that something that often there is contractual elements of? Because we have heard some suggestion that it may be in the contracts of employees around what would happen in those scenarios or is that ...

Director, Jersey Advisory and Conciliation Service:

I think that one needs to be careful because there was reference yesterday to changes to contracts. People have terms of employment, not everything is contractual. Some things are policy and policy can be changed very easily. If it is cast in stone as a contract it has to be negotiated. I think there was confusion yesterday raised over an issue around changes to parental leave policies and it was implied that they were contractual. They are rarely contractual, they are policies, just like a grievance and disciplinary policy, a redundancy policy. Pensions are often of a more contractual nature, particularly if they are contributory because there is a triangular kind of relationship going on; pension by the employer/employee. You pay in, we pay in, they get that. That is usually of a contractual nature but for some there will be other benefits that will not apply during because they are non-contractual.

Deputy L.K.F. Stephenson:

Thank you.

Deputy L.M.C. Doublet:

The other ones you mentioned were around holidays, so public holidays and holiday entitlements. Can you elaborate on the problems that come up?

Director, Jersey Advisory and Conciliation Service:

The holidays, that is one I mentioned, it is about when people are looking to reduce their working hours when they return to work. The law gives you the right to go back to the job that you did exactly as it stands, okay. No loss of status, no loss of salary, no loss of hours. If you apply to reduce that, then it is when the employer makes that agreement and you accept those changes and when the holidays need to be recalculated from, okay. If you have gone down from a 5-day week to a 2-day week, for instance, you are going to get less holidays. It is working out when that applies from, what you are calculating it and that is where that comes in. When do we start applying that? That is where it comes from.

Deputy L.M.C. Doublet:

That kind of detail, that is when your service would be most useful, am I right, that in helping ...

Director, Jersey Advisory and Conciliation Service:

Absolutely, yes. You have got the top layer which applies to absolutely everybody and then you have got that really detailed layer that is specific to one person and it might never come up again or is a bit more generic.

Deputy L.K.F. Stephenson:

I think we have probably touched on one or 2 areas of this already but are there areas where J.A.C.S. would benefit from more resources or more legislative support or collaboration with Government or third-sector partners?

Director, Jersey Advisory and Conciliation Service:

We are in the process of trying to negotiate some additional funds to update our website. It has not been done since 2018. It needs a refresh and just a go over really, as much as anything else, so that is what we are working on now. We cannot really work too closely with Government because that could impact our independence and our impartiality. The line that we walk and the confidence that people have in us is around the fact that we are completely independent and we are absolutely confidential, so things like F.O.I. (Freedom of Information) does not apply to J.A.C.S. We need to be very, very careful about blurring of those lines. We cannot operate as a business, as an industry and as a service if those lines are blurred and people perceive that we are working too closely with Government.

Deputy L.K.F. Stephenson:

Thank you. To go right back to the beginning of the questions, I think there was some points you made about not always knowing when legislation was perhaps coming as early as you could do. Is that something that could be improved or is it just the nature of the beast that sometimes these things ...

Director, Jersey Advisory and Conciliation Service:

Yes, it is just the nature of the beast. Because, apart from anything else, we could prepare for a piece of legislation that might come in in August and the States do not agree it. That is not finger-pointing, it is just a statement of fact. Law evolves, we have to be on the front foot always to ensure that we are ahead of that evolution and that we are working with it. That preparedness for this legislation that was passed on 22nd April started in January. We are ready to go and push that button to say ... we have got everything in place now, it just has not got a date. As soon as that is ready, as soon as we get the date that will go but we have already put it out there.

Deputy L.K.F. Stephenson:

In which case your comments about that fine line and how you work with Government, yet you are completely funded by Government or do you get funds from elsewhere as well?

Director, Jersey Advisory and Conciliation Service:

We get some money from in-house training but very little. Yes.

Deputy L.K.F. Stephenson:

Okay. There is a tension in that relationship, is there not?

[10:00]

Director, Jersey Advisory and Conciliation Service:

Yes, yes.

Deputy L.K.F. Stephenson:

When it is public money, how does that accountability with the money work? Are you assessed by Government? Do you ...

Director, Jersey Advisory and Conciliation Service:

The grant assurance document that is with S.P.P.P.

Deputy L.K.F. Stephenson:

Okay. That has K.P.I.s and things in it or ...

Director, Jersey Advisory and Conciliation Service:

Yes, all our K.P.I.s are in our annual report, which you have already got.

Deputy L.K.F. Stephenson:

Yes, okay. Do you help feed back into Government with your data and things so that they can use it to inform their policy development?

Director, Jersey Advisory and Conciliation Service:

The annual report does that but also meetings, information. Our data because we can anonymise it so easily, can be used at any point. Anybody will make an approach. If we get a spike in queries on X, then, yes, we would be able to say we would give it out when it is asked. States Members come to us for information and we will share that information because it is publicly available information, it is just anonymised.

Deputy L.K.F. Stephenson:

Thank you.

Deputy L.M.C. Doublet:

Okay. We have come to the end of our time together. But is there anything that you would like to add before we close the hearing?

Director, Jersey Advisory and Conciliation Service:

No, I do not think so. Thank you.

Deputy L.M.C. Doublet:

Okay. Thank you very much for your time and thank you for answering all of the questions.

Director, Jersey Advisory and Conciliation Service:

You are very welcome.

Deputy L.M.C. Doublet:

We may have some further follow-ups once we have reflected, if so we will write to you in that case.

Director, Jersey Advisory and Conciliation Service:

No, problem. All right.

Deputy L.M.C. Doublet:

Yes, thank you again.

Director, Jersey Advisory and Conciliation Service:

All right. Thank you. Thank you for your time.

Deputy L.M.C. Doublet:

I close the hearing.

Director, Jersey Advisory and Conciliation Service:

Thank you.

[10:01]