

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT AND SOCIAL SECURITY

APPOINTMENT OF AN INDUSTRIAL DISPUTES OFFICER AND DEPUTY INDUSTRIAL
DISPUTES OFFICER

The States are asked to decide whether, after consideration of the Policy Letter entitled 'Appointment of an Industrial Disputes Officer and Deputy Industrial Disputes Officer' dated 21st December 2016, they are of the opinion:-

1. to appoint Mr Neil Carrington as Industrial Disputes Officer with immediate effect for the period ending on 31st December 2019, and
2. subject to the approval of the foregoing proposition, to approve the appointment of Mr Stuart Le Maitre as Deputy Industrial Disputes Officer for the same period.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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DISPUTES OFFICER

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

21st December 2016

Dear Sir

1. Executive Summary

- 1.1 Under The Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 ("the Law"), the States are required to appoint an Industrial Disputes Officer. The role of the Industrial Disputes Officer is to resolve industrial disputes using advice and assistance, conciliation, or voluntary arbitration between the parties; or to refer the dispute to the Industrial Disputes Tribunal if necessary, with the agreement of the parties.
- 1.2 The Law provides that the Industrial Disputes Officer shall appoint a Deputy Industrial Disputes Officer. The appointment of the Deputy Industrial Disputes Officer is subject to the approval of the States.
- 1.3 The term of office for the current Industrial Disputes Officer, Mr Michael Fooks, expires on 31st December 2016. Mr Fooks is not seeking re-appointment for a further term. The term of office of the current Deputy Industrial Disputes Officer, Mr Neil Carrington, also expires on 31st December 2016.
- 1.4 Following an open recruitment and assessment process, the Committee is recommending that the States appoint Mr Neil Carrington as Industrial Disputes Officer. Mr Carrington has indicated that if the States approve his appointment, he will appoint Mr Stuart Marcel Le Maitre, as Deputy Industrial Disputes Officer. The Committee is therefore, also recommending the States to approve Mr Le Maitre's appointment. Both terms of office will have immediate effect and will run until 31st December 2019.

2. Background

- 2.1 Section 1 of the Law requires the States to appoint an Industrial Disputes Officer. Section 2 of the Law requires the Industrial Disputes Officer to appoint a Deputy Industrial Disputes Officer, whose appointment is subject to the approval of the States.
- 2.2 The current Industrial Disputes Officer, Mr Michael Fooks, has served in the offices of Deputy Industrial Disputes Officer and Industrial Disputes Officer for more than 20 years. The Committee wishes to place on record the appreciation and gratitude of the States for the significant contribution made by Mr Fooks to industrial relations in Guernsey over this long period. Mr Fooks has assisted in the timely resolution of numerous industrial disputes and has been successful in discharging a wider role, helping to maintain good industrial relations between the parties during conflict and encouraging continued good industrial relations in the workplace after a dispute.
- 2.3 Mr Fooks has carried out his duties in an exemplary manner, maintaining independence and impartiality, and universally commanding the respect of the parties through his practical approach to dispute resolution. His close working relationship with his predecessor Industrial Disputes Officer, his Deputy Industrial Disputes Officer, and the staff of the Employment Relations Service, has ensured a joint approach to dispute resolution that has helped maintain Guernsey's enviable record of good industrial relations.

3. Recruitment and Selection Process

- 3.1 In October 2016, the Committee advertised the impending vacancies in the positions of Industrial Disputes Officer and Deputy Industrial Disputes Officer. Short-listed candidates were interviewed by a three-person panel including a senior industrial relations and dispute resolution specialist from the Advisory and Conciliation and Arbitration Service (ACAS). Candidates were assessed against the key criteria and skills identified for the positions, with part of the interview being based on the analysis of a typical, but hypothetical, industrial dispute.

4. Term of Office

- 4.1 The Law specifies that the Industrial Disputes Officer shall hold office for such period as the States may direct. The States normally make the appointment for a period of three years. The Committee recommends that the appointment of the Industrial Disputes Officer should be with immediate effect and should continue until 31st December 2019. As the Industrial Disputes Officer appoints the Deputy Industrial Disputes Officer, the term of office of the latter shall be the same.

5. Conclusions

- 5.1 The Committee recommends that the States appoint Mr Neil Carrington as Industrial Disputes Officer with immediate effect for the period ending on 31st December 2019.
- 5.2 Mr Carrington has indicated that, subject to the States approving his own appointment, and in the light of recommendations of the selection panel, he will appoint Mr Stuart Marcel Le Maitre as Deputy Industrial Disputes Officer.
- 5.3 Brief career histories of Mr Carrington and Mr Le Maitre appear in the Appendix to this Policy Letter.

6. Propositions

- 6.1 The States are asked to decide whether they are of the opinion:-
- a) to appoint Mr Neil Carrington as Industrial Disputes Officer with immediate effect for the period ending on 31st December 2019, and
 - b) subject to the approval of the foregoing proposition, to approve the appointment of Mr Stuart Marcel Le Maitre as Deputy Industrial Disputes Officer for the same period.

7. Committee Support for Propositions

- 7.1 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice-President

M J Fallaize
J A B Gollop
E A Yerby

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

APPENDIX

Neil Carrington

Mr Carrington is currently Chief Executive of a local company specialising in the area of employment, particularly in the Maritime and Energy Industries. He has a background of working with Unions within the Maritime industry and has significant experience of liaising with staff, management and union representatives. He has held the office of Deputy Industrial Disputes Officer since 2012 and has successfully dealt with a number of private and public sector disputes in that period.

Stuart Marcel Le Maitre

Mr Le Maitre is currently self-employed carrying out consultancy work, is a Douzenier for the Vale Parish, and holds Non-Executive Director roles. Previously Mr Le Maitre was a Civil Servant for over 20 years, both in the UK and Guernsey; including working in the Industrial Relations Service (now the Employment Relations Service), where he gained first-hand knowledge of working with the Industrial Disputes Officers at that time, and developed extensive experience of chairing conciliation meetings. He also has experience of working in the commercial sector locally having held senior positions for five years.