

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**EMPLOYMENT AND DISCRIMINATION TRIBUNAL: REAPPOINTMENT OF PANEL
MEMBERS AND DESIGNATION OF THE CONVENOR AND DEPUTY CONVENOR**

The States are asked to decide:-

Whether, after consideration of the Policy Letter entitled 'Employment and Discrimination Tribunal: Reappointment of Panel Members and Designation of the Convenor and Deputy Convenor', dated 29th December 2017, they are of the opinion:-

1. To reappoint the 14 members of the Employment and Discrimination Panel ("the Tribunal Panel"), from 1st March 2018 until 28th February 2021;
2. To designate Mrs Tina Jane Le Poidevin as Convenor of the Tribunal Panel from 1st March 2018 until 28th February 2021;
3. To designate Mrs Christine Diane Le Lièvre as Deputy Convenor of the Tribunal Panel from 1st March 2018 until 28th February 2021.

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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COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

EMPLOYMENT AND DISCRIMINATION TRIBUNAL: REAPPOINTMENT OF PANEL
MEMBERS AND DESIGNATION OF THE CONVENOR AND DEPUTY CONVENOR

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

29th December 2017

Dear Sir

1. Executive Summary

- 1.1 The Committee *for* Employment & Social Security recommends the reappointment, until 28th February 2021, of 14 members of the Employment and Discrimination Tribunal Panel, and the designation of a Convenor and Deputy Convenor of the Panel. The members, whose terms of office are all due to expire on 28th February 2018, have confirmed their willingness to be re-appointed to the Panel for a further three years. Mrs Tina Le Poidevin and Mrs Christine Le Lièvre consent to designation as Convenor and Deputy Convenor respectively.

2. Panel Membership and Reappointment

- 2.1 The Employment and Discrimination Tribunal Panel ("the Tribunal Panel") is made up of independent people, appointed under the Employment and Discrimination Tribunal (Guernsey) Ordinance, 2005 ("the Ordinance"), from which a Tribunal of three is formed to hear and determine complaints under relevant employment and discrimination legislation, such as unfair dismissal, sex discrimination, and failure to be paid the minimum wage.
- 2.2 Section 1 of the Ordinance requires the States, on the recommendation of the Committee *for* Employment & Social Security, to draw up and maintain the Employment and Discrimination Panel. Panel members are appointed for a three-year period, or such shorter period as the States may specify.

- 2.3 The Ordinance requires that the Panel must consist of such number of persons as, in the opinion of the States, is necessary for the purpose of hearing and determining complaints under the provisions of the relevant enactments.
- 2.4 To ensure the States maintains a credible and appropriately skilled Panel, the Committee conducts a local advertising and recruitment campaign whenever recruitment is required. Applicants are shortlisted against objective criteria and the shortlisted candidates are required to take part in an assessment process run by trained staff from the UK Advisory, Conciliation and Arbitration Service (ACAS). Following this independent assessment, recommendations for appointment are made to the Committee to consider.
- 2.5 The members were assessed by this process and have served the Employment Tribunal Service well, gaining valuable experience which would be difficult to replace.
- 2.6 The Committee recommends that the 14 members of the Tribunal Panel listed below are reappointed for a term of three years, expiring on 28th February 2021:

Ms Alison Jayne Thompson Girollet (formerly Anderson)
Mrs Christine Diane Le Lièvre
Mr Andrew Douglas Vernon
Mr Wayne Hassall
Mrs Joanne Antonia de Garis
Mr Jason Hill
Mrs Tina Jane Le Poidevin
Mr George Charles Sidney Jennings
Mr Roger John Brookfield
Mr Peter Robert Woodward
Ms Georgette Scott
Mrs Paula Mary Brierley
Ms Helen Sheena Martin (formerly Hubbard)
Mr Darren Etasse

- 2.7 Brief resumes of the members are provided in the Appendix to this report.
- 2.8 Two members of the Tribunal Panel, Mr Roger Brookfield and Mr Peter Woodward, reached the retirement age stipulated in section 1(6)(b) of the Ordinance during this current term of office. On 6th September 2017, following consideration of the Committee's Policy Letter entitled 'Employment and Discrimination Tribunal: Removal of the retirement age of Panel members and designation of the Convenor and Deputy Convenor' (Billet d'Etat XV of 2017), the States resolved to remove the requirement for members of the Tribunal Panel to retire on reaching the age of 70, and to direct the preparation of such

legislation as may be necessary to give effect to that decision. At the time of drafting this Policy Letter, it was expected that the necessary legislation change would have entered into force before the commencement of the new term of office for the Tribunal Panel Members. Therefore, the Committee recommends the reappointment of these two valued members of the Panel, to ensure that expertise is not lost, and also to eliminate the substantial cost of running a recruitment and assessment process to bring the Panel back up to appropriate numbers.

- 2.9 The States is required to “designate” one Panel member as Convenor and another as Deputy Convenor, in order to convene the Panel members and appoint one as Chairman for each Tribunal.
- 2.10 The Committee recommends that Mrs Tina Le Poidevin and Mrs Christine Le Lièvre be designated to the roles of Convenor and Deputy Convenor respectively.

3. Compliance with Rule 4 of the Rules of Procedure

- 3.1 Through the drafting of this Policy Letter, the Committee has considered the need to consult with other bodies in accordance with Rule 4(5) of the Rules of Procedure of the States of Deliberation and their Committees. Consultation was not deemed necessary on this occasion.
- 3.2 The Committee has consulted with the Law Officers regarding the legal implications and legislative drafting requirements resulting from the propositions set out in this Policy Letter.
- 3.3 The Committee has set out its proposals for reappointment of Employment and Discrimination Tribunal panel members, and the designation of the Convenor and Deputy Convenor, throughout this Policy Letter, and seeks the States support for the propositions, which are based on the Committee’s purpose, which is:

“To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through schemes of social protection relating to pensions, other contributory and non-contributory benefits, social housing, employment, re-employment and labour market legislation.”

- 3.4 In particular, the propositions are aligned with the priorities and policies set out in the Committee’s Policy Plan, which was approved by the States in June 2017 (Billet d’État XII, Article 1). The Committee’s Policy Plan is aligned with the States objectives and policy plans.

3.5 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 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

4. APPENDIX: Brief Resumes of Members of the Employment and Discrimination Tribunal Panel

Ms Alison Jayne Thompson Girollet (formerly Anderson)

Ms Girollet has been employed by Specsavers Optical Group, (SOG), as a Manager within the Legal Department since 1997. She is part of a small team which is responsible for all aspects of employment law covering the Group's interests in the UK and Republic of Ireland. The role includes providing advice and the co-ordination of store partner issues (such as investigations, grievances, disciplinary action etc.), the co-ordination and guidance of 'store' formal board meetings, employment litigation, and regulatory compliance. Prior to working for Specsavers, Ms Girollet served eight years in the Royal Air Force. Tours of duty included Officer Commanding HR, Accounts, Facilities Management, and Project Management, respectively. She is an Associate member of the Chartered Institute of Personnel and Development, and has been a member of the Employment and Discrimination Panel since 2009.

Ms Christine Diane Le Lièvre

Ms Le Lièvre has twenty seven years' experience working for Northern Trust (previously Barings). Since 1997 she has been a Manager in Human Resources, and was appointed Head of Human Resources in 2005, shortly after the acquisition of the Barings Guernsey Group of Companies by Northern Trust. In this role, she was responsible for the management of the HR function including recruitment, employment relations, change management, payroll, pensions and terminations (the latter including redundancies). Since 2012, she has worked part-time and has been primarily responsible for employee relations, pensions and various HR projects. Ms Le Lièvre has wide experience in dealing with employment relations issues including interpersonal conflict, stress related issues, absenteeism, and performance and capability issues. In 2000, she achieved the Postgraduate Diploma in Personnel Management through Portsmouth University and the GTA, and became a Chartered Member of the Chartered Institute of Personnel and Development (CIPD). Ms Le Lièvre has been a member of the Guernsey Employment and Discrimination Panel since 2009, and is currently the Deputy Convenor.

Mr Andrew Douglas Vernon

Mr Vernon was a bus company executive during a career in public transport of over 30 years. He moved to Guernsey on his early retirement following the sale of his Company. As Commercial Director, he was responsible for all aspects of route planning, fares, trade union pay and conditions negotiations, pension schemes, and budgeting. He was an Associate of the Institute of Logistics and Transport with a wide range of experience in employment issues, ranging from the recruitment of staff, to dealing with disciplinary matters, from the initial investigations through to the appeals process. He has also represented the employer in Employment Tribunals and in dispute resolution processes, often

with ACAS involvement. In addition, he negotiated terms and conditions of employment with both local and paid Trade Union Officials. He is a member of the local Parole Review Committee, and has been a member of the Employment and Discrimination Panel since 2006.

Mr Wayne Anton Hassall

Mr Hassall joined Frontier Economics Ltd as an Associate within its public Policy Practice in October 2015, following retirement from a forty one year career in Guernsey's Civil Service. The greater part of his Civil Service career was undertaken in the former Social Security Department, where in 1987 he was appointed to the post of Manager of Contributory Benefits. Principal responsibilities of the post included the ongoing review and development of contributory benefits policy.

In 2000, Mr Hassall took up a position as the Assistant Policy Analyst at the former Advisory and Finance Committee. In 2006, he moved to the Commerce and Employment Department, latterly becoming Director of Policy, and then Director of Economic Development. Mr Hassall's responsibilities for strategy and policy development included communications and connectivity, enterprise, labour/workforce (including the development of a Skills Strategy), land use/planning, and security of supply and contingency planning relevant to economic needs. He was appointed to the Tribunal Panel in 2016.

Mrs Joanne Antonia de Garis

Mrs de Garis has thirty years' practical management experience in both public and private sectors, gaining considerable experience in employment relations, change management, and quality of service. A science graduate from Cardiff, University of Wales, Mrs de Garis also holds the Institute of Directors Diploma in Company Direction. She was appointed to the Guernsey Employment and Discrimination Tribunal Panel in 2011.

Mr Jason Hill

Mr Hill is a Crown Advocate in the Civil Litigation Directorate of the chambers of the Law Officers of the Crown, and as such is part of the team of lawyers that advises and represents the States of Guernsey and other quasi-governmental organisations in civil matters. He was appointed a Crown Advocate in 2013, having been called to the Guernsey Bar in 2011, and appears regularly before the various courts in the Bailiwick. He is particularly experienced in cases involving public law, land law, financial services, commercial litigation, and company law. Prior to coming to Guernsey in 2009, he was a barrister in private practice in Sheffield, after being called to the English Bar in 1995, and specialized in civil and chancery practice. He is also an accredited mediator and a Member of the Chartered Institute of Arbitrators. He was appointed to the Employment and Discrimination Tribunal Panel in 2016.

Mrs Tina Jane Le Poidevin

Mrs Le Poidevin is currently working for the States of Guernsey in a Human Resources capacity. She has an extensive career history spanning over 25 years in personnel, office management, and training. Her experience has been gained within the public, legal, financial, and retail service sectors. She is a Chartered Fellow of the Chartered Institute of Personnel and Development. As a senior HR practitioner, Mrs Le Poidevin has a wide range of experience in dealing with both strategic and operational aspects of human resource management. She currently holds the position of Convenor, has been a member of the Employment and Discrimination Panel since 2006, and prior to that had served as an Adjudicator since 2004.

Mr George Charles Sidney Jennings

Mr Jennings is now retired, but was previously employed as Operations Director at Guernsey Post. Prior to this, he held the position of Union Secretary of the Communications Union for over 20 years, where he represented over 200 postmen and women. As a result of both positions, he has been involved in a wide range of negotiations and discussions with both management and the Union. Mr Jennings was a member of the Panel set up under the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993, for two years, and in June 2008, sat as a panel member to hear the dispute in respect of The Generation Engineers and the Control Room Operators, (represented by Prospect Union and Unite the Union) vs Guernsey Electricity. He gained a BSc (Hons) in Labour Studies in 2006 through Southampton University. He has been a member of the Guernsey Employment and Discrimination Panel since 2009.

Mr Roger John Brookfield

Prior to his retirement, Mr Brookfield was Fire Safety Manager with the Guernsey Fire & Rescue Service. Throughout his 31 year career, Mr Brookfield has had first-hand experience of managing staff and working closely in a team environment. His training and subsequent Fire Service examinations require a good working knowledge of sex and race discrimination and the Fire Service disciplinary regulations. In recent years, his experience extended to dealing with routine staffing matters and the application of Guernsey's Fire Laws, as a qualified Fire Safety inspector. He is an experienced Fire Service Instructor with responsibility for overseeing both practical and theory examinations. He is a graduate of the Institution of Fire Engineers and currently works as a part-time Fire Safety Consultant and trainer. He has been a member of the Employment and Discrimination Panel since 2006.

Mr Peter Robert Woodward

Mr Woodward qualified in Business Studies at Nene College of Further Education and commenced his professional career as a graduate trainee with Texas Instruments UK Ltd in 1970. By 1978 he was responsible for a high volume electronic parts manufacturing department, numbering some 200

employees, including supervisory and management staff. In 1979, after postgraduate studies at Nuffield College Oxford, sponsored by his employer, he was appointed as UK Labour Relations Manager. Mr Woodward has experience in representing his former employer at Employment Tribunals.

His career in Human Resources continued to progress, and by 1986, he had been appointed by the Intel Corporation as Director for European Human Resources, with HR responsibility for staff in 15 international jurisdictions. His final role at Intel was as Director of Training and Development for Europe, Africa and the Middle East. He moved to Guernsey in 1997, undertaking the role of independent management consultant, providing training and coaching for a wide variety of organisations in the Channel Islands, France, Eire, Germany and Spain. He served as a member of the Jersey Employment Tribunal Panel for ten years and is a Fellow of the Chartered Institute of Personnel and Development. He was originally appointed as an Adjudicator in 2003, and has been a member of the Guernsey Employment and Discrimination Panel since 2006, previously appointed as Convenor.

Ms Georgette Scott

Ms Scott is a Director (HR & Company Secretary) for Sovereign Trust (Channel Islands) Limited, which she joined in April 2012, after working as an HR Consultant for them for 12 months. Before setting up her own consultancy business in 2009, she was Director of Human Resources, Channel Islands and Isle of Man, for a local telecom operator. Prior to that, she worked in senior HR roles for a local law firm, the GFSC, and a major trust company, which was preceded by a 12 year period in senior HR roles in the Public Sector. A graduate, she is also a member of the Chartered Institute of Personnel and Development, and holds other professional memberships. She has been a member of the Employment and Discrimination Tribunal Panel since 2006, and prior to that served as an Adjudicator from 2000.

Mrs Paula Mary Brierley

Mrs Brierley is currently Chief Operating Officer for EMEA HR for Northern Trust, and has been employed with Northern Trust for eight years in various HR roles. Previously, she was employed for 16 years as Head of HR for HSBC Securities Services (Guernsey) Limited (formerly the Bank of Bermuda), where she was responsible for all areas of HR. Her roles have involved overseeing the operational side of HR for the region, including HR risk and governance. She supports the various business lines to ensure fair and effective employee integration, overcoming resistance to change, and dealing with acquisition and integrations from the Human Resources perspective. During her career, she has gained wide experience in dealing with employee relations issues from informal discussions to full formal disciplinary and grievance procedures. Mrs Brierley has a Masters in Strategic and HR Management from the University of East London, and has a Certificate in Company Direction from the Institute of

Directors. She has been a member of the Guernsey Employment and Discrimination Panel since 2009.

Ms Helen Sheena Martin

Ms Martin joined the Finance Sector in Guernsey in 1994, following a career in the UK as a qualified teacher and lecturer. From 1996-2012, Ms Martin worked at Credit Suisse in Guernsey where she was a Director and Member of the local Executive Board, and Senior Country Head of Human Resources with regional responsibilities. As Group Head of Human Resources at Generali Worldwide from 2012 to 2017, Ms Martin assumed global responsibility for Human Resources in multiple jurisdictions, and was a member of the local executive committee.

Ms Martin semi-retired in May 2017. She is involved in a long-term research project focused on developing resilience in the workplace, and maintains a strong interest in diversity and inclusion. Ms Martin is joint Chairperson of the Guernsey branch of the Chartered Institute of Personnel and Development (CIPD). She has studied employment-related legalisation to a high level and holds a Bachelor of Education, and a Masters in Education (special field: Professional Studies) from Exeter University. She has been a Chartered Fellow of the Institute of Personnel and Development since 2003 (FCIPD) and a Member of the Institute of Directors (MIoD), also since 2003. Ms Martin is an accredited Mediator, and has been a member of the Employment and Discrimination Panel since 2006.

Mr Darren Karl Etasse

Mr Etasse is an independent facilities management and building services consultant. Prior to this, he was Managing Director of AFM Ltd across the Channel Islands, and has over 20 years of experience in running a large organisation with a workforce of over 400 staff. He is a qualified IoD Director and a qualified building services engineer. He was also Chairman of the Channel Island branch of BIFM. As a long serving and practicing Director of a large organisation, he has been involved in a number of internal disciplinary investigations and hearings, taking in a broad range of cultural and ethnic backgrounds. He was appointed to the Panel in 2016.

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THE COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

**EMPLOYMENT AND DISCRIMINATION TRIBUNAL: REAPPOINTMENT OF PANEL MEMBERS
AND DESIGNATION OF THE CONVENOR AND DEPUTY CONVENOR**

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St. Peter Port
GY1 1FH

29th December 2017

Dear Deputy St Pier

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, it is requested that the Policy Letter entitled 'Employment and Discrimination Tribunal: Reappointment of Panel Members and Designation of the Convenor and Deputy Convenor' be considered by the States of Deliberation at its meeting on 7th February 2018.

The request is made because the terms of office for the current Tribunal Panel Members expire on 28th February. Therefore, the meeting of the States of Deliberation on 7th February is the last suitable opportunity before that date. In the event that the appointments are not approved by the States before their term of office expires, the Tribunal will be unable to convene until appointments are made.

Yours faithfully



Michelle Le Clerc
President

Shane Langlois
Vice President
Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members