

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

EMPLOYMENT AND DISCRIMINATION TRIBUNAL: APPOINTMENT OF CONVENOR

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Employment and Discrimination Tribunal: Appointment of Convenor', dated 9th September 2019, they are of the opinion:

1. To designate Mr Jason Hill as Convenor of the Employment and Discrimination Tribunal Panel from 1st November 2019 until 28th February 2021.

The above Proposition has 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: APPOINTMENT OF CONVENOR

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

9th September 2019

Dear Sir

1. Executive Summary

- 1.1. The Committee *for* Employment & Social Security recommends the appointment of Jason Hill as Convenor of the Employment and Discrimination Tribunal Panel, effective from 1st November 2019 until 28th February 2021.

2. Panel membership

- 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"). Three panel members are required 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. 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.
- 2.3. 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 for the Committee's consideration.

- 2.4. 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. The current Convenor, Mrs Tina Le Poidevin, was elected to the position of Jurat of the Royal Court by the States on 7 June 2019, and as a result was required to immediately relinquish her position of Convenor to the Employment and Discrimination Tribunal. Her three year term would normally have expired on the 28th February 2021.
- 2.5. The Committee recommends that the States designate Mr Jason Hill to the role of Convenor for the remainder of the current term, until 28th February 2021. A profile for Mr Hill is in the Appendix. The remaining panel members, listed below, will continue in their roles until 28th February 2021:
- Mrs Christine Diane Le Lièvre (Deputy Convenor)
 - Mrs Paula Mary Brierley
 - Mr Roger John Brookfield
 - Mrs Joanne Antonia de Garis
 - Mr Darren Etasse
 - Mr Wayne Hassall
 - Mr George Charles Sidney Jennings
 - Ms Helen Sheena Martin (formerly Hubbard)
 - Ms Georgette Scott
 - Ms Alison Jayne Thompson Girollet (formerly Anderson)
 - Mr Andrew Douglas Vernon
 - Mr Peter Robert Woodward

3. New discrimination legislation

- 3.1. At the time of writing, the Committee is consulting on proposals for a new multi-ground discrimination law (see www.gov.gg/discriminationconsultation for further detail). The Committee anticipates that the Employment & Discrimination Tribunal would adjudicate cases under the new law. Thought is being given as to whether the Tribunal (and their Secretariat) has sufficient training, capacity, and other support, that they might require, and on how to ensure that they are equipped to hear cases when the new discrimination

legislation comes into force. The changes in law might also impact the timescales and process for filing claims, as outlined in the draft proposals.

- 3.2. Alongside a discrimination law, the Disability and Inclusion Strategy (Billet XXII of 2013) called for the establishment of an Equality and Rights Organisation. A business case for such an organisation is being developed. It is expected that, if established and involved in the complaint process, this organisation's role would be focused more at the earlier stages of a complaint (for example, in giving advice or supporting informal dispute resolution for people who feel they have experienced discrimination). Consequently, while this may have some effect on the Tribunal, it would not be likely to fundamentally alter the nature of the adjudication role that the Tribunal plays.

4. Conclusion

- 4.1. 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.
- 4.2. The Committee has consulted with the Law Officers, who have not identified any legal difficulties with the proposition contained within this Policy Letter.
- 4.3. The proposition contained within this Policy Letter relates to the Committee's mandated responsibility for labour market legislation and practices.
- 4.4. In accordance with Rule 4(4) of the Rules of Procedure of the Assembly and their Committees, it is confirmed that the proposition above has the unanimous support of the Committee.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice-President

J A B Gollop
P J Roffey
E A Yerby

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

APPENDIX

5. Profile: Mr Jason Hill

- 5.1. 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.

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ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

EMPLOYMENT AND DISCRIMINATION TRIBUNAL – APPOINTMENT OF CONVENOR

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

9th September 2019

Dear Sir

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, the Committee *for* Employment & Social Security requests that 'Employment and Discrimination Tribunal – Appointment of Convenor' be considered at the States' meeting to be held on 16th October 2019.

It would be helpful for the policy letter to be considered at the earliest opportunity, so that the Convenor can be appointed to the Employment and Discrimination Tribunal from 1st November 2019, as proposed in the policy letter. The Tribunal has been without a Convenor since the previous Convenor vacated the role on 7th June 2019.

Yours faithfully



Michelle Le Clerc
President

Shane Langlois
Vice President

John Gollop, Peter Roffey, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members