

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & 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 25th November 2019, they are of the opinion:

1. To appoint Mr Stuart Le Maitre as Industrial Disputes Officer, for the period 3rd February 2020 to 31st December 2024, and
2. To appoint Mr Boley Smillie as Deputy Industrial Disputes Officer, for the period 3rd February 2020 to 31st December 2024.

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.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

APPOINTMENT OF AN INDUSTRIAL DISPUTES OFFICER AND DEPUTY INDUSTRIAL
DISPUTES OFFICER

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

25th November 2019

Dear Sir

1. Executive summary

- 1.1. Under the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 ("the Law"), the States of Guernsey is required to appoint an Industrial Disputes Officer ("IDO") and a Deputy Industrial Disputes Officer ("DIDO").
- 1.2. The terms of appointment for the current Industrial Disputes Officer, Mr Neil Carrington, and Deputy Industrial Disputes Officer, Mr Stuart Le Maitre, expire on 31st December 2019. Mr Carrington is not seeking reappointment for a further term. The Committee is grateful to Mr Carrington for his terms of office, firstly, in the role as the DIDO, and subsequently as the IDO. Mr Carrington brought a wealth of knowledge and experience to the positions.
- 1.3. Following an open recruitment and assessment process to select an individual for each role the Committee *for* Employment & Social Security is recommending that the States appoint Mr Stuart Le Maitre as Industrial Disputes Officer and his nomination of Mr Boley Smillie, as Deputy Industrial Disputes Officer, both for the period 3rd February 2020 to 31st December 2024.

2. Background

- 2.1. Section 1 of the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1993 ("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.

3. Recruitment and selection process

- 3.1. To ensure a strong element of independence and impartiality in the selection process for the posts of IDO and DIDO, the Committee advertised the roles and established a selection process for suitable applicants. The process was similar to that used in the previous selection and recruitment procedures for the IDO and DIDO in 2012 and 2016.
- 3.2. The shortlisted candidates for the role of IDO and DIDO were interviewed. Candidates were assessed against the key criteria and skills identified for the positions.

4. Term of appointment

- 4.1. The Law requires the States to appoint the officers “for such period as the States may direct.” The Committee has concluded that a five year term would be appropriate. Subject to States approval, these appointments will take effect from 3 February 2020. The Committee will recommend the ending of the appointments on 31 December 2024, which will in effect be one month short of a five-year term.

5. Proposals

- 5.1. The Committee recommends that the States appoints Mr Stuart Le Maitre as Industrial Disputes Officer for the period 3rd February 2020 to 31st December 2024.
- 5.2. Mr Le Maitre proposes to appoint Mr Boley Smillie as Deputy Industrial Disputes Officer.
- 5.3. The Committee supports Mr Le Maitre’s proposal and recommends the States to approve the appointment of Mr Boley Smillie for the period 3rd February 2020 to 31st December 2024.
- 5.4. A short profile for each nominee is included in the Appendix of this policy letter.

6. Conclusions

Compliance with Rule 4 of the Rules of Procedure

- 6.1. 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.
- 6.2. The Committee has set out its proposals for Mr Le Maitre and Mr Smillie to be appointed to the roles of Industrial Disputes Officer and Deputy Industrial Disputes Officer, respectively, and seeks the States support for the propositions, which are based on the Committee's purpose:

“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.”

- 6.3. 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.
- 6.4. 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

J A B Gollop
E A McSwiggan
P J Roffey

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

APPENDIX

7. Profile: Stuart Marcel Le Maitre

- 7.1. Mr Le Maître has completed an initial term of 3 years as Deputy Industrial Disputes Officer. He is currently Interim Chief Executive of the Medical Specialist Group, following a period of self-employment carrying out consultancy work. He has previously held positions of both Constable and Douzenier for the Vale Parish and holds non-executive director roles. Previously Mr Le Maître was a civil servant for over twenty 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 more than five years.

8. Profile: Boley Smillie

- 8.1. Mr Smillie is currently Chief Executive of Guernsey Post Ltd, where he has been a member of the Board since 2007, having held a range of other senior roles since the Company was incorporated in 2002. He has over twenty years' experience of working with several established trade unions both at a local and national level and has successfully developed a culture of positive industrial relations in a challenging commercial environment. He has a background of effective employee engagement and leadership, recognised by the Investors in People Gold accreditation and has successfully managed numerous complex negotiations through the collective bargaining process.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

APPOINTMENT OF AN INDUSTRIAL DISPUTES OFFICER AND DEPUTY INDUSTRIAL DISPUTES
OFFICER

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

25th November 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 the Policy Letter entitled "Appointment of an Industrial Disputes Officer and Deputy Industrial Disputes Officer" be considered at the States' meeting to be held on 15th January 2020.

The current terms of office expire on 31st December 2019. To prevent the lapse of time between the terms of office being longer than necessary, the Committee *for* Employment & Social Security requests that the Policy Letter is discussed at the earliest possible opportunity, which is the States meeting scheduled for 15th January 2020.

Yours faithfully



Michelle Le Clerc
President

Shane Langlois
Vice President

John Gollop, Emilie McSwiggan, Peter Roffey

Mike Brown, Andrew Le Lievre
Non-States Members