

MC/SC/038

STATES EMPLOYMENT BOARD

(53rd Meeting)

20th January 2017PART A

All members were present, with the exception of Senator A.K.F. Green, M.B.E., from whom apologies for absence had been received.

Senator I.J. Gorst, Chairman  
 Senator A.J.H. Maclean  
 Connétable J. Gallichan of St. Mary  
 Connétable M. Le Troquer of St. Martin

In attendance -

Connétable J.M. Refault of St. Peter ( )  
 Connétable D. W. Mezbourian of St. Lawrence ( )  
 Deputy E. Noel, Minister for Infrastructure ( )  
 Deputy A. E. Pryke, Minister for Housing ( )  
 J.D. Richardson, Chief Executive, States of Jersey  
 B. Shears, Non-executive Director and Advisor to the States  
 Employment Board

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M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A and Part B.

Minutes.

A1. The minutes of the meetings held on 13th October (Part A and B), 28th October (Part A only), 31st October (Part B only), 7th November (Part A and B), 17th November (Part B only), 5th December (Part A and B), 19th December (Part A only) and 23rd December 2016 (Part B only), having been previously circulated, were taken as read and were confirmed.

Workforce  
 Modernisation  
 Programme:  
 Discussion  
 with public  
 sector unions.  
 688/2(71)

A2. The Board, with reference to its Minute No. A1 of 7th November 2016, welcomed representatives of the undermentioned public service unions for discussion regarding the ongoing Workforce Modernisation (WFM) programme:

- M. Mauger, Chair of Joint Trade Unions
- N. Corbel, Regional Officer, Unite
- W. Bates, Regional Officer, NASUWT
- K. McNeil, Royal College of Nursing
- A. Kearney, Prison Officers' Association
- D. Laurens, Fire and Rescue Services Association
- C. Holloway, Trade Unions Secretary
- D. Gray, Unite

On behalf of the Board, the Chief Minister thanked the union representatives for their attendance and reminded those present that, at the meeting held on 7th November 2016, it had been agreed that the existing mandate was insufficient to achieve the WFM outcomes sought and the Board had agreed to investigate the quantum of further funding which could be added to the WFM budget in 2020.

The Chief Minister explained that, following the 7th November 2016 meeting, the Board and officers had been working closely with the Treasury and Resources Department, the Corporate Management Board and the Council of Ministers in order to secure additional funding to support the WFM project.

The Chief Minister reminded the meeting that the original mandate for WFM negotiation had been for the period 2016 to 2019 however, delays in the project had resulted in the assimilation period being adjusted to the period 2017 to 2020. To date, no further funding had been allocated in respect of 2020 since this was outside of the period covered by the current Medium Term Financial Plan (MTFP2).

The Chief Minister advised that, following approval by the Council of Ministers on 11th January 2017, [REDACTED] would be used to support the delivery of WFM and other pay group needs.

The Chair of Joint Trade Unions expressed her thanks on behalf of those present but cautioned that the proposal would have to be fully explained in order that the union representatives could satisfy their members that the sum offered would achieve the desired objectives. The Board agreed that detailed discussions should take place with union representatives as soon as practicable and the Director of Employment Relations was requested to arrange suitable dates.

The Board acknowledged that not all unions were currently participating in the WFM process and was clear that it expected that the non-participating unions would enter into pay negotiations for 2017 with the Employer in the normal way.

The representative of the Royal College of Nursing commented that, given the current challenges in recruiting and retaining nursing staff in Jersey and the recent bed shortages at the General Hospital, the Board's confirmation of additional funding would be viewed by his members as a welcome development.

The Regional Officer, Unite, reminded the Board that the public sector pay award for 2015 and 2016 had still to be agreed, which his members felt was regrettable.

Having been thanked by the Board for their attendance and participation, the union representatives then left the meeting.

MC/SC/038

STATES EMPLOYMENT BOARD

(54th Meeting)

(Business conducted by electronic mail)

26th January 2017**PART A (Non-exempt)**

All members were present, with the exception of Senator A.K.F. Green, M.B.E.,

Senator I.J. Gorst, Chairman  
Senator A.J.H. Maclean  
Connétable J. Gallichan of St. Mary  
Connétable M. Le Troquer of St. Martin

In attendance -

[REDACTED]  
[REDACTED]  
M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A and Part B.

Agenda.

A1. The Board noted that there were no items for consideration on the Part A (Non-exempt) public agenda.

MC/SC//27

**CONFIDENTIAL**STATES EMPLOYMENT BOARD

(54th Meeting)

(Business conducted by electronic mail)

26th January 2017**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

**Confidential:**  
**QE Article 39**  
Vote of no  
confidence.  
688/2(26)

B1. The Board, with reference to its Minute No. B1 of 20th January 2017, recalled that a proposition (P.137/2016) had been lodged au Greffe on 20th December 2016 by Deputy M. Higgins of St Helier, in which the States would be asked to determine whether they were of the opinion that they had no confidence in the Board.

The Board reviewed and approved draft comments on P.137/2016 and directed that they be presented to the States on 27th January 2017, for consideration by the States Assembly on 31st January 2017 in conjunction with P.137/2016.

The Officers were directed to take the necessary action.

MC/SC/38

STATES EMPLOYMENT BOARD

(55th Meeting)

31st January 2017**PART A (Non-exempt)**

All members were present.

Senator I.J. Gorst, Chairman  
 Senator A.J.H. Maclean  
 Senator A.K.F. Green, M.B.E.  
 Connétable J. Gallichan of St. Mary  
 Connétable M. Le Troquer of St. Martin

In attendance -

R. Stevens, Director of Human Resources, States of Jersey  
 M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A only.

Employment of  
 States of Jersey  
 Employees  
 (Amendment  
 No. 8) (Jersey)  
 Regulations  
 201-  
 Further  
 Amendment –  
 lodging ‘au  
 Greffe’.  
 688/99(1)

A1. The Board, with reference to its Minute No. A1 of 19th December 2016, considered the draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.105/2016), (the Regulations).

The Board recalled that it had previously approved amendments to the Regulations but noted that, following further discussions and engagement with the Corporate Services Scrutiny Panel (Panel) and the Jersey Appointments Commission (Commission) the Regulations had not been lodged ‘au Greffe’.

The Board reviewed a further Amendment to the Regulations and noted that this had a narrower scope, being focussed on those changes required to support the forthcoming recruitment of a new Chief Executive Officer (CEO) and some other matters to support the function and responsibilities of the Commission.

██  
 ██  
 ██  
 ██

The Board noted that the key differences to the previous amendment were the following:

- (1) Article 16: posts to which independent oversight applied; this amendment was being proposed so that the States Assembly would be in a position to agree a list of those senior posts which should be provided with independent oversight by the Commission as part of the recruitment process. It was noted that the list had yet to be agreed between the Board and the Commission; and
- (2) Article 26AA: recruitment to the post of CEO; this amendment now focused solely on the role of the Commission in relation to the CEO role only rather than the wider definition of ‘senior posts’.

250  
55th meeting  
31.01.17

The Board accordingly approved the further Amendments to P.105/2016 and directed that these be lodged 'au Greffe' for consideration by the Assembly t the earliest opportunity.

MC/SC/053

STATES EMPLOYMENT BOARD

(56th Meeting)

7th February 2017

**PART A**

All members were present, with the exception of Connétable J. Gallichan of St. Mary, from whom apologies had been received.

Senator I.J. Gorst, Chairman  
Senator A.J.H. Maclean  
Senator A.K.F. Green, M.B.E.  
Connétable M. Le Troquer of St. Martin

In attendance -

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A and Part B.

Agenda.

A1. The Board noted that there were no items for consideration on the Part A (Non-exempt) public agenda.







[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED];

(e) [REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]  
[REDACTED]

The Board noted the position.

**Confidential:**  
**QE Article 35**  
Human  
Resources –  
[REDACTED]  
688/2(87)

B6. The Board received a briefing from the Director of Human Resources  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]

(c) Jersey Teachers' Superannuation Fund – the Board learned that an actuarial review of the Fund was due to take place in April 2017 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

(d) a project was being undertaken by the Department in connection with safeguarding, vetting and referencing of new employees;

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Confidential:**  
**QE Article 39**  
Workforce  
Modernisation  
Programme:  
[REDACTED]  
[REDACTED]

B7. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Board noted the position with interest and thanked the officers for their input.

STATES EMPLOYMENT BOARD

(57th Meeting)

(Business conducted by electronic mail)

14th February 2017

**PART A**

All members were present.

Senator I.J. Gorst, Chairman  
Senator A.J.H. Maclean  
Senator A.K.F. Green, M.B.E.  
Connétable J. Gallichan of St. Mary  
Connétable M. Le Troquer of St. Martin

In attendance -

[REDACTED]  
M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A only.

Employment of  
States of Jersey  
Employees  
(Amendment  
No. 8) (Jersey)  
Regulations  
201-  
Further  
Amendment –  
lodging ‘au  
Greffé’.  
688/99(1)

A1. The Board, with reference to its Minute No. A1 of 31st January 2017, considered the draft Employment of States of Jersey Employees (Amendment No. 8) (Jersey) Regulations 201- (P.105/2016), (the Regulations).

The Board recalled that it had previously approved amendments to the Regulations, but noted that, following further discussions and engagement with the Corporate Services Scrutiny Panel (the Panel) and the Jersey Appointments Commission (the Commission) the Regulations had not been lodged ‘au Greffe’.

The Board reviewed a further Amendment to the Regulations and noted that this had a narrower scope, being focussed on the following changes:

(1) [REDACTED]

(2) [REDACTED]

[REDACTED]

The Board accordingly approved the further Amendments to P.105/2016 and directed that these be lodged 'au Greffe' for consideration by the Assembly at the earliest opportunity.

MC/SC/082

STATES EMPLOYMENT BOARD

(58th Meeting)

1st March 2017

**PART A (Non-Exempt)**

All members were present.

Senator I.J. Gorst, Chairman  
Senator A.J.H. Maclean  
Senator A.K.F. Green, M.B.E.  
Connétable J. Gallichan of St. Mary  
Connétable M. Le Troquer of St. Martin

In attendance -

B. Shears, Non-executive Director and Advisor to the States  
Employment Board (by telephone)

[REDACTED]

M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A and Part B.

Agenda.

A1. The Board noted that there were no items for consideration on the Part A (Non-exempt) public agenda.



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Officers were directed to take the necessary action.



MC/SC/082

STATES EMPLOYMENT BOARD

(59th Meeting)

9th March 2017

**PART A (Non-exempt)**

All members were present, with the exception of Senator A.J.H. Maclean and Senator A.K.F. Green, M.B.E., from whom apologies had been received.

Senator I.J. Gorst, Chairman  
Connétable J. Gallichan of St. Mary  
Connétable M. Le Troquer of St. Martin

In attendance -

[Redacted names]

M. Clark, Clerk to the States Employment Board

Note: The Minutes of this meeting comprise Part A and Part B.

Agenda.

A1. The Board welcomed the following members of the Corporate Management Board of the States of Jersey and noted that there were no items for consideration on the Part A (Non-exempt) public agenda:

- R. Bell, Treasurer of the States
- J. Garbutt, Chief Executive, Health and Social Services Department
- K. Nutt, Head of Service, External Relations Department
- I. Burns, Chief Officer, Social Security Department
- J. Donovan, Director of Education
- J. Rogers, Chief Officer, Department for Infrastructure
- A. Scate, Chief Executive Officer, Environment Department
- T. Walker, Chief Officer, Community and Constitutional Affairs.

STATES EMPLOYMENT BOARD

(59th Meeting)

9th March 2017

**PART B (Exempt)**

Note: The Minutes of this meeting comprise Part A and Part B.

**Confidential:**  
**QE Article 35**  
2015/2016  
Public Sector  
Pay Review.  
688/2(48)

B1. [Redacted]

[Redacted]

[Redacted]

**Confidential:**  
**QE Article 35**  
2017 Pay  
Award.  
688/2(48)

B2. The Board, with reference to its Minute No. B2 of 7th February 2017, noted that the following claims for 2017 had been received:

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

The Board noted the position.

**Confidential:**  
**QE Article 39**  
Workforce  
Modernisation  
Programme:  
Update  
briefing  
688/2(71)

B3. The Board, with reference to its Minute No. B7 of 7th February 2017, noted that officers had met with the Chair of Joint Trade Unions and representatives of the Royal College of Nursing, the Jersey Nursing Association and the Royal College of Midwives, and that the reaction from all of these groups to the Read-Across approach to Workforce Modernisation (WFM) had been positive. Further meetings were scheduled to take place before the end of March 2017, with unions representing ambulance staff, prison officers, manual workers and civil servants.

The Board also recalled that group and one to one briefings had taken place with Board members, chief officers and senior management, and following these meetings, officers had been requested to provide further graphical illustrations detailing the outcomes envisaged by the Read-Across approach and summary impact sheets by pay group and by department.

The Reward Manager, Human Resources Department, explained that out of the current workforce, approximately 6,000 individuals were in scope for WFM. The number of employees who would suffer a detriment following the implementation of the revised WFM approach was 151, which was primarily attributable to changes in shift patterns and allowances. Of these staff, approximately 9 per cent would reach normal retirement age within the WFM period, 10 per cent were subject to pay protection and 2 per cent had recruitment and retention supplements in place.

The Board wished to understand whether the chief officers foresaw any significant issues within their respective departments following analysis of the additional information and noted the following:

- (1) the Chief Officer, Department for Infrastructure, identified that the supplementary payments currently made to charge-hands under their current contracts represented a possible area of contention as these would no longer apply under the current WFM proposal;
- (2) [REDACTED]
- (3) the Chief Officer, Community and Constitutional Affairs, drew the Board's attention to certain issues specific to uniformed (police and customs officers) shift workers, although it was noted that the number of employees affected was relatively small and the issue had already been shared with the WFM Team;
- (4) the Director of Education advised that there was a very small number of individuals who he believed would be unhappy with their particular WFM outcomes; and
- (5) the Chief Executive, Health and Social Services Department confirmed that she did not foresee any significant issues arising in her department as a result of WFM.

The Board was cognisant that, given the time elapsed since commencement of the WFM process, which had begun in January 2014, the perception amongst some of the workforce was that little progress had been made since completion of their Job Information Templates (JITs).

The Board took the view that completion of JITs had been a valuable exercise which had enabled the WFM Team to undertake a comprehensive Job Evaluation process, identify anomalies and determine the pay bands to which groups of employees would be assigned.

It was acknowledged that the Read-Across approach to WFM was significantly different to that originally presented to unions and staff, and the Board requested that the WFM Team provide full details contained within a single document to inform management and facilitate communication with employees regarding the changes and progress made to date. The Director of Employment Relations undertook to provide Board members and chief officers with a copy of the updated WFM Governance Review document which he confirmed would include the relevant information.

The Senior Employment Relations Manager outlined the main provisions of the revised pay, terms and conditions package for the period 2017 to 2020, which would apply to all employees in scope for WFM Stage 1, and highlighted the changes to the original offer which had been made possible following the approval of additional WFM funding by the Council of Ministers on 11th January 2017.

The Board noted that the revised WFM offer also took account of the union's 'red-line' issues and factored in a contingency element to address the expected number of appeals, which was estimated at between 20 and 25 per cent of employees in scope for WFM, and further assumed that 30 per cent of appeals would be successful.

The Board acknowledged that any outcome other than full agreement by the public sector unions would require the Employer to implement WFM in respect of those pay groups that had not agreed, and considered that in the absence of full union agreement the implementation options would be the following:

- (1) dismissal and reemployment, whereby an individual's contract of employment would be terminated and a new contract implemented by the Employer; and
- (2) employees would be offered the choice to agree, regardless of their union's position, the alternative being that their terms and conditions would be effectively frozen from the date of implementation.

The Senior Employment Relations Manager reminded the Board that the Job Evaluation process had included extensive research within the private sector and comparable public organisations in the United Kingdom, as well as the use of job matching panels to evaluate all JITs submitted, which ensured that the new pay bands, terms and conditions were fair, reasonable and transparent and would deliver equal pay for work of equal value.

The Board learned that the current States of Jersey payroll system would require updating before the revised WFM package could be implemented, and noted that the necessary enhancements to existing systems would be made by the Human Resources Department.

[REDACTED]

The Board recognised that the revised WFM package represented a request for a 4 year commitment on behalf of both the Employer and the unions, and accordingly considered that it would be reasonable to include, in the final agreement, clauses which would enable pay negotiations to be reopened in certain circumstances.

The Board approved the Read-Across approach in principle, however agreed that formal approval would be deferred pending its review of the WFM Governance Review document referenced above.

The Board reiterated that obtaining the full agreement of the public unions to the revised WFM package remained its priority. Whether full agreement was eventually reached or not however, the Board rejected the option of dismissal and reemployment of staff, which it considered wholly unacceptable.

Officers were directed to take the necessary action.