



EMPLOYMENT AND EQUAL OPPORTUNITIES SERVICE (EEOS)

DIRECTOR

JOB DESCRIPTION

ROLE OVERVIEW:

The States of Guernsey is looking to establish an Office of the Director of the Employment and Equal Opportunities Service ("the Director"). This will be a statutory role under The Employment and Equal Opportunities Service (Guernsey) Law, 2023, initially on a designate basis until the Law comes into force, which is expected to be on 1st October 2023. The Director must carry out the functions of the Director with fairness, impartiality, independence and in a manner that is timely, transparent, objective and consistent with the employment enactments.

The Director will have day-to-day management responsibility for staff of the Employment and Equal Opportunities Service (currently the Employment Relations Service) and will need to ensure the timely delivery of effective Advisory and Conciliation Services. They will also have oversight of Arbitration and Industrial and Discrimination Tribunal Services and ensure the smooth running of i) the administration functions to support these tribunal services and ii) the office of the Industrial Disputes Officer.

The Employment and Equal Opportunities Service (EEOS) will become operational in the third quarter of 2023 in preparation for the introduction of The Prevention of Discrimination (Guernsey) Law, 2022 coming into force. The new service will provide the same high-quality advisory and conciliation services as the current Employment Relations Service but across a wider range of protected characteristics (disability, carer status, sexual orientation, race and religion or belief) and will cover both goods and services as well as employment.

RELATIONSHIPS:

The Director of the Employment & Equal Opportunities Service acts independently of States Committees in the discharge of their statutory roles. When carrying out the functions of the

Director, the Director must consider any relevant guidance given by resolution of the States and any code of practice issued by the Committee under any of the employment and equal opportunities enactments. The Committee remains responsible for the development and implementation of States' policies relating to equality and social inclusion, employment relations, labour market legislation and practices and industrial relations.

The Director is accountable to the Committee *for* Employment & Social Security. Whenever the Committee directs, the Director must submit to the Committee a report on the exercise of the Director's functions.

The post holder reports to the Committee via the Director of Operations, Social Security & Inclusion and is accountable to the Director of Operations, Social Security & Inclusion for any non-statutory aspects of their role. Given the impartial and confidential nature of the Employment Relations Service, the post holder maintains a large degree of autonomy in relation to enquiries, conciliations, enforcement, industrial disputes and matters pertaining to the administration of the Tribunal.

The post holder will routinely liaise with: the Island's Industrial Disputes Officers and Tribunal Panel Members; Trade union officials; staff of the Law Officers' of the Crown, Advocates and Legal professionals; Human Resources Professionals; Civil Servants & Politicians; the media; counterpart agencies such as ACAS, the UK Employment Tribunals, the Jersey Advisory and Conciliation Service, and the Manx Industrial Relations Service; and members of the general Public.

MAIN DUTIES AND RESPONSIBILITIES:

- to promote equal opportunities and work towards the elimination of discrimination,
- to improve employment relations and work towards the elimination of unlawful employment practices,
- to publicise practices which the Director considers to be good in the fields of employment, equal opportunities and disability inclusion,
- to assist in the resolution of employment disputes,
- where the Committee requests, to provide the Committee with reports, advice, information and assistance on any matter connected with the promotion of equal opportunities, the elimination of discrimination or employment issues,
- to prepare and submit to the Committee, either at the request of the Committee or of the Director's own motion, recommendations and schemes for measures (including the revision of legislation) that may support or promote any of the functions of the Director

- to carry out the statutory functions of the Director set out in The Employment and Equal Opportunities Service (Guernsey) Law, 2023, including those under the Prevention of Discrimination (Guernsey) Ordinance 2022, Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 (SDO). These functions include the provision of pre-complaint conciliation and conciliation services; bringing proceedings under Part IX of the Prevention of Discrimination (Guernsey) Ordinance, 2022, the issue of non-discrimination notices and the establishment of a register of such non-discrimination notices; the imposition of financial penalties and the service of information notices, countersigning agreements under section 41 (2) (b) of the SDO and under section 19 (3) (c) of the Employment Protection (Guernsey) (Law), 1998. The Director is also required to cooperate with the Tribunals and keep records of proceedings before the Tribunals.
- to provide an Advisory and Dispute Resolution Service based around the Island's framework of employment legislation. To contribute to and promote a climate of good employment relations in Guernsey by providing front line dispute resolution and advisory assistance to service users. And to encourage cultural change with respect to the prevention of discrimination.
- To provide an effective process through the Employment & Discrimination Tribunal for individual unfair dismissal and other statutory employment protections. The Director will take an active role in the management and recruitment of the panel of Tribunal Members.
- The management of the advice and conciliation team
- To advise the Committee *for* the Employment & Social Security Committee as required to assist in the development of policy in respect of employment relations and statutory regulation. Undertaking research and consultation with employer and employee groups and the legal profession and drafting reports to the Committee as required.
- To ensure the availability and high quality of information and communications with the public, employers and employees (and trade unions) such as employment workshops and information guides on employment law and related matters and the operation of the Committee's employment relations services.
- To compile and manage the budget for the Officer of the Director and the Employment and Equal Opportunities Service and compile and follow an Annual Operations Plans, drafting reports to appraise the Committee as appropriate.
- To plan and oversee the recruitment and training programmes for new and existing employment relations team members, the tribunal panel members and the Industrial Disputes Officers.

- Management of the office, and processes, of the Industrial Disputes Officers. Management of the relationship with the Industrial Disputes Officers.
- To monitor local, UK and European employment law and directives and attend relevant training and conferences (usually in the UK) to ensure knowledge is kept up to date.
- The Director may be required to chair collective conciliation meetings, either on their own or with the IDO and, as required, to act as an independent chair/facilitator of ad hoc joint working parties convened by mutual agreement of parties in dispute.
- To prepare and promote relevant training and guidance materials on the employment enactments.
- To manage the evolution and development of the EEOS, including with respect to providing advice and pre and post-complaint service on new aspect of the Prevention of Discrimination ordinance, including education complaints, reasonable adjustments and complaints relating to physical features and phase two of the Prevention of Discrimination Ordinance relating to age and sex discrimination.

KEY CRITERIA:

ESSENTIAL

1. Significant relevant experience of good employment relations practice, including experience of dispute resolution and the provision of advice in this area.
2. Comprehensive knowledge and understanding of statutory employment and discrimination law and a proven ability to understand and apply such legislation.
3. Proven leadership and management skills with the ability to motivate and develop others.
4. Excellent communication and interpersonal skills with the ability to effectively convey complex information at all levels within the organisation and with external stakeholders. Ability to present written information in a clear and concise manner to a high standard.
5. The ability to influence, negotiate, constructively challenge, and change the behaviour of others to achieve deliverables.
6. Highly motivated, organised, flexible and capable of working under pressure.
7. Evidence of competence and ability in the following skill areas:
 - Independence and impartiality

- Sound judgement and problem solving
 - Confidentiality
 - Diplomacy
 - Integrity
8. Experience of delivering training or preparing training and guidance materials.
 9. Flexible approach to work to fit in with Tribunal hearings as required.
 10. Programme and project management skills, with a track record of delivery of capability planning or delivery of change programmes within organisations, including behavioural and culture change.

DESIRABLE

9. Previous HR or employment relations experience
10. Legal qualification - An undergraduate Law Degree, Graduate Diploma in Law, or willingness to work towards an equivalent qualification (QCF level 6 equivalent).
11. CIPD qualified or currently working towards a relevant qualification
12. A valid driving licence

In line with the States of Guernsey Competency Framework, candidates must be able to demonstrate the following abilities:

LEADERSHIP

- Identify implications of Departmental and political priorities and strategy on own area to ensure plans and activities reflect these
- Adopt a States-wide perspective to ensure alignment of activity and policy
- Bring together views and perspectives of customers and stakeholders to gain better understanding of the impact of activities
- Spot warning signs of things going wrong and provide a decisive response to significant delivery challenges
- Give constructive challenge to senior management on proposals which will affect own business area
- Identify the main issues in complex problems, clarify understanding or stakeholder expectations, to seek best option

TEAMWORK

- Be visible to staff and stakeholders and regularly undertake activities to engage and build trust with people involved in area of work

- Clarify strategies and plans, giving clear sense of direction and purpose for self and team
- Lead by example, role modelling ethics, integrity, impartiality and the elimination of bias by building diverse teams and promoting a working environment that supports the public service values and code
- Coach and support colleagues to take responsibility for their own development (through giving accountability, varied assignments and on-going feedback)
- Identify and address team or individual capability requirements and gaps to deliver current and future work

ACCOUNTABILITY

- Create regular opportunities for staff and customers to help improve service quality and demonstrate a visible involvement
- Get the best out of people by giving enthusiastic and encouraging messages about priorities, objectives and expectations
- Clarify business priorities, roles and responsibilities and secure individual and team ownership
- Make clear, pragmatic and manageable plans for service delivery using programme and project management skills
- Ensure the service offered thoroughly considers customers' needs and that services are delivered in a way that is accessible and provides choice, including using new technology where relevant
- Maintain effective performance in difficult and challenging circumstances, encouraging others to do the same