

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**APPOINTMENT OF THE DIRECTOR OF THE EMPLOYMENT AND EQUAL OPPORTUNITIES
SERVICE**

The States are asked to decide -

Whether, after consideration of the Policy Letter entitled 'Appointment of the Director of the Employment and Equal Opportunities Service', dated 19th June 2023, they are of the opinion:

1. To appoint Mr Stephen Peter John Glencross to the Office of Director of the Employment and Equal Opportunities Service, for a period of five years, with effect from 1st October 2023 until 30th September 2028, pursuant to Section 1(3) of the Employment and Equal Opportunities Service (Guernsey) Law, 2023.

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SERVICE

The Presiding Officer
Royal Court
St Peter Port
Guernsey

19th June 2023

Dear Sir

1. Executive summary

- 1.1 The Director of the Employment and Equal Opportunities Service (“the Director”) is an independent holder of public office, appointed by the States in pursuance of section 1(3) of the Employment and Equal Opportunities Service (Guernsey) Law, 2023¹ (“the Employment and Equal Opportunities Service Law”), after recommendation by the Committee *for* Employment & Social Security (“the Committee”).
- 1.2 Following an open selection process, the Committee recommends that Mr Stephen Peter John Glencross be appointed to the position of Director for a period of five years, with effect from 1st October 2023. This is the date that the majority of provisions under the Prevention of Discrimination (Guernsey) Ordinance, 2022² (“the Discrimination Ordinance”) are due to come it force and the date that the Committee is intending that the Employment and Equal Opportunities Service Law will come into force, provided that it receives Royal Sanction and is registered on the Records of the Island by that date.
- 1.3 Subject to the States approving the Committee’s recommended candidate, the Committee will seek to secure his services, on a non-statutory basis, prior to 1st October 2023, in order to prepare for the commencement of the Discrimination Ordinance.

¹ [Draft Projet de Loi entitled “The Employment and Equal Opportunities Service \(Guernsey\) Law, 2023”.](#)

² [The Prevention of Discrimination \(Guernsey\) Ordinance, 2022 \(consolidated text\).](#)

2. Background

- 2.1 The Director is an independent holder of public office, appointed by the States of Deliberation in pursuance of section 1(3) of the Employment and Equal Opportunities Service Law, after recommendation by the Committee.
- 2.2 The Director will lead the Employment and Equal Opportunities Service (“the EEOS”). The EEOS is not a new service. It is a reshaping and rebranding of the existing Employment Relations Service, recognising its expanded function beyond the field of employment when the Discrimination Ordinance enters into force on 1st October 2023.
- 2.3 The existing Employment Relations Service team will provide dedicated support to the office of the EEOS under existing terms and conditions. This re-organisation is to make the service more arms-length and independent of the States and is being made to guarantee operational independence when managing employment-related and discrimination-related complaints which might involve the States of Guernsey.
- 2.4 The EEOS will continue to undertake all the functions currently carried out by the Employment Relations Service. In addition, the EEOS will handle complaints made under the Discrimination Ordinance and offer free pre-complaint conciliation to try to help people to resolve employment and discrimination issues early, with the aim of reducing the number of formal complaints made.
- 2.5 This structure and delivery model was approved by the States in July 2020 following consideration of a Policy Letter entitled 'Proposals for a New Discrimination Ordinance'³. The States resolved:

“To prepare legislation outlining the powers and functions of the statutory official who will lead the Employment and Equal Opportunities Service and to amend existing employment and discrimination legislation in order to transfer any relevant powers to that statutory official (as outlined in section 7.4.2 and appendix 6).”

- 2.6 A draft Projet de Loi entitled “The Employment and Equal Opportunities Service (Guernsey) Law, 2023” was approved by the States in April 2023. The Employment and Equal Opportunities Service Law will enter into force on a day appointed by regulations of the Committee. Subject to that Law receiving Royal Sanction and being registered on the Records of the Island before 1st October 2023, the Committee intends to make Regulations appointing 1st October 2023

³ Proposals for a New Discrimination Ordinance ([Billet d’État XV, Article XV](#)).

as the date that the Employment and Equal Opportunities Service Law will come into force (i.e. on the same day as the Discrimination Ordinance).

- 2.7 Given that the Employment and Equal Opportunities Service Law has been approved by the States, the power to appoint a Director under section 1(3) can be exercised by the States as an “anticipatory exercise of powers” under section 9 of the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016⁴, although the Director will not have any statutory powers until the Law comes into force. The general and statutory functions of the Director are set out in Appendix 1 to this Policy Letter.
- 2.8 The Committee confirms that the transition to the new model is in line with the policy and budget proposals approved by the States in July 2020, when proposals for a new Discrimination Ordinance were approved, and within the budget allocated to the Committee for 2023.

3. Selection process

- 3.1 The role of the Director was advertised via the States of Guernsey’s website, and through the States of Guernsey’s social media channels in late March to early April 2023. Six applications were received, and five candidates were shortlisted for interview. One candidate withdrew prior to interview. The panel for the interviews comprised two senior Civil Servants, an employer representative and a third sector representative based in Jersey, who had experience of running an advisory service in respect of discrimination complaints in relation to the provision of goods and services. Two candidates were then invited to attend a second interview with the President and Vice-President of the Committee, supported by the same two senior Civil Servants. Mr Stephen Peter John Glencross was selected as the preferred candidate. The Committee subsequently agreed to recommend this candidate to the States for appointment to the role of Director.
- 3.2 Mr Glencross has over 19 years’ experience working as a HR professional in both the public and private sectors, including over ten years in managerial and senior leadership roles. He is experienced in a broad range of HR and workforce related areas including organisational restructures, mergers and acquisitions (TUPE), recruitment, terms and conditions of employment, policy development, UK and Guernsey employment law and handling complex and contentious case work. A summary of Mr Glencross’ curriculum vitae is set out at Appendix 2 to this Policy Letter.

⁴ [The Interpretation and Standard Provisions \(Bailiwick of Guernsey\) Law, 2016 \(consolidated text\)](#).

- 3.3 The Committee recommends the appointment of Mr Glencross to the role of the Director of the Employment and Equal Opportunities Service for a period of five years, with effect from 1st October 2023.
- 3.4 Subject to the States approving the Committee’s recommended candidate, the Committee will seek to secure his services, on a non-statutory basis, prior to 1st October 2023, to prepare for the commencement of the Discrimination Ordinance.

4. Compliance with Rule 4 of the Rules of Procedure

- 4.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, propositions laid before the States.
- 4.2 In accordance with Rule 4(1)(a), the Committee confirms that this is part of the work on phase one of the Discrimination Ordinance which is a priority under the Government Work Plan.
- 4.3 In accordance with Rule 4(1)(b), it is confirmed that the Committee has not consulted with other Committees or stakeholders in respect of the proposition set out in this Policy Letter as this is considered unnecessary.
- 4.4 In accordance with Rule 4(1)(c), it is confirmed that the propositions have been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications.
- 4.5 In accordance with Rule 4(1)(d), it is confirmed that the budget for the Director of the Employment and Equal Opportunities Service was agreed by the States in July 2020 when the proposals for a new Discrimination Ordinance were considered by the States, and as part of the Committee’s budget allocation for 2023.
- 4.6 In this Policy Letter, the Committee has set out its proposals for the appointment of Mr Stephen Glencross to the role of Director of the Employment and Equal Opportunities Service, and seeks the States support for the proposition, which is 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.”

4.7 In accordance with Rule 4(2)(b), it is confirmed that the propositions have the unanimous support of the Committee.

Yours faithfully

P J Roffey
President

H L de Sausmarez
Vice-President

T L Bury
S J Falla
J A B Gollop

M R Thompson
Non-States Member

R J Le Brun
Non-States Member

APPENDIX 1

The Functions of the Director of the Employment and Equal Opportunities Service

The **general functions** of the Director are:

1. to promote equal opportunities and work towards the elimination of discrimination,
2. to improve employment relations and work towards the elimination of unlawful employment practices,
3. to publicise practices which the Director considers to be good in the fields of employment, equal opportunities, disability and inclusion,
4. to assist in the resolution of employment disputes,
5. 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,
6. 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, and
7. all such other functions as are provided for by Ordinance of the States.

The **statutory functions** of the Director are:

1. the functions transferred from the Committee to the Director by section 10 of the Employment and Equal Opportunities Service (Guernsey) Law, 2023, namely:
 - a. under the Sex Discrimination (Employment) (Guernsey) Ordinance, 2005⁵ -
 - i. the provision of conciliation services under section 43,
 - ii. the countersigning of agreements under section 41(2)(b),
 - iii. the issue of non-discrimination notices under section 55,
 - iv. the maintenance of a register of non-discrimination notices under section 57,
 - v. the power to obtain information under section 58, and
 - vi. the requirement to cooperate with the Tribunal under section 67,

⁵ [The Sex Discrimination \(Employment\) \(Guernsey\) Ordinance, 2005 \(consolidated text\)](#).

- b. under the Minimum Wage (Guernsey) Law, 2009⁶ -
 - i. the provision of conciliation services under section 11, and
 - ii. the power to appoint officers under section 13,
 - c. under the Employment Protection (Guernsey) Law, 1998⁷ -
 - i. the countersigning of agreements under section 19(3)(c), and
 - ii. the provision of conciliation services under section 20.
2. any functions assigned to the Director, or to the Employment and Equal Opportunities Service, by or under any enactment, including under the Discrimination Ordinance and the functions assigned by that Ordinance include but are not limited to -
- a. the provision of pre-complaint conciliation services under section 41 and of conciliation services under section 47,
 - b. the bringing of proceedings under Part IX,
 - c. the issue of non-discrimination notices under section 60 and the establishment and maintenance of a register of non-discrimination notices under section 64,
 - d. the imposition of financial penalties under section 61, and
 - e. the service of information notices under section 65.

⁶ [The Minimum Wage \(Guernsey\) Law, 2009 \(consolidated text\).](#)

⁷ [The Employment Protection \(Guernsey\) Law, 1998 \(consolidated text\).](#)

APPENDIX 2

Education and Qualifications

- 2003** University of Wales Bangor: Business Studies with Economics Degree
- 2006** CIPD Certificate in Personnel Practice
- 2010** University of Southampton: Masters in Business Administration

Employment History

- Mar 2020 – Present** **States of Guernsey, Human Resources**
HR Business Partner – supporting Committee *for* Education, Sport and Culture
- Oct 2019 – Mar 2020** **States of Guernsey, Human Resources**
HR Manager - supporting Committee *for* Education, Sport and Culture
- Mar 2016 – Sept 2019** **Blue Diamond Limited (Blue Diamond Group of Garden Centres)**
Group HR Manager
- Jun 2013 – Feb 2016** **IEB Trading Limited (allbeauty.com)**
HR Manager
- Dec 2010 – Jun 2013** **Law at Work Channel Islands Limited**
HR Business Manager
- Jan 2008 – Nov 2010** **States of Guernsey, Health and Social Services Department**
Senior HR Advisor
- 2005-2008** **States of Guernsey, Health and Social Services Department**
HR Advisor
- 2004-2005** **States of Guernsey, Home Department**
Junior Executive – Human Resources

Registrations and Memberships

Currently an Associate Member of CIPD

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COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

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SERVICE

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

19th June 2023

Dear Deputy Ferbrache

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Employment & Social Security (“the Committee”) requests that the Policy Letter entitled ‘Appointment of the Director of the Employment and Equal Opportunities Service’ be scheduled for consideration at the States’ meeting that is due to commence on 19th July 2023.

This request is being made because the States is being asked to approve the appointment of the new Director from 1st October 2023. However, the Committee’s intent is for the Director to start on a non-statutory basis during September, in order to ensure that the Employment and Equal Opportunities Service is operational by 1st October 2023 when the Prevention of Discrimination (Guernsey) Ordinance, 2022 comes into force. There is no States meeting in August and deferring this item until the early September States meeting would give the applicant (and their current line manager within the States of Guernsey) only a few days’ notice, at most, of the States’ approval of the appointment prior to the intended start date.

Yours sincerely



Peter Roffey
President

Lindsay De Sausmarez
Vice President

Tina Bury, Steve Falla, John Gollop

Ross Le Brun, Mark Thompson
Non-States Members