

# STATES OF JERSEY



Jersey

## **DRAFT EMPLOYMENT AND DISCRIMINATION TRIBUNAL (JERSEY) AMENDMENT REGULATIONS 202-**

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**Lodged au Greffe on 9th January 2026  
by the Minister for Social Security  
Earliest date for debate: 24th February 2026**

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**STATES GREFFE**

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## REPORT

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### Introduction

Following consultation with the Judicial Greffier and the Chair of the Jersey Employment and Discrimination Tribunal, the Minister for Social Security asked for law drafting to make several amendments to the [2014 Tribunal Regulations](#).

The Tribunal is functioning well, but minor adjustments are proposed to support some minor amendments.

The amendments deal with the composition of the Tribunal in various types of hearing; clarify the appointments process for members of the Tribunal; and provide for an increased pool of lay members of the Tribunal.

### Detail of the main amended provisions of the 2014 Regulations

#### a) Appointment of members of the Tribunal

Amended Article 3 of the Regulations removes the requirement for the States Assembly to approve the appointment of members of the Tribunal. The Minister considers that, in the interests of reinforcing the independence of members of the Tribunal, it is appropriate for a political body such as the States Assembly not to be involved in the ratification of the appointment of members of the Tribunal.

Amended Article 3 also retains a reference to, but clarifies the role of, the Jersey Appointments Commission. The amendment is proposed on the basis that it removes any potential confusion or suggestion that the JAC has a role in approving the candidates for appointment; its role is limited to overseeing a fair recruitment process by which members may be appointed.

#### b) The pool of lay members of the Tribunal

Amended Article 2 provides for the pool of appointed lay members to be increased from “at least 2 but no more than 8” to “at least 4 but no more than 12”. This change is proposed to ensure that there are enough lay members available to hear claims in a timely manner.

The Chair of the Tribunal reports that it is sometimes difficult to assemble a panel of lay members who can commit to sitting to decide claims which are more complex and lengthier. A larger pool provides a greater chance that hearings will be able to be listed more quickly for hearing.

#### c) Composition of panels hearing different types of claims

The Tribunal hears claims in relation to both employment law and discrimination law breaches, and its lay members are drawn from those with experience of employee, employer and discrimination matters.

The Regulations currently provide that those lay members recruited for their discrimination experience may only sit on claims that are exclusively to do with breaches of the Discrimination Law. As the numbers of solely discrimination law claims are relatively few, the opportunity for discrimination lay members to sit is heavily restricted and their experience and expertise is not put to good use.

More commonly, the Tribunal hears “mixed” claims of both employment and discrimination law breaches. The proposed amending Regulation 5, which amends Regulation 9 of the 2014 Regulations, would permit the Chair of the Tribunal to allocate a discrimination lay member to a “mixed” claim hearing, thus giving greater opportunity for those members to sit.

**Financial and staffing implications**

There are no additional financial or staffing implications for Government as a result of this proposition. Lay members of the Tribunal receive a per diem payment which is paid from the budget of the Judicial Greffier.

**Children's Rights Impact Assessment**

The Minister for Social Security considers that this proposition has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Conventions Rights\) \(Jersey\) Law 2022](#).

## EXPLANATORY NOTE

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These Regulations, if made, will amend the Employment and Discrimination Tribunal (Jersey) Regulations 2014 (the “Tribunal Regulations”) in relation to the appointment of Tribunal members and the expertise of Tribunal members who hear certain proceedings.

*Regulation 1* states that these Regulations amend the Tribunal Regulations.

*Regulation 2* amends Regulation 2, which specifies that the Tribunal must include lay members who each fall into 1 of 3 categories, namely people who have knowledge or experience of, or interest in –

- (a) trade unions or matters relating to employees generally;
- (b) employers’ associations or matters relating to employers generally;
- (c) equality and discrimination matters.

Regulation 2 specifies that there must be at least 2 but no more than 8 lay members in each category. The amendments mean that there must be at least 4 but no more than 12 lay members in each category, and clarify that a person must not serve as a member in respect of more than 1 category at the same time.

*Regulation 3* amends Regulation 3, which provides for the appointment of Tribunal members. The effect of the amendment is that the Minister for Social Security (the “Minister”), and not the States, must appoint Tribunal members. The Minister must be satisfied that the individual appointees have relevant qualifications, knowledge or experience.

*Regulation 4* makes a consequential amendment to Regulation 5, which makes provision about the term of office of Tribunal members, to refer to appointments being made by the Minister.

*Regulation 5* amends Regulation 9, which specifies the hearings that must be held before 3 Tribunal members. The amendment relates to proceedings that concern both an employment dispute and discrimination under the Discrimination (Jersey) Law 2013 (the “Discrimination Law”). The effect of the amendment is that 1 of the 3 Tribunal members hearing the proceedings may be a lay member falling into the third category described above.

*Regulation 6* introduces the *Schedule*, which contains minor updating amendments to the Tribunal Regulations for consistency with current drafting practice, but that do not affect their meaning or effect.

*Regulation 7* gives the name of these Regulations and states that they come into force on the same day as the Employment and Discrimination (Jersey) Amendment Law 202-.



Jersey

# DRAFT EMPLOYMENT AND DISCRIMINATION TRIBUNAL (JERSEY) AMENDMENT REGULATIONS 202-

## Contents

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### Regulation

1	Employment and Discrimination Tribunal (Jersey) Regulations 2014 amended.....	6
2	Regulation 2 (the Jersey Employment and Discrimination Tribunal) amended .....	6
3	Regulation 3 (appointment of members) amended.....	6
4	Regulation 5 (term of office of members) amended.....	7
5	Regulation 9 (hearings before 3 Tribunal members) amended .....	7
6	Minor amendments .....	7
7	Citation and commencement .....	7

### SCHEDULE 8

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MINOR AMENDMENTS	8
Amendments for consistency with current drafting practice .....	8



Jersey

## DRAFT EMPLOYMENT AND DISCRIMINATION TRIBUNAL (JERSEY) AMENDMENT REGULATIONS 202-

*Made* [date to be inserted]

*Coming into force* [date to be inserted]

**THE STATES** make these Regulations under Articles 82 and 104 of the [Employment \(Jersey\) Law 2003](#) –

### **1 [Employment and Discrimination Tribunal \(Jersey\) Regulations 2014](#) amended**

These Regulations amend the [Employment and Discrimination Tribunal \(Jersey\) Regulations 2014](#).

### **2 Regulation 2 (the Jersey Employment and Discrimination Tribunal) amended**

In Regulation 2 –

- (a) in paragraph (1)(c), (d) and (e), for “at least 2 and not more than 8” there is substituted “at least 4 and not more than 12”;
- (b) for paragraph (3) there is substituted –
- (3) A person must not serve as a member in respect of more than 1 category listed in paragraph (1) at the same time.

### **3 Regulation 3 (appointment of members) amended**

In Regulation 3 –

- (a) for paragraph (1) there is substituted –
- (1) The Minister must appoint individuals as members of the Tribunal to hold the offices of –
  - (a) chair of the Tribunal;
  - (b) deputy chair of the Tribunal; and
  - (c) lay member of the Tribunal.
- (1A) The Minister may appoint an individual under paragraph (1) only if the Minister is satisfied that the individual has relevant qualifications, knowledge or experience of, or interest in, some or all of the matters specified in Regulation 2(1).

- (b) in paragraph (3), for “with the qualification, knowledge or experience of, or interest in the matters specified in Regulation 2, shall” there is substituted “of the Tribunal must”;
- (c) paragraph (4) is deleted.

#### **4 Regulation 5 (term of office of members) amended**

In Regulation 5(1), for “shall be for such period, not exceeding 5 years, as the States specify when appointing the member” there is substituted “is for the period specified by the Minister when appointing the member, which must not exceed 5 years”.

#### **5 Regulation 9 (hearings before 3 Tribunal members) amended**

In Regulation 9 –

- (a) for paragraph (2) there is substituted –
- (2) In proceedings before the Tribunal, the Tribunal must be constituted of the chair, or a deputy chair, as the presiding member together with –
  - (a) in proceedings described in paragraph (1)(a) or (b) –
    - (i) 1 member described in Regulation 2(1)(c); and
    - (ii) 1 member described in Regulation 2(1)(d);
  - (b) in proceedings described in paragraph (1)(c), 2 of the following –
    - (i) a member described in Regulation 2(1)(c);
    - (ii) a member described in Regulation 2(1)(d);
    - (iii) a member described in Regulation 2(1)(e);
  - (c) in proceedings described in paragraph (1)(d), 2 members described in Regulation 2(1)(e).
- (b) in paragraph (3) –
  - (i) in sub-paragraph (a), for “to whom Regulation 2(1)(b) refers” there is substituted “described in Regulation 2(1)(b)”;
  - (ii) in sub-paragraph (b), for “to whom Regulation 2(1)(c), (d) and (e) refers” there is substituted “described in Regulation 2(1)(c), (d) and (e)”.

#### **6 Minor amendments**

The Schedule contains minor amendments.

#### **7 Citation and commencement**

These Regulations may be cited as the Employment and Discrimination Tribunal (Jersey) Amendment Regulations 202- and come into force on the same day as the Employment and Discrimination (Jersey) Amendment Law 202-.

## SCHEDULE

(Regulation 6)

### MINOR AMENDMENTS

#### Amendments for consistency with current drafting practice

- (1) In Regulation 1 –
  - (a) for “Chairman” in each place there is substituted “chair”;
  - (b) for “Deputy Chairman” in each place there is substituted “deputy chair”;
  - (c) for “Lay Member” in each place there is substituted “lay member”.
- (2) In Regulation 2 –
  - (a) in paragraph (1), for “shall” there is substituted “must”;
  - (b) in paragraph (1)(a), for “Chairman” in both places there is substituted “chair”;
  - (c) in paragraph (1)(b) –
    - (i) for “Deputy Chairmen” there is substituted “deputy chairs”;
    - (ii) for “Deputy Chairman” there is substituted “deputy chair”;
  - (d) in paragraph (2), for “Lay Member” there is substituted “lay member”.
- (3) In Regulation 3(2) –
  - (a) in sub-paragraph (a) –
    - (i) for “Chairman” there is substituted “chair”;
    - (ii) for “shall be” there is substituted “is”;
  - (b) in sub-paragraph (b) –
    - (i) for “Deputy Chairman” there is substituted “deputy chair”;
    - (ii) for “Lay Member” there is substituted “lay member”;
    - (iii) for “shall be” there is substituted “are”;
  - (c) in sub-paragraph (c), for “Chairman of the Tribunal, Deputy Chairman of the Tribunal or Lay Member” there is substituted “chair of the Tribunal, deputy chair of the Tribunal or lay member”.
- (4) In Regulation 4(2) –
  - (a) for “Every member shall, before entering upon the discharge of his or her duties,” there is substituted “Before first discharging their duties as a member, a member must”;
  - (b) for “he or she” there is substituted “they”;
  - (c) for “Chairman of the Tribunal, Deputy Chairman of the Tribunal or Lay Member” there is substituted “chair of the Tribunal, deputy chair of the Tribunal or lay member”.
- (5) In Regulation 5 –
  - (a) in paragraph (2), for “upon” there is substituted “on”;
  - (b) in paragraph (3), for “shall” there is substituted “does”;
  - (c) in paragraph (4), for “shall prevent” there is substituted “prevents”;



- (d) in paragraph (5), for “his or her” there is substituted “their”.
- (6) In Regulation 6 –
- (a) in paragraphs (1) and (3), for “shall cease” there is substituted “ceases”;
  - (b) in paragraph (2), for “Chairman or a Deputy Chairman shall cease to hold office if he or she ceases” there is substituted “chair or a deputy chair ceases to hold office if they cease”;
  - (c) in paragraph (3) –
    - (i) for sub-paragraph (d) there is substituted –
    - (d) if they have been absent from meetings of the Tribunal, and unavailable to perform their functions in relation to the Tribunal when it was constituted in accordance with Regulation 9, for a continuous period of more than 6 months, without the consent –
      - (i) of the Minister, in the case of the chair;
      - (ii) of the chair, in the case of any other member;
    - (ii) in sub-paragraph (e), for “he or she fails or refuses” there is substituted “they fail or refuse”;
    - (iii) in sub-paragraph (f)(i), for “he or she has neglected his or her” there is substituted “they have neglected their”;
  - (d) in paragraph (4), for “shall” there is substituted “must”;
  - (e) paragraph (5) is deleted.
- (7) In Regulation 8 –
- (a) in paragraph (1), for “one member, being the Chairman or a Deputy Chairman, shall constitute the Tribunal” there is substituted “the Tribunal must be constituted of 1 member, being the chair or a deputy chair”;
  - (b) in paragraph (2) –
    - (i) for “Chairman” there is substituted “chair”;
    - (ii) for “he or she” there is substituted “they”;
    - (iii) for “shall” there is substituted “must”.
- (8) In Regulation 9 –
- (a) in paragraphs (1)(a), (3), (5) and (6), for “Chairman” in each place there is substituted “chair”;
  - (b) in paragraph (3), for “shall choose which members shall constitute” there is substituted “must choose which members constitute”;
  - (c) in paragraph (4), for “shall” there is substituted “must”;
  - (d) in paragraph (5) –
    - (i) for “Deputy” in both places there is substituted “deputy”;
    - (ii) in sub-paragraph (b), for “he or she is” there is substituted “they are”;
    - (iii) for “shall” there is substituted “must”;
  - (e) in paragraph (6), for “shall” there is substituted “must”;
  - (f) in paragraph (7), for “shall be” there is substituted “is”.
- (9) In Regulation 10 –
- (a) in the heading, for “Deputy Chairman if Chairman” there is substituted “deputy chair if chair”;

- (b) for “Chairman” there is substituted “chair”;
  - (c) for “shall” there is substituted “must”;
  - (d) for “Deputy Chairman” there is substituted “deputy chair”.
- (10) In Regulation 11 –
- (a) in paragraph (1), for “Chairman shall” there is substituted “chair must”;
  - (b) in paragraph (2), for “shall” there is substituted “must”.