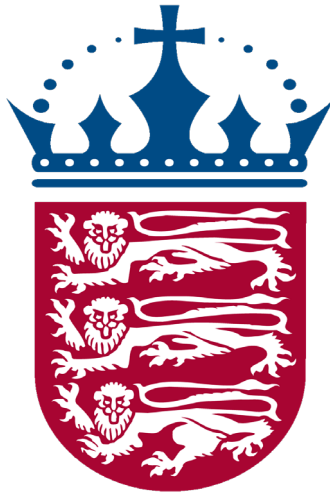


JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL



Annual Report 2025

R.100/2026

**This is the twentieth Annual Report of the Employment and Discrimination Tribunal and covers the period 1
January 2025 to 31 December 2025**

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Overview

The Employment and Discrimination Tribunal ('EDT') is an independent judicial body set up to hear and resolve claims and matters of dispute arising under the Employment (Jersey) Law 2003 ('Employment Law'), the Employment Relations (Jersey) Law 2007 ('Employment Relations Law') and the Discrimination (Jersey) Law 2013 ('Discrimination Law').

The EDT is one of several Tribunals managed by the Judicial Greffe, the administrative arm of the Jersey Courts, through the Tribunal Service. The Judicial Greffe maintains budgetary control of the Tribunal's day to day resources and the Minister for Social Security oversees the appointment of new panel members and also the introduction of employment and discrimination legislation and policy. The other Tribunals in the Tribunal Service are:-

- the Planning Tribunal
- the Health and Safety Tribunal
- the Social Security Tribunal, which is made up of three Tribunals, dealing with medical appeals, social security appeals and income support medical appeals
- the Mental Health Review Tribunal and Capacity Tribunal
- the Charity Tribunal
- the Tax Tribunal
- the Rent Tribunal (April 2026)

The Tribunal also maintains the Register of Trade Unions and Employers' Associations registered in Jersey.

The Tribunal is similar to a court but is less formal. Most hearings are open to the public. The Tribunal strives to provide a user-friendly service ensuring that the documentation and terminology used in its proceedings is easily accessible. The services of a translator are provided when required at no charge to a party.

The EDT's Claim and Response forms, together with its User Guides and other explanatory information, are available on the EDT Service's website:

www.courts.je

The EDT's decisions are published on the Jersey Law website:

www.jerseylaw.je/Judgments/JET

Awarded to either party at the end of the matter.

Membership of the Employment and Discrimination Tribunal

The Employment and Discrimination Tribunal consists of a legally qualified Chair and up to five legally qualified Deputy Chairs. There are also three pools of lay members who, depending upon the nature of the claim, will sit with a Chair.

The Chairs usually sit alone to hear unfair dismissal and breach of contract disputes but will sit with lay members for Final Hearings of discrimination claims and in more complex employment claims such as constructive unfair dismissal.

Discrimination and Employment Law Claims

Where a Claim Form contains claims arising under the Employment Law and the Discrimination Law a Chair may sit with two lay members drawn from:

- a) a pool of side members comprising of persons with knowledge of, or an interest in, trade unions or matters relating to employees; and
- b) a pool of side members comprising of persons with knowledge of, or an interest in, employers' associations or matters relating to employers.

Discrimination Law Claims

When the EDT sits to hear just Discrimination Law claims a Chair will sit with two lay members drawn from a third pool of members which comprises a group of persons with knowledge or experience of, or an interest in, matters relating to equality and discrimination.

Discrimination claims can arise in a work and non-work setting. Non-work settings include the provision of goods and services, education and clubs.

Appointments

All appointments to the EDT are made following an open recruitment process overseen by the Jersey Appointments Commission in accordance with its published guidelines.

Once appointed, lay members remain entirely independent of their background; they do not represent any organisation with which they are associated and are entirely impartial, even though in work-related disputes they will have a background in either employer or employee matters.

Remuneration of Members

All members are paid a day rate for sitting on hearings.

Chair – £800.00

Deputy Chairs – £800.00

Lay Members – £300.00

The members of the EDT in 2025 were:

Chair

Advocate Dr Elena Moran

Deputy Chairs

Advocate Ian Jones

Mr Michael Salter (Barrister)

Mrs Hannah Westmacott (Solicitor)

Advocate Fraser Robertson

Advocate Cyril Whelan MBE

Panel members appointed to hear work-related claims:

***Members with experience as
representatives of employers***

James Lambert

Michael de La Haye OBE

Scott Hollywood

Melanie Grandfield

Kiley Henley

Josephine Scott

Lisa Thorpe

Simon Soar

***Members with experience as
representatives of employees***

Lorraine Bennett

Patrycja Zakrzewska

Sue Pallot

Mark Richardson

Greg Lukowski

Rob Douglas

Alison Bown

James Thompson

Panel members appointed to hear non-work related claims of discrimination:

Richard Renouf

Christopher Stephenson

Allana Binnie

Rhodrick Chatikobo

Pioneny Colville

Wali Ul Islam

Sabrina Stewart

Chair's Foreword

The work of the EDT increased significantly in 2025 with more Claim Forms being submitted than in any previous year. A total of 309 Claim Forms were submitted compared to 286 Claim Forms in 2024.

The increase in claims was due in part to the liquidation of Blue Islands airline (13 Claim Forms) and the Style group of companies (15 Claim Forms).

There were also 31 Claim Forms lodged by two individuals against multiple different respondents.

Employment claims

A Claim Form can contain multiple claims under the Employment Law and the Discrimination Law. The 309 Claim Forms contained 596 separate claims under the Employment Law

Claims	2024	2025
Unfair dismissal	119	172
Unpaid wages/unlawful deductions	81	109
Notice pay/wrongful dismissal	76	98
Holiday/bank holiday pay	73	75
No payslips	45	41
No employment contract	32	31
Others	16	70
Total	442	596

Other claims included 19 claims for a redundancy payment and 12 claims for re-payment of training bonds arising out of the Style and Blue Island insolvencies. There were also 8 maternity/parental claims, 8 claims for inadequate rest periods, 5 minimum wage claims and 6 flexible working claims.

Discrimination claims

The 309 Claim Forms submitted contained a total of 216 claims under the Discrimination Law.

The 216 claims related to six protected characteristics.

Protected characteristic	2024	2025
Disability	90	108
Sexual orientation	5	5
Sex & gender re-assignment	43	64
Age	18	17
Race	18	15
Pregnancy & maternity	3	7
Total	177	216

The increase in discrimination claims arose in large part from the 31 Claim Forms lodged by 2 individuals.

Limitation

In my 2024 Annual Report I mentioned a difficulty with the wording of the 8-week limitation period for bringing claims under the Employment and Discrimination Laws. The wording led to claims being rejected for being one day out of time. I am pleased to report that as of April 2026 this problem has been resolved. The Laws have been amended to make the legal definition fit with a lay understanding of how to calculate the 8-week period.

Unfair dismissal

The increase in unfair dismissal claims arises in part because of the liquidations of Blue Islands and the Style group of companies.

There has been an increase in claims brought by employees on work permits. This is likely due to better awareness by these individuals of their employment rights. Workers on work permits are in a particularly vulnerable position. Low wages and high travel and accommodation costs mean that foreign workers who are dismissed can end up significantly out of pocket. The government should review whether additional protections are required to safeguard these vulnerable workers.

Notice pay

Notice pay is the second most common claim under the Employment Law. Workers who are dismissed are often not paid for their notice period. An increase in unfair dismissal claims therefore leads to an associated increase in notice pay claims.

Discrimination

The increase in discrimination claims is due in part to the 31 Claim Forms lodged by two individuals. Most of the claims were rejected by the Tribunal at an early stage of the proceedings.

There were eight disability discrimination claims brought by a parent on behalf of a child in relation to the provision of education. While the number of claims is still relatively small, there is an increasing awareness amongst parents that a failure to make reasonable adjustments in an educational setting can be challenged in the Tribunal. There is work to be done by the Minister for Education to train schools and nurseries about their obligations under the Education Law.

The number of disability discrimination work claims is on the rise. Most claims arise out of a failure to make reasonable adjustments. The law in this area is complicated. There is a lack of understanding by claimants and respondents about when the obligation to make an adjustment is triggered. Information and understanding are central to reducing the number of claims. I said in my 2024 Annual Report that there should be a detailed Code of Conduct with practical examples. I urge the Minister for Social Security to take this recommendation forward.

Unpaid wages

The increase in claims for unpaid wages is largely attributable to the Blue Islands and Style group liquidations. Nevertheless, the number of cases involving unpaid wages remains unacceptably high. Instances of employers deducting tax and social security and not remitting the money to Revenue Jersey are on the increase. Despite this being illegal there have been no prosecutions of employers. The Government needs to consider whether individuals that engage in such practices should continue to be licensed to operate businesses.

Payslips & contracts

The failure of employers to provide payslips and written particulars of employment continues to be a problem. The increase in the compensation limit from four to eight weeks' pay has had no significant impact on the number of claims. The root cause of the problem is ignorance.

Mediation & conciliation

Many claims settle following conciliation at JACS. Where this has not occurred, the Tribunal may offer judge led mediation. Mediation and conciliation are the best means of resolving disputes. Conciliation at JACS takes place after the Response Form has been filed. This is too late. Earlier settlement reduces time spent on claims, costs and stress. The Tribunal procedure needs to be amended by the Minister for Social Security to allow for earlier conciliation.

Costs

A costs regime was introduced by the Minister for Social Security in July 2025. Costs can only be applied for once a case has finished. The costs regime is expensive to administer as it requires an additional hearing. There have been four costs applications to date. None have succeeded.

The ability to seek costs has led to contentious cases becoming even more fractious. It remains to be seen whether the costs regime will have any positive impact on the Tribunal process or will simply add another layer of cost and complexity.

Administration

In 2025 the Tribunal conducted 177 hearings and mediations. Most claims are resolved within a year of the Claim Form being submitted with many being resolved within a few months. A handful of complex cases take over a year to resolve. This mainly happens where there are related criminal or civil proceedings in another court that need to be resolved first.

There were 45 final hearings in 2025 and 11 interim hearings that lasted between one and four days. In each case the judgment was sent to the parties no more than six weeks later. In most cases the judgment is delivered within a week.

Every year the work of the Tribunal becomes more complicated. The efficient operation of the Tribunal is mainly due to the professionalism and hard work of the registrars and deputy chairs. While most individuals that engage with the Tribunal service are a pleasure to deal with a small handful are difficult and rude. It is to the credit to the registrars and deputy chairs that they provide such a high level of service even when faced with challenging behaviour. I would like to thank them for their outstanding work.



Advocate Dr Elena Moran, chair

EDT PROCESS

The EDT process starts with a Claim Form being received which can include more than one issue. For example, a Claim Form may raise issues relating to unfair dismissal, unpaid wages and a failure to provide payslips.

The vast majority of Claim Forms are submitted by employees but occasionally by an employer.

The Claim Form is reviewed by a chair and any claims with jurisdictional or procedural defects are rejected.

Admitted Claim Forms are sent to the respondent who files a Response Form. In the Response Form the respondent may raise a counterclaim that the claimant must then respond to.

Where no response or response to counterclaim is filed to a claim the EDT may issue a judgment in default. This is only issued where the EDT has enough information to give judgment. In some cases, the EDT may give judgment on liability but order that there is a remedies hearing at a later date.

Once all the necessary forms have been submitted cases are stayed and referred to conciliation/mediation. All claims involving employers are referred to the Jersey Advisory and Conciliation Service, and non-work-related discrimination claims are referred to Citizens Advice Jersey.

Where a case does not settle at mediation it is listed for a short case management meeting before a chair to give orders for the progress of the case. At this point the parties may be offered the option of alternative dispute resolution (ADR) in the form of judicial mediation. ADR allows the parties to explore settlement with the assistance of an experienced employment judge.

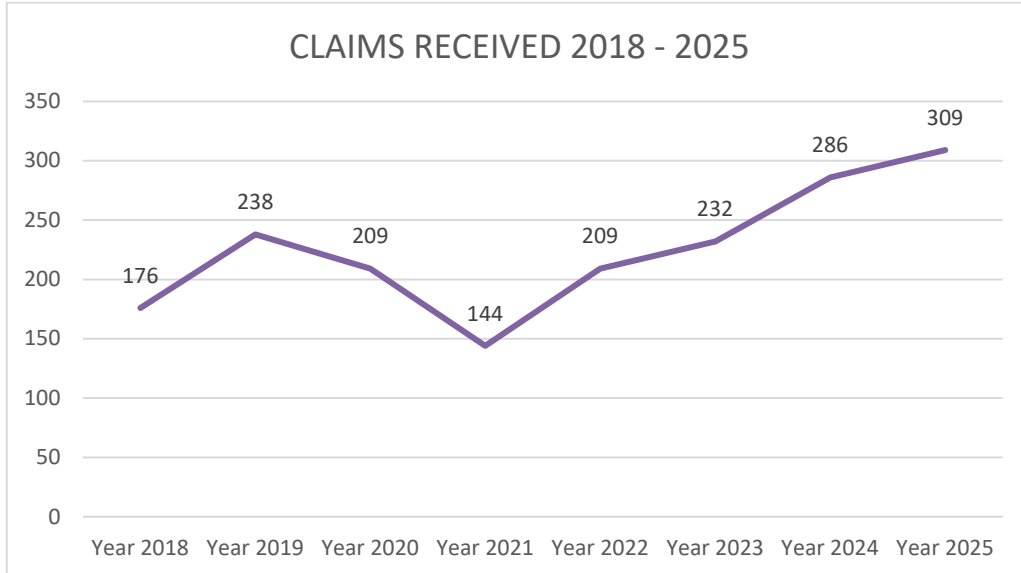
A case is listed for an interim hearing where it is necessary to resolve whether the EDT has jurisdiction. For example, to determine if a claimant is an employee or is self-employed, or if the claim has been submitted in time.

A Final Hearing is presided over by a single chair or a panel of three in more complex employment cases and discrimination claims.

Normally remedies are determined at the Final Hearing but where this is not possible a separate remedies hearing may be arranged. The chairs aim to issue the written judgment to the parties within six weeks of the Final Hearing.

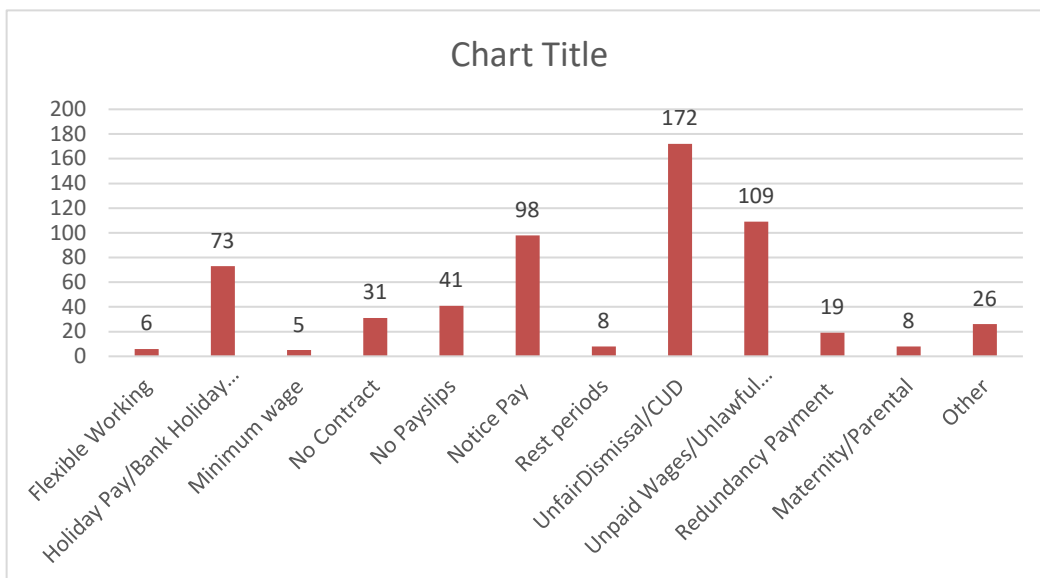
Claims Submitted in 2025

In 2025 a total of 309 claimants submitted Claim Forms to the EDT raising claims under the Employment Law and the Discrimination Law.



Employment Law Claims

The 309 Claim Forms contained 596 claims under the Employment Law. The most common claims were unfair dismissal including constructive unfair dismissal, unpaid wages, notice pay and holiday pay.

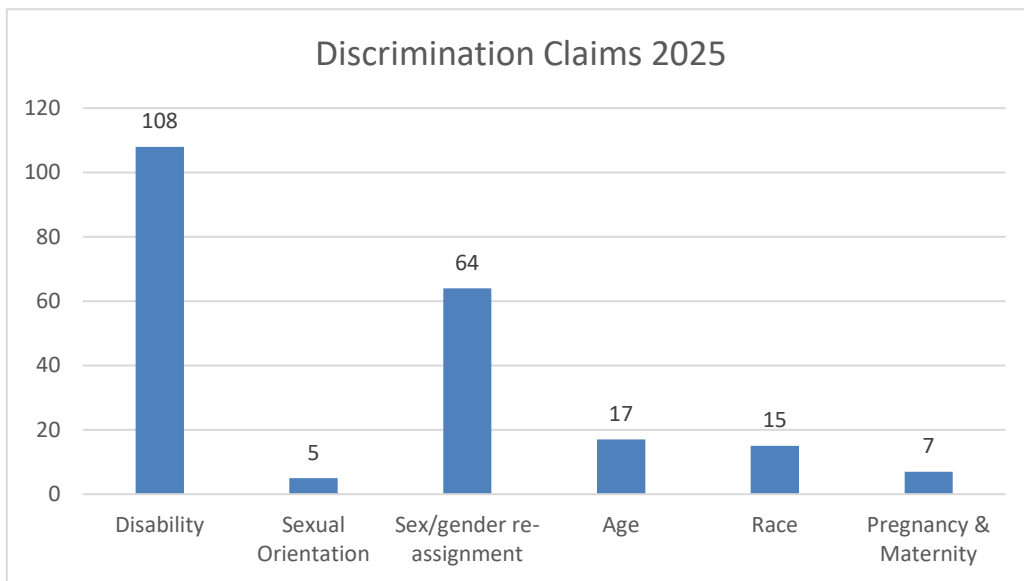


Discrimination Law Claims

There were 151 Claim Forms submitted in 2025 that had a total of 216 discrimination claims. Of the 151 Claim Forms filed, 37 contained allegations of discrimination in a non-work setting. The remaining 114 Claim Forms contained allegations of workplace discrimination.

Claims by protected characteristics:

Disability discrimination was the most common protected characteristic cited and accounted for 108 of the 216 claims. The second most common protected characteristic was sex/gender re-assignment followed by age and race.



Disability – includes long term physical, mental, intellectual or sensory impairments which can adversely affect ability to engage or participate in activities protected under the Discrimination Law.

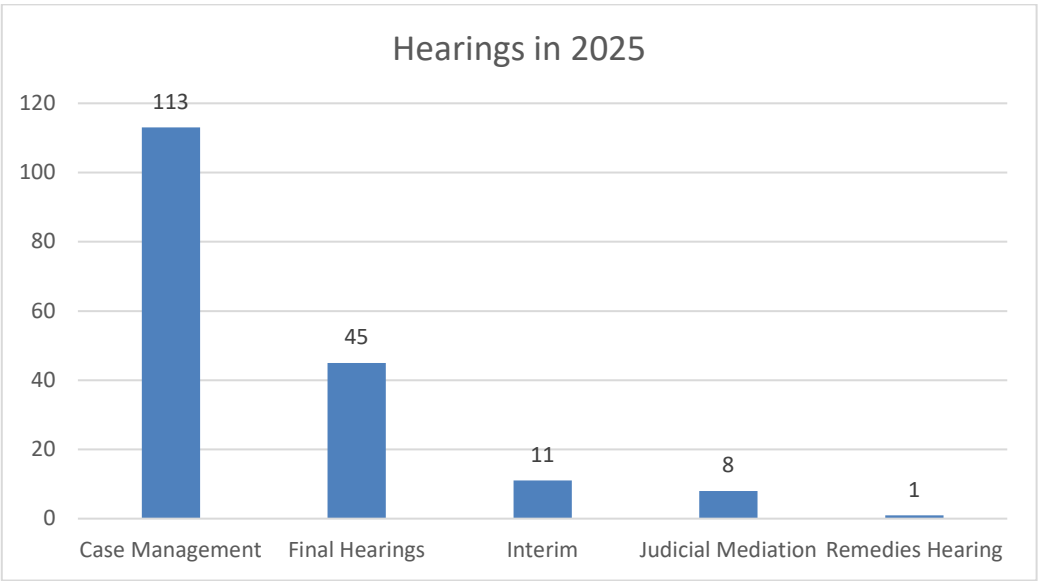
Race includes colour, nationality, national and ethnic origins.

Sex includes gender re-assignment

Administration of Claims

During 2025, the EDT conducted 177 hearings including 8 mediation meetings. Hearings are conducted in person, by phone or by video link. Phone and video hearings take place for several reasons such as parties or representatives being off island and health issues.

Number of hearings in 2025:



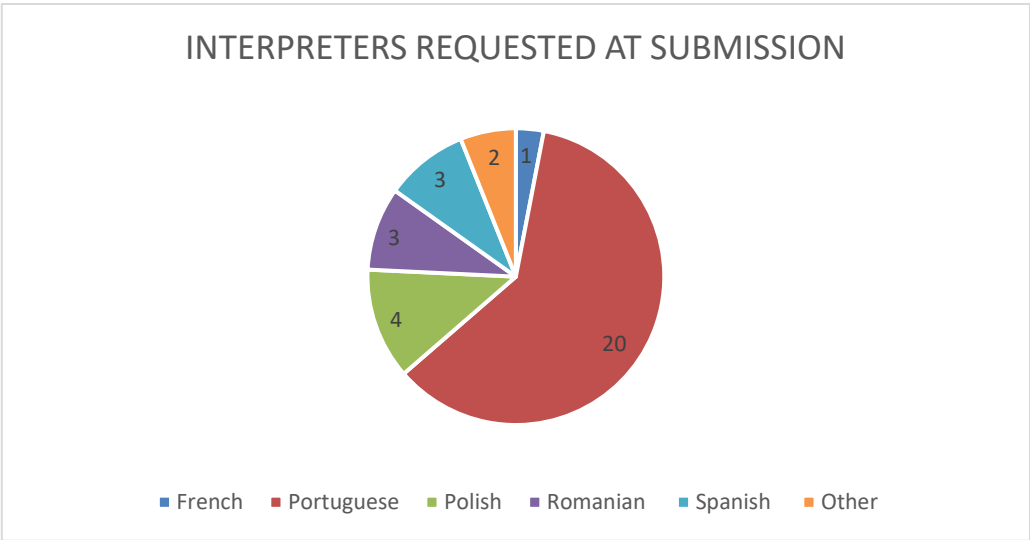
Use of Interpreters

The services of an interpreter are provided by the EDT when required for hearings. This facilitates the smooth running of hearings and ensures fairness.

Interpreters are paid £35.00 an hour.

In 2025 34 parties indicated on their forms that they would require the assistance of an interpreter.

Language of interpreter indicated on the Claim Form:



Representation of Parties

Out of 309 cases filed in 2025, 61 claimants and 113 respondents engaged representatives to assist them at form submission stage.

Claimants were assisted by a range of representatives including friends and family, HR professionals and in a few cases lawyers, either locally qualified or qualified abroad.

Most representatives for respondents were either locally or qualified abroad followed by other professionals e.g. HR Consultants.

Outcomes & Awards

Judgments

The EDT aims to issue a judgment to the parties within six weeks of the Final Hearing. All Judgments delivered in 2025 were delivered to the parties within six weeks of the hearing.

Outcomes of Final Hearings

There were 45 Final Hearings in 2025 including 1 from a Claim form submitted in 2023 and 27 from Claim Forms submitted in 2024.

In some cases, both parties were successful on different issues.

The table below shows the outcome only in relation to claims that were still in dispute at the Final Hearing. Some claims may have been withdrawn or dismissed prior to the Final Hearing. Where a Claim Form includes multiple discrimination claims arising from the same protected characteristic the table records if the claimant was successful on at least one of those claims. A discrimination claim on a protected characteristic would also include any claims of victimisation and harassment.

Claims	In Favour of Claimant	In Favour of Respondent
Unfair Dismissal	6	12
Constructive Unfair Dismissal	3	4
Notice Pay/Wrongful Dismissal	5	4
Holiday/Bank Holiday Pay	8	1
Unpaid Wages	8	9
No Contract	8	1
No Payslips	8	2
Minimum Wage		1
Rest Periods		1
Redundancy/Payment	1	
Sex Discrimination		1
Race Discrimination		3
Age Discrimination		
Disability Discrimination	3	4
Pregnancy/Maternity		
Counterclaims	1	2

The EDT awards damages for successful breach of contract claims (*i.e.* failure to pay holiday/bank holiday pay, wrongful dismissal (notice pay), unpaid wages, commission, bonuses).

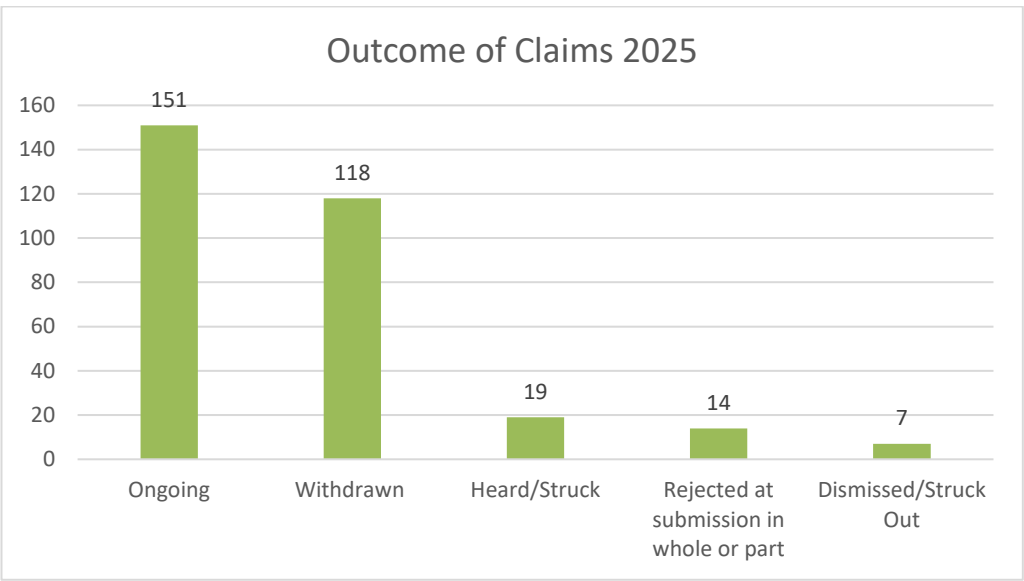
The EDT awards compensation for successful statutory claims (*i.e.* unfair or constructive unfair dismissal, discrimination, failure to provide pay statements, failure to provide contract, failure to allow representation at disciplinary hearing etc).

During 2025 the total amount awarded by the Tribunal was £329,320.47 This was made up of £199,467.29 in compensation and £127,599.75 in damages.

Outcomes of claims as at 31 December 2025

The EDT aims to resolve all claims within six months of receipt of the Claim Form. Sometimes this is not possible due to the complexity of the issues in the case, the health of the parties, insolvency of a party or related criminal proceedings.

Of the 309 Claim Forms were submitted in 2025, by the end of the year 19 had been to a Final Hearing and 151 remained ongoing. The remainder were mostly settled or withdrawn.



At the end of 2025, one claim remained ongoing from 2023 due to ongoing related Royal Court proceedings. One complex claim from 2024 remains ongoing.

Contact Details

Address: First Floor, International House, 41 the Parade, St Helier, Jersey, JE2 3QQ

Opening hours: Monday – Friday 09:00-17:00

Telephone: (01534) 441380

Email: registrartribunalservice@courts.je

Website: <http://www.courts.je>

Team Members

Manager – Tracey Pearce (Main Responsibility – Employment & Discrimination Tribunal)

Registrar – Barbara Kilianczyk (Main Responsibility – Mental Health Review Tribunal, Capacity Tribunal & Social Security Tribunal)

Registrar – Helena Nensen-Whelan (Main Responsibility – Planning Tribunal)

Registrar – Katie Thorne (Main Responsibility – Tax Tribunal)