

Minutes of the Meeting of Executive Council held on Thursday, 2<sup>nd</sup> August 2021 at 2pm in the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)  
The Hon Chief Secretary (Mrs S O'Bey)  
The Hon Financial Secretary (Mr D L Richards)  
The Hon Acting Attorney General (Miss A M Hurley)  
The Hon C G Buckley  
The Hon C R Beard  
The Hon A A Green  
The Hon L A Henry  
The Hon D F Thomas

In attendance: Clerk of Councils (Mrs C C Johnson)  
Head of Corporate Support (Mrs C A George)  
Head of News (Mrs K Yon)  
Head of Governor's Office (Mr Greg Gibson)

**OPEN SESSION**

112.1 Welcome

The Governor welcomed all to the last Executive Council meeting before Council was to be dissolved.

112.2 Labour Regulating Authority (LRA) Employment Rights Ordinance Guidelines (ExCo Memo 48/2021)

The Chairman of the Labour Regulating Authority, Mr Duncan Cooke, was in attendance for this item of business.

The Chairman of the Employment and Education Committee (E&EC) introduced the Memorandum asking Council to consider and advise whether the Labour Regulating Authority (LRA), Employment Rights Ordinance guidelines on best practice and codes of practice in employment protection for employers, employees and workers should be approved.

He further explained that the guidelines were available on the SHG Website and at the Public Library and hard copies were also available on request from the Judicial Services Office or Human Rights Office. He advised that the documents were aimed at employers and employees. The guidance and codes of practice were designed to ensure that all employers engage in best practice in the way that they treat employees, and that employees know what was expected of them and what their rights were. The codes of practice and guidance represent what the LRA considers best practice in employment law within the limitations of the Employment Rights Ordinance 2010.

Members were generally content to fully support the Labour Regulating Authority Employment Rights Ordinance guidelines on best practice and codes of practice in employment protection for employers, employees and workers.

One Member questioned the protection of “whistleblowers” in the workplace; the Chairman of the LRA offered to look into this as a possible addition to the guidelines in the future.

**(Action: Hon Chairman of the E&EC)**

Another Member queried whether it was possible, as part of the SHG Procurement process, to insist as a pre-requisite of the Tender process, that all Tenderers demonstrate compliance with the LRA guidelines to ensure that employees were treated fairly. The Member felt that SHG should lead by example in this regard. The Chief Secretary replied suggesting that this could be a pre-requisite or pre-qualifying condition when SHG awarded contracts. The Chairman of the LRA advised that this would then be as per the requirement by Law. The Acting Attorney General informed Members that should they wish to apply this criteria to SHG awarded contracts then the Policy would have to be formulated and the Regulations updated; after debate Members agreed this was a vital first step.

Following discussion, Council advised and the Governor agreed, that the Labour Regulating Authority Employment Rights Ordinance guidelines on best practice and codes of practice in employment protection for employers, employees and workers should be approved subject to the whistleblowing guidelines being considered for inclusion at a later date and the SHG Procurement processes being reviewed to ensure Tenderers demonstrate compliance with the LRA guidance when evaluating contracts.

**(Action: Hon Chairman E&EC/Clerk of Councils)**

The Governor thanked the Chairman of the LRA for his input and at this point, he left the meeting.

### 112.3 National Honours and Awards Regulations, 2021 (ExCo Memo 50/2021)

The Chief Secretary introduced the Memorandum asking Council to consider and advise whether the National Honours and Awards Regulations 2021, should be approved and brought into force on the date of publication.

Members were content to support the National Honours and Awards Regulations 2021, but questioned whether or not it was the intention that those with spent convictions should not be eligible for a nomination for the awards

One Member enquired whether there were any similar provisions included in the criteria for the HM Queen’s Honours Awards with regard to the rehabilitation of offenders; the Chief Secretary replied that she would look into this.

**(Action: Hon Chief Secretary)**

The Acting Attorney General pointed out the difficulties that the Committee would have in accessing information about individuals with regard to convictions, adding that it would not be the role of the Committee to ‘vet’ individuals nominated for an award.

Following discussion, it was agreed that Clause 5 should be amended to state:-

“A person who has been convicted of an offence is not disqualified from being eligible under these Regulations.”

**(Action: Acting Hon Attorney General)**

Following discussion, Council advised and the Governor agreed, that the National Honours and Awards Regulations 2021, be approved and brought into force on the date of publication subject to the change to Clause 5 as proposed above.

**(Action: Acting Hon Attorney General/Clerk of Councils)**

#### 112.4 Social Security (Amendment) Regulations, 2021 (ExCo Memo 51/2021)

The Strategic and Social Policy Coordinator, (S&SPC) Ms Ann Muir and Claims Manager, Mr Anthony Hopkins were in attendance for this item of business.

The Chairman of the Social and Community Development Committee (S&CDC) introduced the Memorandum asking Council to consider and advise whether the Social Security (Amendment) Regulations 2021, should be approved.

The Hon Clint Beard declared his interest advising that his wife works at the Benefits Office.

Members were generally content to support the Regulations but raised the following:-

- Whether payments of allowances for students/apprentices up to the age of 18 would be disregarded when calculating the overall income, the S&SPC confirmed that this would be disregarded but it needed to be clarified in the Regulations by amending the Table;
- Would ‘top-up’ payments made by employers to 16-17 year olds be taken into account; the S&SPC confirmed that such payments would be taken into account as part of the overall income when they are at the age of 18 years;
- How would the allowance be affected should a family member be hospitalised; the S&SPC replied that IRB payments to the family would continue; and
- Are families able to reapply for a benefit; the S&SPC responded this was allowed every two weeks;
- Whether ‘Assets’ included property; the S&SPC informed Members that ‘Assets’ included all assets except that place of residence; any income from a second home would be taken into account; and
- Whether parents would be disadvantaged if adult children still lived at home; the S&SPC replied this was no longer the case, as an adult child would be considered a family in his/her own right, ie, a family of one.

The Financial Secretary suggested that all needed to be clear as to the changes proposed to Paragraph 6 and the Acting Attorney General added that some of the changes would need to be cross referenced against the Ordinance, which she would ask the Legislative Drafters to do when making the agreed amendments to the Regulations

**(Action: Hon Acting Attorney General)**

The Acting Attorney General recommended the changes could come back in writing to Executive Council and the Chairman of S&CDC suggested that this would be brought back during purdah.

Following discussion, Council advised and the Governor agreed, that the Social Security (Amendment) Regulations 2021, be approved, subject to the relevant revisions and re-tabling and that the revised Regulations be brought into force on 1<sup>st</sup> October 2021.

**(Action: Hon Chairman of S&CDC /Acting Hon Attorney General/Clerk of Councils)**

The Governor thanked the S&SPC and the Claims Manager for their input and at this point, they left the meeting.

#### 112.5 Any Other Business

##### 112.5.1 Polling Day

The Hon Cruyff Buckley raised the issue about voting on Polling Day and voiced that whilst it was advantageous for one to be able to vote outside of their district of residence, he saw this as a hindrance with no transport being provided.

The Governor responded that this is one of the legal requirements and people are allowed a proxy vote or can be given a lift to the Polling Station by someone else.

The Hon Lawson Henry stated that transport to the Polling Station cannot be provided by the candidate standing for election.

The Head of News advised that a Press Release on this was being finalised and would be issued on the 3<sup>rd</sup> August 2021.


The Hon Cruyff Buckley asked when was the closing date for names to be sent in for the Electoral Register; the Head of News responded advising that it was 4pm on the 12<sup>th</sup> August 2021.



Acting Governor

8-9-2021

Date

  
Clerk of Councils  
08.09.21