

Jersey Employment Law: Employees who work fewer than 8 hours per week



Wendy Lambert
Partner



Ben Channing
Legal Assistant

Introduction

This briefing note is intended to provide guidance to employers regarding the rights and entitlement of employees who work less than 8 hours per week.

Contract/Statement of Employment

All employees (regardless as to hours worked each week) have the right to be issued with a contract of employment. This applies to all individuals, including domestic staff who work in your home as employees.

Payment of Wages/Salary

Each employee should receive a wage slip setting out their weekly/monthly payment and showing all deductions made by the employer. At the end of the year, or indeed upon departure of the employee from the business, the employee must receive a final pay slip/summary of income to date in order that they can correctly complete their annual Income Tax Return.

Holiday Entitlement

All employees are entitled to a minimum of 2 week's paid annual leave. The calculation of 2 weeks leave is determined by the employee's normal working week. So if an employee is contracted to work a 6 day week he or she will be entitled to 12 days paid leave, whereas an employee working a 3 day week will be entitled to 6 days paid leave a year. The employee should be notified of their entitlement in writing.

Unfair Dismissal

All employees (regardless as to the number of hours worked) are entitled to unfair dismissal protection, if they qualify for protection (see our Client Guide on Employment Law in Jersey for more detail).

Redundancy Pay

All employees are entitled to redundancy pay after 2 years' service, with the award based on one week's wages (capped at a fixed amount per week which varied by the States of Jersey annually) multiplied by the number of years' service and protective awards for failure to comply with redundancy consultation procedures and other related rights.

Deductions from Wages/Salary

The employer is required to deduct ITIS from the employee's wages/salary at the rate notified by the Income Tax Department for each employee. The employer is not required to make social security payments for any employee working less than 8 hours per week.

Employment Test

The important point to establish is whether an individual who is providing services to you would, as a matter of law, be treated as your employee or is providing those services as a self-employed contractor. This is a complex area of law and legal advice should be taken when in doubt.

This briefing is only intended to give a summary of the subject matter. It does not constitute legal advice.

If you would like legal advice or further information, please contact us using the details below.

Wendy Lambert, Partner

+44 (0) 1534 760 882
wendy.lambert@bcrlawllp.com

Ben Channing, Legal Assistant

+44 (0) 1534 760 863
ben.channing@bcrlawllp.com