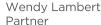


Jersey Employment Law: Employment Law 2003







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Introduction

This briefing note is intended as an overview of employment legislation in the Island of Jersey. More detailed guides on specific subjects are available on request.

Employment (Jersey) Law 2003

This was the first piece of legislation to provide employee-protection in the Island. The main provisions are as follows:

- Protection against unfair dismissal, after 52 weeks' service with a maximum award of 26 weeks' salary after more than 5 years of service. The ability to request reinstatement. The award to be reduced based on the employee's conduct;
- Minimum notice periods to be given to employees based on length of service, up to a maximum of 12 weeks' notice after 12 or more years' service;
- Minimum requirements to be detailed in contracts of employment, to be issued within 4 weeks of start date or date of change in terms, including pay, hours, place of work and notice period;
- Minimum holiday entitlement of 2 weeks' plus bank and public holidays. 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;
- Statutory rest period of 24 hours off every 7 days or 48 hours every 14 days (if stated in contract);

- Minimum wage: fixed by the States of Jersey annually in April each year, with different training rates and relevant deductions for accommodation;
- Requirements as to pay slips and information included and method and frequency of payment of wages:
- Redundancy pay after 2 years' service, with award based a week's wages (capped by the States at a fixed weekly sum) multiplied by the number of years' service and protective awards for failure to comply with redundancy consultation procedures and other related rights.

Discrimination (Jersey) Law 2003

This came into force on 1st September 2014. As of 2018, the Law covers 6 types of protected characteristics listed below:-

- Race:
- Gender;
- Sexual Orientation;
- Age;
- Gender re-assignment; and
- Pregnancy and Maternity (and marital status)

Disability discrimination is due to be brought into the Law in September 2018.

The key features of the law are as follows:

• Schedule One sets out protected characteristics which cannot be discriminated against. See above.

• Direct Discrimination:

Where an individual treats a person, as a result of a protected characteristic, less favorably than they would treat others;

• Indirect Discrimination:

When a person puts a person with a protected characteristic at a disadvantage as a result of applying a particular provision, criterion or practice:

• Victimisation:

Where a person is treated less favorably as a result of the subject having made or intending to make a claim or complaint of discrimination under the law;



Jersey Employment Law: Flexible Working Arrangements

• Harassment:

Where a person (i) violates another's dignity; or (ii) creates an environment which is intimidating, offensive, degrading or humiliating, as a result of a protected characteristic;

• Discrimination in employment:

It is prohibited to discriminate in selection for employment, during the employment relationship and on terminating employment;

• Discrimination in other areas:

The law covers discrimination in areas outside of employment including in providing goods and services, education, access to public premises and in managing property;

• The total amount which can be awarded for discrimination is £10,000.

Employment Relations (Jersey) Law 2007

The main aims of the Law are to:

- Provide a system of legal identification and registration of trade unions and employer associations and to give such bodies legal status;
- Create a legal dispute resolution process which supports and develops good industrial relations; and;
- Develop codes of practice to describe good and reasonable employment relations practice.

The key features of the law and related codes of practice are as follows:

- A trade union or employers' association shall not do any act in furtherance of any purpose for which it is formed unless it is registered in accordance with this Law:
- Once registered, trade unions or employers' associations are granted certain immunity from liability in tort and from criminal liability;
- The Employment Tribunal can hear proceedings in respect of a collective employment dispute;
- Three codes of practice have been published under the Law, as follows;
- Code 1 Recognition of the Trade Union
- <u>Code 2</u> Resolving Collective Disputes
- Code 3- Balloting and Conduct in Employment

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 on the contact details below.

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