

## 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;

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- **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
- [Code 2](#) - 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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