

STATES OF JERSEY



DRAFT EMPLOYMENT (AMENDMENT No. 11) (JERSEY) LAW 201- (P.17/2019): FOURTH AMENDMENT

**Lodged au Greffe on 4th June 2019
by the Economic and International Affairs Scrutiny Panel**

STATES GREFFE

DRAFT EMPLOYMENT (AMENDMENT No. 11) (JERSEY) LAW 201-
(P.17/2019): FOURTH AMENDMENT

1 PAGE 23, ARTICLE 4 –

Delete Article 4.

2 PAGE 33, ARTICLE 5 –

Delete paragraphs (1)(c), (d) and (e), (3)(b), (c) and (d), and (4).

3 PAGE 33, ARTICLE 6 –

Delete Article 6.

ECONOMIC AND INTERNATIONAL AFFAIRS SCRUTINY PANEL

REPORT

Amendment to remove the proposed new Articles on parental leave

The Panel's review of the legislation has uncovered a significant number of concerns from a wide variety of stakeholders including (but not limited to) employers and childcare organisations. The concerns are mainly around parental leave rights and 6 weeks' paid leave funded by the employer.

Along with these concerns, however, it is important to acknowledge the support for the underlying principles of the legislation. There are many positive proposals contained in the draft Law, such as –

- The right for surrogate and adoptive parents to attend antenatal appointments (up to 10 hours paid).
- The right for breastfeeding breaks.
- The rights for breastfeeding facilities where employers must take reasonable steps to provide facilities in the workplace.
- The right to paid absence on health and safety grounds.

The Panel has considered the significance of the concerns raised around the parental leave aspects of the draft Law, and believes that further work needs to be carried out to ensure that they are fit for purpose, and that they work well for families, employers, and employees.

There are 2 principal aspects of the Panel's concerns on parental leave –

1. **The impact on the employer:** The Panel believes that the parental leave rights, as drafted, place too great a burden on the employer, and do not consider the implications they will create for all organisations in Jersey and other employees.

Also, in contrast –

2. **The availability of leave to all parents:** The Panel has also found that the proposals relating to leave are unlikely to be affordable to all parents, as it is only those who can afford to take unpaid leave that will do so.

The Panel agrees with the overall aims of the proposals, and fully supports the provision for breastfeeding and giving surrogate and adoptive parents the same rights to attend antenatal appointments. The Panel is convinced, however, that there are serious shortcomings with regard to the parental leave provisions, and believes that further work is necessary to explore all the factors affecting such an ambitious parental leave system.

As a starting point, the overall impact of the proposals implemented in September 2018, for both employers and parents, should be assessed by the Minister before developing any extensions to existing leave.

For further information on the Panel's findings, please refer to chapter 9 of the final Scrutiny Report (S.R.9/2019).

Financial and manpower implications

There are no additional financial or manpower implications for the States arising from the adoption of this amendment.