

**WRITTEN QUESTION TO THE MINISTER FOR SOCIAL SECURITY
BY THE DEPUTY OF ST. JOHN
ANSWER TO BE TABLED ON MONDAY 19th MARCH 2018**

Question

Will the Minister advise whether she intends to undertake a full-scale review to assess the appropriateness and functionality of the Employment (Jersey) Law 2003; if so, will she advise what prospective challenges for employers and employees such a review will seek to address; and if not, will she undertake to implement such a review?

Answer

The Employment (Jersey) Law 2003 has been developed and improved over a number of years based on consultation by the independent Employment Forum. Since its introduction in 2005, the Employment Law has been regularly reviewed with a view to adjusting and extending employment protection. In addition, the Employment Law has been updated in the context of the development of the Discrimination (Jersey) Law 2013. Each stage of this development has been achieved following full public consultation. Reviews of the Law have included –

1. A proposal to extend family friendly employment rights in 2018 and 2019 (December 2017)
2. Annual reviews of the minimum wage system and hourly rates (resulting in Regulations and Orders made annually)
3. To adjust the provisions relating to unfair dismissal and retirement age on the introduction of protection against age discrimination (September 2016)
4. To amend the provisions for short fixed-term contracts and the two-thirds rule for protection against unfair dismissal (December 2015)
5. To introduce compensation awards in respect of written terms of employment, pay slips and rest days (December 2015)
6. To introduce employment protection for armed forces reservists (February 2014)
7. To provide that dismissal on grounds of discrimination is automatically unfair and to extend the remit of the Employment Tribunal to include claims under the Discrimination Law (September 2013)
8. To review codes of practice made under the Law, including disciplinary and grievance procedures and uninterrupted rest days (July 2013)
9. To consider increasing the qualifying period for protection against unfair dismissal (June 2013)
10. To introduce the right to representation in disciplinary and grievance hearings (March 2013)
11. Review of the decisions of the Employment Tribunal (April 2013)
12. To investigate the award of Tribunal costs and vexatious claims (December 2010)
13. To review the provisions for triggering collective redundancy rights (September 2010)
14. To consider the operation of the Law in relation to therapeutic work (May 2009)
15. To introduce the first stage of family friendly employment rights (June 2008)
16. To review the powers of the Employment Tribunal in unfair dismissal awards (June 2008)
17. To consider introducing protection in redundancy and business transfer situations (June 2006)

The Employment Law is currently working well, providing employees with fundamental employment protections, in conjunction with free advice and guidance provided by the Jersey Advisory and Conciliation Service, as well as enforcement via the Jersey Employment and Discrimination Tribunal and the Social Security enforcement team. The Minister is not aware of any evidence to indicate that a full-scale review of the Employment Law might be required at this time.