

STATES OF JERSEY

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DRAFT EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (AMENDMENT No. 3) (JERSEY) LAW 200

**Lodged au Greffe on 11th May 2006
by the Minister for Social Security**

STATES GREFFE



Jersey

**DRAFT EMPLOYERS' LIABILITY (COMPULSORY INSURANCE)
(AMENDMENT No. 3) (JERSEY) LAW 200**

European Convention on Human Rights

The Minister for Social Security has made the following statement –

In the view of the Minister for Social Security the provisions of the Draft Employers' Liability (Compulsory Insurance) (Amendment No. 3) (Jersey) Law 200 are compatible with the Convention Rights.

(Signed) **Senator P.F. Routier**

REPORT

This proposal for an amendment to the Law is as the result of a request of the former Education, Sport and Culture Committee. The amendment provides for students undertaking work experience to have the same status as employees under employers' liability legislation, which requires employers to insure against their liability for personal injuries to their employees.

Financial/manpower statement

This draft Law has no implications for the financial or manpower resources of the States.

European Convention on Human Rights

Article 16 of the Human Rights (Jersey) Law 2000 will, when brought into force by Act of the States, require the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). Although the Human Rights (Jersey) Law 2000 is not yet in force, on 28th April 2006 the Minister for Social Security made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Social Security the provisions of the Draft Employers' Liability (Compulsory Insurance) (Amendment No. 3) (Jersey) Law 2000 are compatible with the Convention Rights.

Explanatory Note

This Law amends the Employers' Liability (Compulsory Insurance) (Jersey) Law 1973, which requires employers to insure against their liability for personal injuries to their employees.

The effect of the amending Law is to provide that while a person who is not an employee is obtaining work experience under a training course or programme, or training for employment, he or she will be regarded – for the purposes of the principal Law – as being employed by the person who is providing the training.

However, this will not apply in respect of work experience or training that is provided directly by an educational establishment on a course run by it.

If passed, the amendment would come into force 7 days after it is registered in the Royal Court.



Jersey

DRAFT EMPLOYERS' LIABILITY (COMPULSORY INSURANCE) (AMENDMENT No. 3) (JERSEY) LAW 200

A LAW to amend further the Employers' Liability (Compulsory Insurance) Law 1973

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

1 Interpretation

In this Law, “principal Law” means the Employers’ Liability (Compulsory Insurance) (Jersey) Law 1973 [\[1\]](#).

2 Article 1 amended

(1) Article 1(1) of the principal Law shall be amended –

(a) by inserting after the definition “business” the following definition –

“ ‘educational establishment’ means a university, college, school or similar educational or technical institute;”;

(b) in the definition “employee”, by substituting a semicolon for the full stop;

(c) by adding after the definition “Minister” the following definition –

“relevant training” means work experience provided pursuant to a training course or programme, or training for employment, or both, except where –

(a) the immediate provider of the work experience or training for employment is an educational establishment and it is provided on a course run by the establishment;
or

(b) it is received under a contract of employment.”.

(2) In Article 1 of the principal Law, after paragraph (1) there shall be inserted the following paragraph–

“(1A) For the purposes of this Law, where a person is being provided with relevant training –

(a) the person providing the training is the employer of the person receiving the training;

(b) the person receiving the training is the employee of the person providing it; and

(c) the training is being provided in the course of the employment of the person

providing the training of the person receiving it.”.

3 Citation and commencement

- (1) This Law may be cited as the Employers’ Liability (Compulsory Insurance) (Amendment No. 3) (Jersey) Law 200-.
- (2) This Law shall come into force on the seventh day after its registration.

