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4 Deputy S.M. Ahier of St. Helier of the Minister for Social Security regarding the incorporation of paid bereavement leave into Jersey's family friendly legislation: (OQ.31/2020)

Will the Minister advise the Assembly whether she plans to propose the incorporation of paid bereavement leave (recently introduced in the U.K. as "Jack's Law") into Jersey's family friendly legislation?

Deputy J.A. Martin of St. Helier (The Minister for Social Security):

Firstly, let me say the death of a child must be a devastating event and there is no financial amount that could truly compensate the family. But practical help is already available in Jersey in this tragic situation. Our system of support does vary completely differently from the U.K. As Members will be aware, we have recently approved significant improvements to family friend employment legislation, which will give both parents rights to paid and unpaid leave. These rights apply to parents if a child is stillborn after 24 weeks of pregnancy, or in the sad event the child dies before the age of 2. Since the law was headline news in the U.K. about 3 weeks ago, I have contacted J.A.C.S. (Jersey Advisory and Conciliation Service). I am trying to find out if it has been a problem ever in Jersey. They have never so far had one. But on all interviews I have said if anybody knows where we could improve, or if it is affecting, because I find that employers in Jersey are much more compassionate than these events that took place in the U.K.

4.4.1 Deputy S.M. Ahier:

There can be nothing in life as devastating as losing a child. 90 per cent of all couples split up as a result of this loss. Would the Minister agree the compassionate paid leave is an essential step in the healing process?

Deputy J.A. Martin:

I think I have just answered that we are already doing better. I mean, I did not know this until last year; funeral directors in Jersey make no charge for a funeral for a child under 18. Where in the world does that happen? I absolutely understand, what I am saying is I need to know the problem, I do not think ... I have read up on Jack's Law, it can be taken in 2 blocks and it is not full pay. I am not sure they are addressing a situation that we have in Jersey. I am watching this and, as I say, it has not ever been a problem. I can go into the people who monitor the law, which is J.A.C.S.

[10:00]

Not one employee, or employer, has been to them since we have had the employment law for 20 years, so I am listening. I hear what the Deputy is saying and if I find out this is a problem of course we will look much further into it.

4.4.2 Deputy K.G. Pamplin:

I thank the Attorney General designate for a written question on this subject: "As the largest employer, the Government of Jersey provides up to 5 days' paid compassionate leave to employees in relation to the death of a close relative" and bearing that in mind, when the Minister said she will look at it, she will look at that as an example that there is a package included that it is not just a child, it is not just leave, it is a total package, because there are many charities on this Island that will support families and many families do not know that that exists. Will she look at that, as well?

Deputy J.A. Martin:

Absolutely. As you say and that is the States of Jersey as an employer. There are other big employers. There are small employers. We need to make sure that ... as I say, the system is different. Paid leave for the first 28 days is paid for by the employer in the U.K. It is not here. So, we are not comparing like to like, but absolutely we will take all this into consideration. Please, if anybody knows where I can improve on this law ... as I say, when we pass the next part of family friendly ... we have passed it, but when I bring in the benefits it really does take a lot more into account than we have ... and I think goes much further than Jack's Law.

4.4.3 Deputy G.P. Southern:

Does the Minister not recognise that the absence of evidence of need is not necessarily the absence of need and will she take a precautionary approach to this process and introduce the equivalent of Jack's Law to be safe and sure?

Deputy J.A. Martin:

I am not going to say yes to that, because the evidence of need is not necessarily the evidence that is not there. I am not sure the Deputy is hearing; I am saying we have completely 2 different systems. I think we are doing a lot better and when we pass the final part of family friendly we will have a much better system of 6 weeks and 6 weeks and then a year, then a year. But, again, if the Deputy wants me to actually introduce it, I need evidence and I need to be targeting it to the right people.

4.4.4 Deputy M. Tadier:

Would the Minister remind us how much the death grant is and also how that compares to the average cost of a funeral and whether she thinks that is sufficient?

Deputy J.A. Martin:

The death grant is £900 but, as I have just said, I only found this out 6 months ago, funeral directors together, as a collective, came together and they do not charge for a funeral of a child under 18. Absolutely fantastic.

4.4.5 Deputy M. Tadier:

I do not think we are talking specifically, or uniquely, about the death of children under 18. We are talking about funerals in general and clearly the death grant applies in cases where people have a social security record and, therefore, would not be relevant to a child's death anyway, so could the Minister talk more generally about whether she thinks the death grant is sufficient?

The Bailiff:

Sorry, Deputy, I think that goes outside the proper parameters of the question, which relates specifically to a law which is analogous to Jack's Law in the United Kingdom and not the death grant, generally speaking.

4.4.6 Deputy S.M. Ahier:

Statutory paid leave for bereaved parents will be a legal right in the U.K. from April. Does it concern the Minister that a backbencher will now have to bring forth a Proposition to bring in a Jack's Law that she should have made a priority?

Deputy J.A. Martin:

I am told that it is not paid leave, as you are earning money. It is an amount and, to me, the amount in the U.K. is going to be very small. If the backbencher, I presume Deputy Ahier is talking about

himself, feels that it is urgently needed for Jersey, a backbencher has a right. I do not think I can find the need and I cannot find that where we do things so differently in Jersey who pays the compassionate, that would say we have a compassionate Island and I have not heard that this has ever been a problem. If the Deputy feels that it needs addressing, hopefully look at Jack's Law and find out it is not as good as he thinks it is.