

STATES OF JERSEY



Jersey

DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202- (P.78/2024): THIRD AMENDMENT

Lodged au Greffe on 28th January 2025
by Deputy Sir P.M. Bailhache of St. Clement
Earliest date for debate: 25th February 2025

STATES GREFFE

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PAGE 11, ARTICLE 8 –

For paragraph (4) substitute –

- (4) In Article 42(4), for “The States may by Regulations amend paragraph (1)(b) so as to” there is substituted “The States may by Regulations amend paragraph (1A) or (1B) to”.

DEPUTY SIR P.M. BAILHACHE OF ST. CLEMENT

REPORT

1. The Minister's [amendment](#) provides, at Article 8(4), that the power of the States to amend the maximum amounts of compensation that may be ordered by the Employment and Discrimination Tribunal should henceforth be vested in the Minister. The Minister would be given the power to amend the maximum amounts by Order. This amendment to the Minister's amendment would preserve the status quo and provide that such maximum amounts of compensation would continue to be fixed by the States by Regulations.
2. No reason has been given by the Minister for seeking to change the established procedure for setting maximum amounts of compensation. The fact that the level sought by the Minister has been challenged by amendments lodged by Deputy Ferey of St. Saviour shows that the issue is potentially controversial. That aside, the extent of the jurisdiction of a tribunal like the Employment and Discrimination Tribunal should as a matter of principle be settled by the States and not by a Minister. The status quo should be preserved so that the Tribunal's jurisdiction continues to be set by the States by Regulations.

Financial and staffing implications

There are no financial or staffing implications arising from this amendment.

Children's Rights Impact Assessment

A Children's Rights Impact Assessment (CRIA) has been prepared in relation to this proposition and is available to read on the States Assembly website.