

STATES OF JERSEY



DRAFT EMPLOYMENT (JERSEY) LAW 200 (P.55/2003): SECOND AMENDMENTS

**Presented to the States by Senator E.P. Vibert
and lodged au Greffe on 8th July 2003
by Deputy P.J.D. Ryan of St. Helier**

STATES GREFFE

DRAFT EMPLOYMENT (JERSEY) LAW 200- (P.55/2003): SECOND AMENDMENTS

(1) PAGE 27, ARTICLE 3 –

Delete paragraph (1) and substitute the following paragraph –

“(1) The employer shall give to the employee a written statement of the terms of employment in the prescribed format.”.

(2) PAGE 29, ARTICLE 3 –

Delete paragraphs (6) and (7).

(3) PAGE 62, ARTICLE 63 –

Delete “(1)” in paragraph (1) and all of paragraphs (2) to (5).

(4) PAGE 67, ARTICLE 73 –

Delete paragraphs (1) to (3) and “(4)” in paragraph (4).

SENATOR E.P. VIBERT

REPORT

I am proposing these two sets of amendments because –

- (1) I feel it is discriminatory for an employer to be able unfairly to dismiss an employee who has worked for less than six months for the employer. Many people who have worked for less than six months for an employer are often the most vulnerable in our society - younger people starting out on their careers.

A large part of the European Union is currently endeavouring to get the British Government to change its policy on unfair dismissal, which only applies when someone has been working with a firm for one year. British industry has a very large component of temporary workers or “temps” and the British Government are apprehensive of the likely cost to industry of reducing this policy to apply at the starting point of employment.

- (2) With respect to the proposed amendment to the period of time before an employee must be given a statement of employment terms (four weeks), if the principle of a statement of employment terms is right (as I believe it is) then a statement should be given to an employee immediately he starts work. I can see no reason for an employee not to be given a statement of employment terms when the period of employment commences. Experience has shown that many employers forget to give their employees statements after a month (which is the current situation) and this will be an offence under the new law.

States members were told at the various briefings on the new law that the Committee were taking a “light touch” approach to this legislation. The counter argument to this is that good employers in Jersey (who are in the majority) have nothing to fear from this legislation. It is the irresponsible and bad employers who will be affected by this legislation and they should not have the advantage of the “light touch”.

I have had considerable experience as a former advisor at the Citizens Advice Bureau of a small number of persistent offenders, who treat their employees disgracefully. If they do provide written contracts (as they must do under the current law) they are usually written on scraps of paper with no record of the employee ever seeing it or agreeing to the contents. It is, therefore of great importance that the law covers the way in which the statement of employment terms is prepared.

There are no financial or manpower implications for the States arising from these amendments.