STATES OF JERSEY

DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202- (P.78/2024) :THIRD AMDENDMENT (P.78/2024 AMD.(3)) – COMMENTS

**Presented to the States on 31st January 2025
by the Minister for Social Security**

STATES GREFFE

COMMENTS

Introduction

The draft Employment and Discrimination (Jersey) Amendment Law 202- contains a proposed provision (at Article 8) to replace the existing wording in Article 42(4) of the Discrimination Law. The Law currently provides that the States may by Regulations amend the maximum awards set out in Article 42 for financial loss and hurt and distress.

The Minister for Social Security proposes replacing that provision with a provision providing that the Minister may by Order amend those maximum amounts.

In Amendment 3 to P.78/2024, Deputy Sir Philip Bailhache proposes retaining the requirement for the Assembly to set these maximum awards by Regulation.

Compensation awards under Employment legislation

The Employment Law provides that the Minister may, by Order, amend the scale of compensation award for an act of unfair dismissal (Article 77F of the Employment Law). The Minister may also, by Order, amend the maximum award that may be made by the Tribunal for, among other things, a breach of an employer's contractual obligations (Articles 86(3)(c) and 86(6) of the Employment Law and Article 4(1)(a) of the 2009 Employment (Awards) Order).

The Minister's proposal to replace the States' regulation-making power in the Discrimination Law with a power to amend by Order would bring the Discrimination Law in line with the Order making powers within the Employment Law and provide an efficient and timely framework within which the Law can operate.

Conclusion

Acknowledging the current level of public interest in the level of compensation awards, the Minister will accept the 3rd Amendment. This will maintain the current position whereby changes to the maximum level of compensation award made under the Discrimination Law are set by Regulation.