

STATES OF JERSEY



Jersey

DRAFT EMPLOYMENT (MINIMUM WAGE) (AMENDMENT No. 17) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 5th October 2022
by the Minister for Social Security
Earliest date for debate: 22nd November 2022**

STATES GREFFE

REPORT

Background

The Employment Forum reviewed the minimum wage (and associated rates) – as is its statutory duty under the [Employment \(Jersey\) Law 2003](#) (the “Employment Law”) – and issued its recommendations to the Minister for Social Security (“the Minister”) on 8th September 2022.

The Minister notified the States Assembly on 28th September 2022 ([R.132/2022](#)) of the Forum’s recommendations and her decision not to accept the rates recommended by the Forum. Under the provisions of the Employment Law, the Minister may substitute her own decisions on rates, which differ from those recommended by the Forum. R.132/2022 sets out the Minister’s reasons for deciding to set different rates.

The Minister has done so. The current offset rates and proposed offset rates for 1st January 2023 are –

Offset rates	Current rate	1 January 2023
% Uplift from 1/4/2020		26.2% uplift
Maximum weekly offset for accommodation	£91.12	£115.00
Maximum weekly offset for accommodation and food	£121.46	£153.28
Maximum weekly offset against trainee rates for accommodation	£68.34	£86.25
Maximum weekly offset against trainee rates for accommodation and food	£91.10	£114.97

Draft Regulations

Regulations relating to the minimum wage may be made by the States under Part 4 of the Employment (Jersey) Law 2003. The [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#) ensure that an employer’s ability to offset the cost or value of benefits in kind against the minimum wage is limited to living accommodation, or living accommodation with meals each day.

These draft Regulations also set a maximum value for those benefits in kind for the purpose of calculating whether the appropriate minimum wage or trainee rate has been paid. The proposed rates for 2023 in these respects are set out in the table above.

The draft Employment (Minimum Wage) (Amendment No. 17) (Jersey) Regulations 202- are appended to this Report and the Minister seeks the agreement of the Assembly to implement the rates’ increases, as required by the Employment Law, from 1st January 2023.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the agreement of the Assembly to these draft Regulations.

EXPLANATORY NOTE

These Regulations, if made by the States, will increase the amounts that may be taken into account for the provision of living accommodation or living accommodation and food provided by an employer when assessing whether the minimum wage is being paid. As with the minimum wage itself there are separate amounts for trainees.

The Regulations would come into force on 1st January 2023.



Jersey

DRAFT EMPLOYMENT (MINIMUM WAGE) (AMENDMENT No. 17) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Articles 17 and 104 of the [Employment \(Jersey\) Law 2003](#) –

1 Regulation 9 of the [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#) substituted

For Regulation 9 of the [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#) there is substituted –

“9 Limits on amounts that may be taken into account for provision of food and living accommodation

- (1) Where the employer provides food and living accommodation, the amount to which Regulations 7(1)(d) and 8(1)(g) refer is –
 - (a) in the case of an employee who is a trainee, £114.97 per week or £16.42 per day; and
 - (b) in any other case, £153.28 per week or £21.90 per day.
- (2) Where the employer provides living accommodation but does not provide food, the amount to which Regulations 7(1)(d) and 8(1)(g) refer is –
 - (a) in the case of an employee who is a trainee, £86.25 per week or £12.32 per day; and
 - (b) in any other case, £115 per week or £16.43 per day.”.

2 Citation and commencement

These Regulations may be cited as the Employment (Minimum Wage) (Amendment No. 17) (Jersey) Regulations 202- and come into force on 1st January 2023.