

7th May 2025

Deputy Louise Doublet
Chair, Health and Social Security Scrutiny Panel
Scrutiny Office
States Greffe
Morier House
St Helier
Jersey JE1 1DD

By email: scrutiny@gov.je

Dear Deputy Doublet,

Re: Review of Family Friendly Legislation – Response from IoD Jersey and its Members

1. Impact on Business and Members

IoD members broadly support the principles of family-friendly legislation and its aim to foster inclusive workplaces that recognise the importance of family life and work-life balance. The amendments have helped reinforce positive cultural shifts, including greater awareness of parental responsibilities, improved employee engagement, and stronger retention for businesses that embrace flexibility.

That said, our members have also noted operational challenges, particularly for smaller organisations and teams with specialist skills. Extended periods of leave, especially when taken concurrently or during peak periods, can create significant strain on business continuity and workload distribution. In some instances, members have reported considerable pressure on remaining team members and difficulty sourcing temporary cover.

Nonetheless, many IoD members report that the legislation has enhanced their appeal to jobseekers—especially working parents—and helped foster more loyal and motivated teams. The overall direction of the law aligns with contemporary values and supports businesses striving to be modern, responsible employers.

2. Unintended Consequences

Several members have identified areas where the legislation does not yet reflect the realities of family formation and modern workplace demands. For example:

- Foster-to-Adopt Placements: Jersey's foster-to-adopt model allows children to live with prospective adopters prior to legal adoption, yet statutory paid parental leave begins only from the point of adoption. This delay overlooks the critical early bonding period and the need for parental presence from the time of placement.
- Fertility Treatment and Baby Loss: There is currently no statutory provision for employees undergoing fertility treatment or experiencing baby loss. These deeply personal and often traumatic experiences are not accommodated under the existing framework, creating unnecessary stress for affected individuals and uncertainty for employers seeking to offer support.
- Timing of Leave and Operational Strain: Some members have observed that, in the absence of clear guidance, generous internal leave policies—particularly for paternity leave—have been used in concentrated periods (notably summer months), leading to under-resourced teams and disrupted operations. While policies differ between companies, examples have been cited of up to 3–6 months of paid leave being taken without restrictions on timing. This raises a wider policy question about how best to balance flexibility with the operational needs of the business community.

3. Effectiveness in Balancing Employee and Business Needs

The legislation has generally succeeded in providing greater flexibility and choice for parents. However, many families are unable to take full advantage of the leave entitlements due to affordability. While both parents can technically share up to 52 weeks of leave, statutory paid leave is disproportionately weighted toward Parent 1 (typically the birth mother), with Parent 2 entitled to just six weeks—taken in two-week blocks. This imbalance risks reinforcing traditional gender roles and contributes to the gender pay and authority gaps.

4. Additional Support Offered by Employers

Many IoD members report going beyond the statutory requirements. Enhanced leave policies, hybrid working arrangements, phased return-to-work programmes, and mental health support have all been implemented by various businesses in recognition of the benefits such flexibility brings in terms of employee satisfaction, productivity, and loyalty.

5. Sufficiency of the Legislation

The current legal framework offers a strong baseline for family-friendly policy but could be made more inclusive and practical. A more equitable approach to paid leave for both parents, targeted support for non-traditional family journeys (e.g. fertility, loss, fostering), and flexible work re-entry provisions would enhance its impact.

6. Suggestions for Improvement

IoD Jersey respectfully submits the following recommendations for consideration:

- Extend statutory paid leave to foster-to-adopt placements from the point of fostering, not just legal adoption.
- Introduce leave provisions for fertility treatment and baby loss to provide compassionate, equitable support.
- Equalise statutory paid leave between Parent 1 and Parent 2 to support shared parenting and reduce gender inequalities.
- Increase flexibility in “keeping in touch” (KIT) days, allowing working mothers to re-engage with minimal disruption to benefits.
- Consider issuing best-practice guidance on leave planning, particularly to help employers avoid operational disruption caused by clustered extended leave during peak periods.

We acknowledge that achieving the right balance between employee wellbeing and business viability is complex. We believe thoughtful, inclusive amendments—backed by pragmatic guidance—can help businesses continue to thrive while supporting the evolving needs of working families.

Thank you again for the opportunity to provide feedback. We would be pleased to engage further or support any future consultation on this topic.

Yours sincerely,

Lynn Cleary
Chair, IoD People Leadership & Strategy Sub-Committee