

Right to work proposals for unmarried partners

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Proposals have been lodged with Jersey's States Assembly this week to amend the Control of Housing and Work (Residential and Employment Status) Regulations.

Currently, an unmarried person does not acquire rights to access the Jersey jobs market by virtue of their relationship with a partner that does have access (ie a partner who holds 'Entitled', 'Entitled for Work Only' or 'Licensed' status). The first person holds 'Registered' status only, until they have been continuously resident in Jersey for five years. Prior permission from the Government of Jersey is required in order for Jersey businesses to employ Registered residents.

In the same scenario, if the two persons were married or in civil partnership, the first person would acquire Entitled for Work Only status automatically.

The proposed law change would mean that unmarried partners who have been in a relationship that is similar to marriage or civil partnership for at least two years would have the same rights to work in Jersey as partners who are married or in civil partnerships. Provided that their partner has the right to access the local job market (ie their partner falls into one of the above-mentioned categories), the unmarried partner will be granted 'Entitled for Work Only' status and will be able to access all local jobs on arrival in Jersey and will not require permission to do so.

It can be challenging for businesses to obtain Registered permissions. Individuals who are restricted to Registered positions for the first five years of their residence in Jersey may experience greater difficulty finding employment in the local jobs market with businesses that have spare Registered permissions.

It is understood that the intention behind the law change is to remove an unfairness and a barrier in order to allow couples, who have chosen not to get married or enter into a civil partnership, to move to Jersey together and obtain suitable and productive employment as soon

as they arrive.

To qualify, it will be necessary to provide evidence of an 'enduring relationship' which is similar to a marriage or civil partnership and has existed, without breaking down, for a continuous period of at least two years. If the law change is approved, guidelines are expected to be issued to indicate the types of evidence that will be accepted which might include joint utility bills, official documents linking individuals to the same address, a joint tenancy or mortgage, or joint bank accounts.

The law change is subject to States Assembly debate on 23 May 2023. If approved, the law change would come into force swiftly (likely from the start of June 2023).

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