

Is your home a place of employment? Advice for Jersey homeowners

Insights - 22/08/2019

It is believed that Queen Elizabeth II employs more than 1,000 people in her household. Of Buckingham Palace's 775 rooms, 188 are staff bedrooms. That the Queen and Prince Philip take their baths at exact water temperatures - painstakingly set by their servants - is probably more fact than fiction.

Clearly the size, complexity and luxury of the Royal household is a far cry from the day to day life of all but a tiny minority of homeowners, but there could be more commonalities than you think if, like many people in Jersey, you employ people to help run your household.

Whether it is dealing with the weeds bursting through the patio grouting, getting the youngest into his third wardrobe change of the day, or attacking the pile of ironing that lies scrambled in the tumble-dryer basket, it can often feel like there are too few hours in the working week to keep the household running. Many are familiar with the pang of guilt on a Sunday evening that we didn't make tracks earlier to prepare Monday's fodder and our best outfit for Tuesday's business in London.

So would we swap these (admittedly privileged) problems in return for paid support? The stock response is usually, "of course, if it makes financial sense". For those that do retain the services of employees in their households though – be they nannies, housekeepers, gardeners, personal assistants or chefs, even – it pays to consider in advance the important non-financial implications.

Entry into an employment relationship in Jersey is indicative of carrying on an undertaking, for which a business licence (issued by the Government of Jersey's Population Office) is required. There is an exemption for domestic services, such as for cleaners and those who look after children. However, advice should be sought in advance if in any doubt as to whether the proposed employee falls within the definition under the relevant regulations. Even if a business licence is not needed, the candidate's residential status still needs to be verified and, upon employment, a copy of their registration card should be kept on file. Registration as an

employer with the Government of Jersey's Customer and Legal Services department should also be completed.

Employment relationships should not be undertaken lightly. While many obligations attach to the employee, the employer must also be vigilant in terms of compliance with the contract. Is the pay compliant with the minimum wage? Have appropriate payroll measures been put in place to ensure that the employee is paid on time, accurately and that a sufficiently detailed payslip has been provided? Employment relationships also need to be managed. Just like in the commercial world, poor performing household employees need to know when and how they are not passing muster. When things go wrong, the issues need to be discussed. Necessary improvements should be identified and the employee should be given a reasonable period of time to change. A written record should be kept. Likewise, it will be rare that "letting sleeping dogs lie" will be the correct call when it comes to misbehaviour. Misconduct should be addressed promptly and proportionately. If fact-finding is required before reaching an informed decision, then this must happen. Sanctions should be decided and communicated. Other procedural steps may be required and advice should be sought if an employer is in any doubt about how best to address such issues within the household.

Laws in relation to the protection of personal data have developed in Jersey over time. Significant changes came into force in the Channel Islands in 2018 in response to new rules introduced across the European Union. In summary, personal data is any information from which a living person can be identified. This would include an address, date of birth, salary, or notes containing information about conduct, performance or wellbeing. Employers are caught by data laws because they are what is called "data controllers" in relation to the personal information that they collect and use about their employees. A household employer is no different. One needs to be transparent about what information is collected about household staff, which should be communicated in writing at the outset of the relationship. Some types of information capture, such as CCTV cameras and other forms of monitoring, require special consideration and advice should be sought.

The decision to enter into an employment relationship is not simply a pecuniary one, and, despite the context, requires more than a domestic approach to the various considerations. John D Rockefeller claimed, "every right implies a responsibility; every opportunity, an obligation; every possession, a duty". This adage certainly rings true for the rights of the employer, their pursuit (in this case) of an organised household, and the personal information that they hold about their staff along the way.

Will Austin-Vautier is a Jersey Advocate and senior associate in Ogier's Local Legal Services team. He advises on the full spectrum of contentious and non-contentious matters within the employment sphere – from business start-ups, M&As and organisational change, to workforce management, trade union issues and contractual disputes. In addition to employment law, Will's practice includes discrimination, data protection, housing and work regulation, and

general commercial matters.

About Ogier

Ogier is a professional services firm with the knowledge and expertise to handle the most demanding and complex transactions and provide expert, efficient and cost-effective services to all our clients. We regularly win awards for the quality of our client service, our work and our people.

Disclaimer

This client briefing has been prepared for clients and professional associates of Ogier. The information and expressions of opinion which it contains are not intended to be a comprehensive study or to provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

Regulatory information can be found under [Legal Notice](#)

Meet the Author



[Will Austin-Vautier](#)

Counsel

[Jersey](#)

E: will.austin-vautier@ogier.com

T: [+44 1534 514460](tel:+441534514460)

Key Contacts



Helen Ruelle

Director of Local Legal Services

Jersey

E: helen.ruelle@ogier.com

T: [+44 1534 514417](tel:+441534514417)

Related Services

Employment law

Channel Islands Local Legal Services

Legal