

Family friendly laws in Jersey – Amendment No 11 has been approved

Insights - 25/10/2019

You can view the [infographic version on family friendly amendments here](#).

The story so far

If you're struggling to follow the evolution of family friendly laws in Jersey, this is what's happened to date:

1 September 2015

Family friendly laws Phase 1 came into force in Jersey at the same time as the Sex Discrimination Law.

December 2017

The [Employment Forum](#) recommended changes to family friendly laws to take effect in September 2018 and 2019.

2018

Changes to the law came into effect.

[Read Ogier's guide to family friendly laws here](#).

2019

Changes to the law were proposed to come into effect earlier in 2019 but the [law was subject to](#)

a scrutiny review.

The Social Security Minister did not accept many of Scrutiny's findings but temporarily withdrew the law because of a separate technical drafting issue with one aspect of it.

24 October 2019

Amendment No11 was approved by the States.

2020

June/July 2020

Law comes into force.

What do you need to know now?

Here is a reminder of what Amendment No 11 provides, together with some of the main amendments in the most recently lodged law, which was approved on 24 October 2019:

Parental leave

52 weeks' parental leave for all parents, of which 6 weeks are paid at 100 percent pay by the employer, with no qualifying service.

The **6 weeks' paid parental** leave for birth mothers will be mandatory immediately after child birth. This leave is also available to **adoptive and surrogate parents**. The original proposal was that the 52 weeks' Parental Leave could be taken in up to 4 blocks during a 3 year period. It is proposed that this be changed to up to 3 blocks over a 2 year period.

Employees would be required to give their employer 42 days' notice of any **change to parental leave blocks**.

In relation to changing leave dates, the law introduces a requirement for employers to take '**reasonable steps**'. Where an employee wishes to vary their original leave dates or return to work earlier than planned, their employer must reasonably try to accommodate the change, taking into account the size, the financial and administrative resources of the employer and the implications in relation to other employees of the employer.

The law also clarifies that **parental leave is not portable** to a new employer. This is rather surprising in our view and will affect parents' ability to obtain the maximum flexibility from their new rights under the law.

The law also creates a **new offence** of making a false statement/producing false information in connection with parental leave. This seems to be a slightly strange provision as it is thought that most employers would take internal action in most cases. It is also noted that the Tribunal does not have the ability to fine employees under the employment law.

Antenatal appointments

Unlimited attendance at **antenatal appointments** is extended to surrogate and adoptive parents with up to 10 hours paid, the rest unpaid.

Breastfeeding

The right to request a temporary variation to terms and conditions for **breastfeeding breaks**.

Employers must take reasonable steps to provide **breastfeeding facilities** in the workplace.

A right to **paid absence** where a risk assessment prevents a pregnant or breast feeding woman, or woman who has recently given birth from carrying out her normal job and she cannot be allocated to other duties.

About the law itself

It is expected that the law will come into force in June or July next year at the same time as the new gender-neutral parental benefit comes into force which it is expected will help relieve some of the burden on employers of the cost of these amendments. Employers will be able to deduct the value of the new benefit against the 6 weeks of paid parental leave for both parents.

There will be a review of the law in two years' time after it comes into force.

| So what should you do now?

It's time to review your contracts, handbooks and policies to ensure they comply with the law.

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Meet the Author



Helen Ruelle

Director of Local Legal Services

Jersey

E: helen.ruelle@ogier.com

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

Key Contacts



Will Austin-Vautier

Counsel

Jersey

E: will.austin-vautier@ogier.com

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

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