

Legislation for parental bereavement leave in Jersey expected by end of 2023

Insights - 16/10/2023

Employment rights and protections for employees in Jersey have been introduced in a phased approach. The Employment (Jersey) Law 2003 (the **Employment Law**) came into force in 2005 to provide minimum employment standards which have been developed over the subsequent 18 years by amending the primary law.

Following the introduction of legislation in the UK (known as "Jack's Law") in 2020, a proposition to introduce similar rights in Jersey was unanimously approved by Jersey's States Assembly (the **Assembly**) on 20th July 2021.

Proposals for the implementation of parental bereavement leave were presented to the Assembly on 7 April 2022 and the resulting legislation - Amendment No. 14 to the Employment Law - was approved on 3 October 2023.

Key features

Key features of the forthcoming statutory entitlement to parental bereavement leave are:

- working parents will be entitled to two weeks unpaid leave from work following the death of a child under 18 years of age (including a child that is stillborn after 24 weeks of pregnancy)
- entitlement to parental bereavement leave will be a "day one" right
- the leave will be available to take at any time up to 56 weeks from the bereavement, in up to three separate periods of any duration
- leave will be available to biological parents, parents by marriage or civil partnership, adoptive parents and foster parents
- parents will not be required to give their employer notice that they intend to take parental bereavement leave;

- the balance of any leave is transferable if the employee moves to a different employer
- the right to this leave does not impact any other form of parental leave under the Employment Law; it is an additional right to time off work
- a non-statutory payment scheme (a government benefit) will be made available to any parent taking parental bereavement leave that will match the value of the mean average weekly earnings (currently £920 per week)

The intention of the legislation is clear – to ensure that grieving parents do not have to request or negotiate time off work following the tragic death of a child. While many employers in Jersey already adopt a sensitive approach, the introduction of a statutory period of leave will ensure that parents in Jersey are in no doubt as to their right to time off work.

The amendment to the Employment Law will come into force (by Ministerial Order) shortly after Privy Council assent is granted and is expected to be in force by the end of 2023.

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