

## Islanders on "exclusive zero hour contracts" can look to court for protection until law changes

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Islanders on "exclusive zero hours contracts" may be able to rely on the protection of the Royal Court until changes to employment laws which were agreed in principle by the States a fortnight ago come into force, according to Ogier's Director of Local Legal Services.

Helen Ruelle says that while the States of Jersey have taken the in-principle decision to follow the UK in banning exclusive zero-hour contracts, it may be some time before any legislative change comes into force.

In the meantime, she says, Islanders who feel that they are being exploited under exclusive zero hour contracts - under which they are not guaranteed any hours by an employer, but are barred from taking up other employment opportunities - should take advice on whether principles confirmed in a Royal Court judgment last year puts their position in a different light.

In its decision in Marchem v Carre the Royal Court held that an exclusive zero hours contract can (in certain circumstances) create an effective employment contract, extending to the worker full employment rights under the Employment (Jersey) Law.

Helen said: "Islanders on zero-hours contracts can take reassurance from the Royal Court's decision in Marchem v Carre. In that case it was held that where a zero hours contract has a 'mutuality of obligations', a formal employment contract can be found to exist.

"On the facts in Marchem the Royal Court overturned a Tribunal finding in favour of the employee it remitted the case back. However, the principles were confirmed and the Court's confirmation of those principles means in practice that exclusive zero-hours contracts do not work in Jersey - anyone on a zero-hours contract with an exclusivity clause is likely to have an employment contract under the law because the employee is obliged only to work for that employer.

"This brings all of the protection that the law offers a permanent employee such as paid holiday entitlement, protection from unfair dismissal and the right to redundancy compensation."

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