

Annual leave increase and daily rest breaks from January 2022 for employees in Jersey

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The States Assembly has approved legislation that would introduce a 20 minute daily rest break and three weeks of paid annual leave.

The changes will take effect from 1 January 2022 and will require employers to provide:

- At least three weeks of paid annual leave in each leave year (an increase from the current two week statutory minimum)
- A 20 minute rest break for employees who work for six or more hours each day.

A 15 minute break had originally been proposed, but a scrutiny panel successfully argued that employees should be entitled to a 20 minute break.

With less than two months' notice of this law change, clients may wish to consider reviewing their employment contracts, policies and staff handbooks.

Below we answer some of the key questions about the forthcoming new rights:

Are part-time employees entitled to a 20 minute break?

Yes, but only if they work for six hours or more in a particular working day. For example, if they work for six hours each Monday and four hours each Tuesday and Wednesday, they are entitled to a 20 minute break only on the Monday.

Do I have to insist that employees take a 20 minute break?

Rest breaks are an entitlement rather than a requirement. While it is unlikely to be easy to force an employee to take a break in the absence of other legal considerations (such as the employer's compliance with health and safety matters relevant to their undertaking), businesses should proactively ensure that working arrangements and practices enable

employees to take the statutory break. Failure to do so may be regarded as a "refusal" of a rest break if an employee later claims that they were denied their entitlement.

Our employees are already entitled to take a lunch break. Are they entitled to a separate 20 minute break as well?

No, the 20 minute break does not have to be provided separately and can be included as part of any existing arrangements for breaks as long as the requirement is met for no less than a 20 minute break in each six hour period worked.

If staff work for 12 hours or more in their working day, are they entitled to two 20 minute breaks?

Yes, the entitlement to a 20 minute break applies to each continuous period of six hours or more worked. The breaks could be combined, for example to provide a 40 minute break in the middle of the working day.

What if our employees don't want to add a 20 minute break to their working day, eg they start at 9am and need to leave work at 3pm?

It will not be necessary for employees to remain in the workplace (potentially unpaid) for an additional 20 minutes each day. Breaks can be taken at the start or end of the working day (unlike in the UK where breaks must be taken in the middle of the working day, not at the beginning or end).

Does the 20 minute rest break have to be paid?

No, the law does not specify whether the 20 minute break is paid or unpaid. This is for the parties to agree as part of the individual's terms of employment.

Our staff work two four hour shifts each day. Do the combined hours each day (total of eight hours) entitle them to a 20 minute break?

No, the law provides an entitlement to a 20 minute break in each continuous working period of six hours or more.

If an employee is required to work during their rest break, are they entitled to restart their 20 minute break?

Yes, the 20 minute rest break must be uninterrupted.

Does paid time off on public and bank holidays count towards the three weeks of statutory annual leave?

No, in Jersey, public and bank holidays are a separate entitlement in addition to statutory annual leave days.

Will there be any other "working time" law changes, for example a maximum number of working hours per day?

No other changes have been proposed at this time.

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