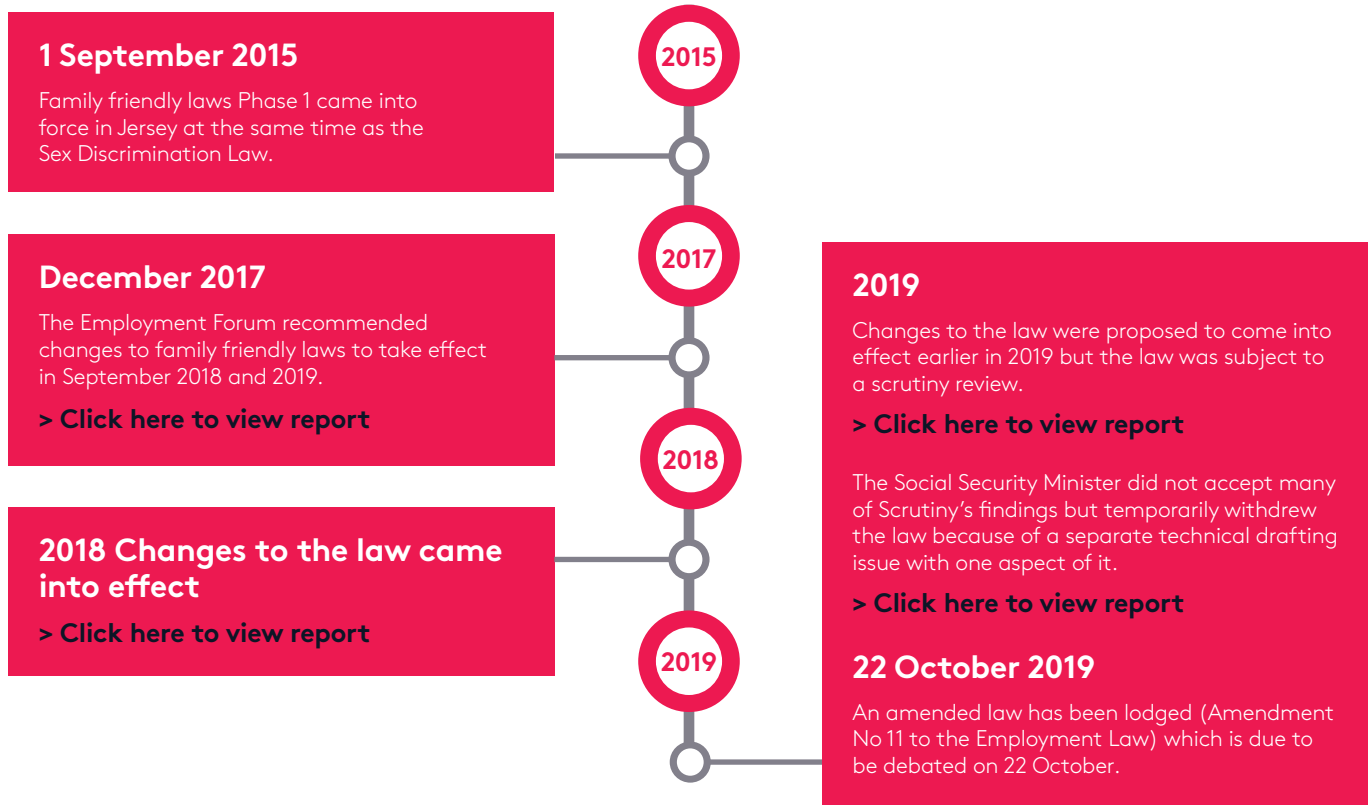




The story so far

Family Friendly Law Amendments

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



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:



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.

NEW: 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**.

NEW: Employees would be required to give their employer 28 days' notice (rather than 14) of any **change to the new parental leave blocks**.

NEW: 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 and the financial and administrative resources of the employer.

NEW: 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.

NEW: 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 appointment

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

Interestingly, the law has been drafted in such a way that it will be able to come into force at the same time as proposed changes to **maternity benefit**.

It is proposed that **maternity allowance** will be replaced by a **parental allowance**, which will provide equal support to both parents, subject to the rules of the benefit scheme and contributions. Employers will be able to deduct the value of the new benefit against the 6 weeks of paid parental leave for both parents.



So what should you do now?

Further propositions were lodged on 7th October by the Scrutiny Panel and the Connétable of St Mary and on 8th October by the Deputy of St Martin seeking to:

- restrict parental leave to 26 weeks
- include a small business exemption
- include an exemption for non-GST registered business
- require employers to take account of the implications in relation to other employees of the employer when considering 'reasonable steps' changes to leave dates (as described above)
- increase from 28 days to 42 days the notice period that an employee must give to vary their parental leave dates

Until the debate on 22 October, we do not know if the amended law will be approved by the States or if these further propositions will be approved. We will update you as soon as we know. But you now know what the law may look like if it is approved on that day... **watch this space!**



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