

STATES OF JERSEY



Jersey

DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

**Lodged au Greffe on 13th January 2026
by the Minister for Social Security
Earliest date for debate: 24th February 2026**

STATES GREFFE



Jersey

DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for Social Security has made the following statement –

In the view of the Minister for Social Security, the provisions of the Draft Employment and Discrimination (Jersey) Amendment Law 202- are compatible with the Convention Rights.

Signed: **Deputy L.V. Feltham of St. Helier Central**
Minister for Social Security

Dated: 12th January 2026

REPORT

Introduction

In September 2025, the Minister for Social Security decided to ask for law drafting to make several minor amendments to clarify the Employment and Discrimination Laws.

Scope of the amendments to Employment and Discrimination legislation

Proposed Articles 2, 4 and 5 clarify the provisions for making a main minimum wage rate and a trainee minimum wage rate and set out more clearly the statutory responsibilities of the States to make Regulations, the Minister to make Orders and the Jersey Employment Forum to make recommendations to the Minister about the relevant minimum wage rates. These new draft provisions are set out in amended draft Articles 16, 17 and 18 of the Employment Law.

New Article 17A(2) sets out that Orders may provide that trainees be paid a different rate, and that a different rate may also be paid by reason of a person's age. This relates to the existing criterion within the Employment Law that the person is above compulsory school age. The Law does not currently provide for, and will not provide for by virtue of these amendments, differential minimum wage rates for different age bands – as currently applies, for example, in the UK.

The Minister also proposes an amendment in Article 3 to remove the reference to “maternity leave” in the provision relating to terms and conditions of employment, and to replace that term with “parental leave”. Maternity leave has not been used in Jersey legislation since 2018 and the term is therefore redundant.

The draft amendments (Articles 2 and 12) also include a clarification in relation to the process for establishing the length of time before a deadline to make a claim to the Employment Tribunal expires, and the draft Law gives an example of the way in which the time period is to be calculated. The draft Law makes the same amendment to the Discrimination Law.

If agreed to, the amended Law will come into force 7 days after registration.

Financial and staffing implications

There are no additional financial or staffing implications for Government as a result of this proposition.

Children's Rights Impact Assessment

The Minister for Social Security considers that this Proposition has no direct or indirect impact on children and that the duty to have due regard to the UN Convention on the Rights of the Child does not arise. Accordingly, a Children's Rights Impact Assessment is not required under the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

Human Rights

The notes on the human rights aspects of the draft Law in the **Appendix** have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT**Human Rights Notes on the Draft Employment and Discrimination (Jersey)
Amendment Law 202-**

These Notes have been prepared in respect of the Draft Employment and Discrimination (Jersey) Amendment Law 202- ('Draft Law') by the Law Officers' Department. They summarise the principal human rights issues arising from the contents of the Draft Law and explain why, in the Law Officers' opinion, the Draft Law is compatible with the European Convention on Human Rights ('ECHR').

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The Draft Law, if passed, will amend the Employment (Jersey) Law 2003 ('EJL 2003') and will also make consequential amendments to the Discrimination (Jersey) Law 2013 ('DJL 2013').

The core amendment introduced by the Draft Law empowers the Minister to set, by Order, minimum wage rates for two categories: (a) trainees; and (b) individuals of different ages. The Draft Law does not seek to implement any substantive changes in respect of minimum wage rates.

When making an Order under Article §17A (2) of the Draft Law, the Minister must comply with the ECHR pursuant to Article §7 of the Human Rights (Jersey) Law 2000 ('HRJL 2000'). On this basis, the Draft Law is considered to be compliant with the ECHR.

EXPLANATORY NOTE

This Law, if passed, will make amendments to the Employment (Jersey) Law 2003 (the “Employment Law”) (*Articles 2 to 10*) and the Discrimination (Jersey) Law 2013 (the “Discrimination Law”) (*Article 12*).

Article 2 amends Article 1 of the Employment Law. It adds a definition of “compulsory school age” and amends the definitions “minimum wage” and “pay reference period” to reflect a change in their location due to the changes made in *Article 5*. It also inserts a new paragraph explaining how to determine a reference to a period of time.

Article 3 replaces the reference to “maternity leave” with a reference to “parental leave” in the provision dealing with terms and conditions of employment.

Article 4 changes various cross-headings in Part of the Employment Law into Division headings, which is the current house style, and reduces them in number.

Article 5 substitutes Articles 16 to 17A to clarify the provisions relating to the minimum wage, in particular, the matters that may be prescribed by Order.

Article 6 makes changes to Article 18 of the Employment Law consequential on the substituted Articles in *Article 5*.

Article 7 replaces a reference to “Chairman” with the currently used term “chair”.

Articles 8 and *9* make changes consequential on *Article 5*.

Article 10 is a further update of “chairman” to “chair”.

Article 12 inserts a new paragraph into Article 1 of the Discrimination Law that is identical to that inserted into the Employment Law by *Article 2*.

Article 13 is the citation provision and provides for this Law to come into force 7 days after it is registered.



Jersey

DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

Contents

Article

1	Employment (Jersey) Law 2003 amended.....	7
2	Article 1 (interpretation) amended	7
3	Article 3 (statement of initial terms of employment) amended	8
4	Cross-headings amended.....	8
5	Articles 16 to 17A (minimum wage) substituted	9
6	Article 18 (Regulations and Orders: referral to the Employment Forum) amended ..	11
7	Article 82 (constitution, membership and administration of the Tribunal) amended	12
8	Article 100 (publicity) amended	12
9	Article 104 (Regulations and Orders) amended	12
10	Schedule 2 (the employment forum) amended	12
11	Discrimination (Jersey) Law 2013 amended	12
12	Article 1 (interpretation) amended	12
13	Citation and commencement	12



Jersey

DRAFT EMPLOYMENT AND DISCRIMINATION (JERSEY) AMENDMENT LAW 202-

A LAW to amend further the [Employment \(Jersey\) Law 2003](#) and the [Discrimination \(Jersey\) Law 2013](#).

<i>Adopted by the States</i>	<i>[date to be inserted]</i>
<i>Sanctioned by Order of His Majesty in Council</i>	<i>[date to be inserted]</i>
<i>Registered by the Royal Court</i>	<i>[date to be inserted]</i>
<i>Coming into force</i>	<i>[date to be inserted]</i>

THE STATES, subject to the sanction of His Most Excellent Majesty in Council, have adopted the following Law –

1 [Employment \(Jersey\) Law 2003](#) amended

Articles 2 to 10 amend the [Employment \(Jersey\) Law 2003](#).

2 Article 1 (interpretation) amended

(1) In Article 1(1) –

(a) after the definition “company” there is inserted –

“compulsory school age” has the meaning given in Article 2 of the [Education \(Jersey\) Law 1999](#);

(b) for the definition “minimum wage” there is substituted –

“minimum wage” means the rate of pay specified by the Minister by Order under Article 17A(1)(a);

(c) for the definition “pay reference period” there is substituted –

“pay reference period” is construed in accordance with Article 17A(1)(b);

(2) After Article 1(8) there is inserted –

(9) Wherever this Law refers to a period of time in days, weeks, months or years, the period expires at the end of the day that completes the number of days, weeks, months or years specified.

Example: the act complained of takes place on Thursday 1 January 2026. The complainant has 8 weeks to make a claim to the Tribunal. The 8-week period

begins at the start of Friday 2 January and ends at the end of Thursday 26 February 2026.

3 Article 3 (statement of initial terms of employment) amended

In Article 3(2)(g)(iv), for “maternity leave” there is substituted “parental leave”.

4 Cross-headings amended

(1) For the cross-heading immediately above Article 16 there is substituted –

DIVISION 1 – ENTITLEMENT TO AND DETERMINATION OF MINIMUM WAGE

(2) The cross-heading immediately before Article 17 is deleted.

(3) For the cross-heading immediately before Article 18 there is substituted –

DIVISION 2 – EMPLOYMENT FORUM

(4) For the cross-heading immediately before Article 22 there is substituted –

DIVISION 3 – RECORDS

(5) For the cross-heading immediately before Article 26 there is substituted –

DIVISION 4 – ENFORCEMENT

(6) For the cross-heading immediately before Article 31 there is substituted –

DIVISION 5 – RIGHTS NOT TO SUFFER DETRIMENT

(7) For the cross-heading immediately before Article 35 there is substituted –

DIVISION 6 – MISCELLANEOUS

(8) The cross-headings immediately before Articles 37 and 38 are deleted.

(9) Article 38 is renumbered as Article 42A and relocated immediately before Article 43.

(10) For the cross-heading immediately before Article 39 there is substituted –

DIVISION 7 – EXCLUSIONS

(11) For the cross-heading immediately before Article 43 there is substituted –

DIVISION 8 – APPLICATION OF PART 4

5 Articles 16 to 17A (minimum wage) substituted

For Articles 16 to 17A there is substituted –

16 Employees to be paid at least minimum wage

- (1) If a person qualifies for the minimum wage, their employer must remunerate them in respect of their work in any pay reference period at a rate that is not less than the minimum wage.
- (2) A person qualifies for the minimum wage if they –
 - (a) are an employee;
 - (b) are working, or ordinarily work, in Jersey or in the territorial waters of Jersey, under a contract; and
 - (c) have ceased to be of compulsory school age.
- (3) The States may by Regulations amend the classes of individual who qualify under paragraph (2) for the minimum wage.
- (4) Despite Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#), the Regulations under paragraph (3) must not make provision that treats people differently in relation to –
 - (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#), except for age.

17 Regulations to determine hourly rate of remuneration

- (1) The States may by Regulations determine what counts towards the hourly rate at which an individual is to be regarded, for the purposes of this Law, as remunerated by their employer in respect of work in any pay reference period.
- (2) The Regulations may include provision for determining the hourly rate –
 - (a) if the remuneration, to the extent that it is at a periodic rate, is at a single rate;
 - (b) if the remuneration is, in whole or in part, at different rates applicable at different times or in different circumstances;
 - (c) if the remuneration is, in whole or in part, otherwise than at a periodic rate or rates;
 - (d) if the remuneration consists, in whole or in part, of benefits in kind.
- (3) The Regulations may also make provision for –
 - (a) circumstances in which, times at which, or the time for which, an individual is to be treated as, or as not, working, and the extent to which they are so treated (for example when travelling or training);

- (b) the treatment of periods of paid or unpaid absence from, or lack of, work and of remuneration in respect of those periods; and
 - (c) circumstances in which an individual is treated as a trainee.
- (4) The provision that may be made under paragraph (3)(a) includes provision for or in connection with –
- (a) treating an individual as, or as not, working for a maximum or minimum time, or for a proportion of the time, in any period; and
 - (b) determining any matter to which that paragraph relates by reference to the terms of an agreement.
- (5) The Regulations may make provision for –
- (a) what is to be treated as, or as not, forming part of an individual's remuneration, and the extent to which it is to be so treated;
 - (b) the valuation of benefits in kind, except in relation to the maximum monetary amount to be attributed under Article 17A;
 - (c) the treatment of deductions from earnings; and
 - (d) the treatment of any charges or expenses that an individual is required to bear.
- (6) The Regulations may make provision for –
- (a) the attribution to a period, or the apportionment between 2 or more periods, of the whole or any part of any remuneration or work, whether or not the remuneration is received or the work is done within the period or periods in question;
 - (b) the aggregation of the whole or any part of the remuneration for different periods; and
 - (c) the time at which remuneration is to be treated as received or accruing.
- (7) Despite Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#), Regulations must not make provision that treats the same circumstances differently in relation to –
- (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) people with different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#), except for age.

17A Orders relating to minimum wage

- (1) The Minister must by Order –
- (a) specify the minimum wage as an hourly rate of remuneration;
 - (b) define what is a pay reference period for the purposes of this Law and Regulations made under Article 17.
- (2) An Order may provide for a different rate for trainees or by reason of a person's age, but this does not limit Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#).

- (3) If Regulations under Article 17 make provision in relation to benefits in kind, the Minister must prescribe the maximum monetary amount to be attributed to those benefits in kind when determining the hourly rate at which an individual is to be regarded, for the purposes of this Law, as remunerated by their employer in respect of their work in any pay reference period.
- (4) Despite Article 9(2) to (4) of the [Legislation \(Jersey\) Law 2021](#), an Order must not make provision that treats the same circumstances differently in relation to –
 - (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) people with different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#), except for age.
- (5) An Order made before the substitution of this Article by the Employment and Discrimination (Jersey) Amendment Law 202- in relation to the minimum wage is treated as made under this Article.

6 Article 18 (Regulations and Orders: referral to the Employment Forum) amended

- (1) This Article amends Article 18.
- (2) For paragraph (1) there is substituted –
 - (1) Before the States make Regulations under Article 16(3) or 17 or the Minister makes an Order under Article 17A(1) or (3), the Minister must refer the matters specified in paragraph (2) to the Employment Forum for their consideration.
- (3) In paragraph (2) –
 - (a) in sub-paragraph (a), for “Article 16(3)” there is substituted “Article 17A(1)(a)”;
 - (b) in sub-paragraph (b), for “Article 16(4)” there is substituted “Article 17A(1)(b)”;
 - (c) in sub-paragraph (ba), for “Article 17A” there is substituted “Article 17A(3)”;
 - (d) after sub-paragraph (ba) there is inserted –
 - (bb) what different rate should be provided for trainees or by reason of a person’s age under Article 17A(1)(a);
- (4) In paragraph (4) –
 - (a) in sub-paragraph (c), for “Article 16(3)” there is substituted “Article 17A(1)(a)”;
 - (b) in sub-paragraph (ca), for “Article 17A” there is substituted “Article 17A(3)”;
 - (c) after sub-paragraph (ca) there is inserted –
 - (cb) to make an Order under Article 17A(1)(a) prescribing a different rate for trainees or by reason of a person’s age that is different from the rate recommended by the Forum;

7 Article 82 (constitution, membership and administration of the Tribunal) amended

In Article 82(2)(a), for “Chairman” there is substituted “chair”.

8 Article 100 (publicity) amended

In Article 100(2)(a), for “Article 16” there is substituted “Article 17A(1)(a)”.

9 Article 104 (Regulations and Orders) amended

In Article 104(5), for “Orders under Article 16(3) or 17A” there is substituted “Regulations under Article 16(3) or 17 or Orders under Article 17A(1)”.

10 Schedule 2 (the employment forum) amended

In paragraph 1 (membership) of Schedule 2, in sub-paragraph (1) for “chairman” there is substituted “chair”.

11 [Discrimination \(Jersey\) Law 2013](#) amended

Article 12 amends the [Discrimination \(Jersey\) Law 2013](#).

12 Article 1 (interpretation) amended

After Article 1(4) there is inserted –

- (5) Wherever this Law refers to a period of time in days, weeks, months or years, the period expires at the end of the day that completes the number of days, weeks, months or years specified.

Example: the act complained of takes place on Thursday 1 January 2026. The complainant has 8 weeks to make a claim to the Tribunal. The 8-week period begins at the start of Friday 2 January and ends at the end of Thursday 26 February 2026.

13 Citation and commencement

This Law may be cited as the Employment and Discrimination (Jersey) Amendment Law 202- and comes into force 7 days after it is registered.