



Jersey

EMPLOYMENT (AMENDMENT No. 13) (JERSEY) LAW 2023

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EMPLOYMENT (AMENDMENT No. 13) (JERSEY) LAW 2023

A LAW to further amend the [Employment \(Jersey\) Law 2003](#), and related legislation.

Adopted by the States

18th July 2023

Sanctioned by Order of His Majesty in Council

11th October 2023

Registered by the Royal Court

20th October 2023

Coming into force

27th October 2023

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

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

- (1) This Article amends the [Employment \(Jersey\) Law 2003](#).
- (2) In Part 4 for the sub-heading “*Regulations relating to the minimum wage*” there is substituted –

“Determination of whether the minimum wage has been paid”.

- (3) In Article 16 –
 - (a) for paragraph (7)(e) there is substituted –
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#) except for age.”;
 - (b) paragraph (8) is deleted.
- (4) In Article 17 –
 - (a) for the heading there is substituted “**Regulations relating to the determination of hourly rate of remuneration**”;
 - (b) in paragraph (5)(b) after “benefits in kind” there is inserted “except in relation to the maximum monetary amount to be attributed under Article 17A”;
 - (c) for paragraph (8)(e) there is substituted –
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#) except for age.”;

- (d) paragraph (9) is deleted.
- (5) After Article 17 there is inserted –

“17A Orders relating to the determination of hourly rate of remuneration

- (1) 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 what is the hourly rate at which a person is to be regarded for the purposes of this Law as remunerated by his or her employer in respect of his or her work in any pay reference period.
- (2) No provision shall be made under this Article which treats the same circumstances differently in relation to –
- (a) different areas of Jersey;
 - (b) different sectors of employment;
 - (c) undertakings of different sizes;
 - (d) persons of different occupations; or
 - (e) a protected characteristic in Schedule 1 to the [Discrimination \(Jersey\) Law 2013](#) except for age.”.
- (6) In Article 18 –
- (a) in the heading “**The first**” is deleted;
 - (b) in paragraph (1) after “Article 16(3) or (4)” there is inserted “or 17A”;
 - (c) in paragraph (2) after sub-paragraph (b) there is inserted –
 - “(ba) what maximum monetary amount to be attributed to an employer’s provision of benefits in kind should be prescribed under Article 17A;”;
 - (d) in paragraph (4) after sub-paragraph (c) there is inserted –
 - “(ca) to make an Order under Article 17A prescribing the maximum monetary amount to be attributed to an employer’s provision of benefits in kind which differs from the maximum amount recommended by the Forum;”.
- (7) In Article 104 in paragraph (5) after “Article 16(3)” there is inserted “or 17A”.

2 [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#) amended

- (1) This Article amends the [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#).
- (2) In Regulation 1, after the definition of “standard pay”, there is inserted –
 - “ “the Law” means the [Employment \(Jersey\) Law 2003](#);”.
- (3) In Regulation 4 for “[Employment \(Jersey\) Law 2003](#)” there is substituted “Law”.
- (4) In Regulations 7(1)(d) and 8(2)(a) for “determined in accordance with Regulation 9” there is substituted “prescribed by Order made under Article 17A of the Law”.
- (5) Regulation 9 is deleted.

3 [Employment \(Minimum Wage\) \(Jersey\) Order 2007](#) amended

- (1) This Article amends the [Employment \(Minimum Wage\) \(Jersey\) Order 2007](#).

- (2) In Article 1 –
 - (a) after the definition “employee” there is inserted –

“ “food and living accommodation” has the same meaning as in the [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#);”;
 - (b) after the definition “the Law” there is inserted –

“ “living accommodation” has the same meaning as in the [Employment \(Minimum Wage\) \(Jersey\) Regulations 2004](#);”.
- (3) In Article 3(1)(a) and (3)(a) for “not shorter than one calendar month” there is substituted “one calendar month or longer”.
- (4) After Article 3 there is inserted –

“3A Monetary amounts that may be attributed to the employer’s provision of benefits in kind

- (1) Where the employer provides food and living accommodation, the maximum monetary amount attributed to the employer’s provision of benefits in kind is –
 - (a) in the case of an employee who is a trainee, £114.97 per week or £16.42 per day; and
 - (b) in any other case, £153.28 per week or £21.90 per day.
- (2) Where the employer provides living accommodation but does not provide food, the maximum monetary amount attributed to the employer’s provision of benefits in kind is –
 - (a) in the case of an employee who is a trainee, £86.25 per week or £12.32 per day; and
 - (b) in any other case, £115 per week or £16.43 per day.”.
- (5) Article 4(6) is deleted.
- (6) Article 5 is deleted.

4 [Employment \(Awards\) \(Jersey\) Order 2009](#) amended

After Article 4 of the [Employment \(Awards\) \(Jersey\) Order 2009](#) there is inserted –

“4A Maximum amount of compensation for detrimental treatment

The maximum amount of compensation that may be awarded under Article 33(1) of the Law must not exceed the maximum amount of a payment that the Tribunal may order under Article 86(6) of the Law.”.

5 Citation and commencement

This Law may be cited as the Employment (Amendment No. 13) (Jersey) Law 2023 and comes into force 7 days after it is registered.