



Jersey

## EMPLOYMENT RELATIONS (AMENDMENT No. 2) (JERSEY) LAW 2007

### Arrangement

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## **EMPLOYMENT RELATIONS (AMENDMENT No. 2) (JERSEY) LAW 2007**

**A LAW** to amend further the Employment Relations (Jersey) Law 2007.

*Adopted by the States*

*4th July 2006*

*Sanctioned by Order of Her Majesty in Council*

*13th June 2007*

*Registered by the Royal Court*

*22nd June 2007*

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

### **1 Interpretation**

In this Law, “principal Law” means the Employment Relations (Jersey) Law 2007<sup>1</sup>.

### **2 Article 1 amended**

Article 1 of the principal Law shall be amended by inserting after the definition “prescribed” the following definition –

“ ‘recognition dispute’ means a dispute that relates wholly to an issue as to whether an approved code of practice as to the recognition of trade unions is being observed by one or more employers, or by one or more employees, for the purposes of any matter relating to pay, hours of work or holidays;”.

### **3 Article 5 amended**

Article 5 of the principal Law shall be amended by inserting after paragraph (2) the following paragraphs –

“(2A) In this Law, ‘collective employment dispute’ also means a dispute between one or more employers and one or more employees, where –

- (a) the employee or employees concerned are represented by a trade union;
- (b) the trade union is one that fulfils criteria for its recognition that are set out in an approved code of practice; and
- (c) the dispute is a recognition dispute.

(2B) However, a recognition dispute between –

- (a) an employer who employs on average fewer than 21 employees in the period of 13 weeks immediately preceding the day on which the dispute arises; and
  - (b) the trade union,
- is not a collective employment dispute.”.

#### **4 Article 23 amended**

(1) Article 23(2) of the principal Law shall be amended –

- (a) in sub-paragraph (c), by substituting for the full stop the word “; or”;
- (b) by adding after sub-paragraph (c) the following sub-paragraph –
  - “(d) in the case of a recognition dispute, the opinion of the Tribunal as to whether the trade union is recognized as being entitled to conduct, on behalf of any employee or employees, collective bargaining with the employer or employers in respect of any matter relating to pay, hours of work or holidays.”.

(2) After Article 23(2) of the principal Law there shall be inserted the following paragraph –

“(2A) A declaration to which paragraph (2)(d) refers may specify a method by which collective bargaining shall be carried out, and a method so specified shall have effect as if it were contained in a legally enforceable contract made between the employer or employers and the trade union.”.

#### **5 New Article 24A inserted**

After Article 24 of the principal Law (but before Part 5 of the Law) there shall be inserted the following Article –

##### **“24A Enforcement of declaration in recognition dispute**

A declaration to which Article 23(2)(d) refers –

- (a) shall have effect as if it were a legally enforceable contract made between the parties to the collective employment dispute to which the declaration relates; and

- (b) shall be enforceable in the Royal Court by but only by an order for specific performance.”.

**6 Citation and commencement**

- (1) This Law may be cited as the Employment Relations (Amendment No. 2) (Jersey) Law 2007.
- (2) This Law shall come into force on such day as the States may by Act appoint.

**M.N. DE LA HAYE**

*Greffier of the States*

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<sup>1</sup>

*L.3/2007*